

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013**

Item 48, Report No. 32, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 25, as follows:

***By approving the following:***

***That paragraph 1. b) ii) be deleted;***

***That conditional approval be provided pending confirmation (from the applicant and his/her funding sources) of the need for the removal of the "HOLD", to permit the conclusion of the remediation of the site, to the reasonable satisfaction of staff and the acceptance by the applicant and any additional conditions as identified by staff;***

***That the implementing By-Law be amended accordingly; and***

***By receiving Communication C21 from Ms. Deborah Alexander, Evans Planning, Keele Street, Vaughan, dated June 25, 2013.***

**48**

**ZONING BY-LAW AMENDMENT FILE Z.12.024  
DRAFT PLAN OF SUBDIVISION FILE 19T-12V003  
1668135 ONTARIO INC.**

**WARD 2 - VICINITY OF MARTIN GROVE ROAD AND LANGSTAFF ROAD**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated June 18, 2013, be approved;**
- 2) That the deputation of Mr. Murray Evans, Evans Planning, be received; and**
- 3) That Communication C8, from Ms. Mary Monaco, dated June 17, 2013, be received.**

**Recommendation**

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

- 1. THAT Zoning By-law Amendment File Z.12.024 (1668135 Ontario Inc.) BE APPROVED, specifically to amend Zoning By-law 1-88 to:**
  - a) rezone the subject lands shown on Attachments #2 and #3 from A Agricultural Zone and OS1 Open Space Conservation Zone to R5(H) Residential Zone with the Holding Symbol "(H)" (residential lots), OS1 Open Space Conservation Zone (valley lands, buffer, and Hydro Corridor block), OS2 Open Space Park Zone (park block) and A Agricultural Zone (Hydro Corridor blocks), in the manner shown on Attachment #5, together with the site-specific zoning exceptions as identified in Table 1 of this report;**
  - b) the Holding Symbol "(H)" shall not be removed from the lands zoned R5(H) Residential Zone, as shown on Attachment #5, until:**
    - i) Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands; and,**
    - ii) Vaughan is in receipt of confirmation of the Ministry of Environment's Acknowledgement/Registration of the Record of Site Condition; and,**

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- c) the Holding Symbol “(H)” shall not be removed from the lands zoned R5(H) Residential Zone, and identified as Lots 14-18 inclusive, as shown on Attachment #5, until an agreement with the abutting Owner (CP Rail) is obtained, and the City of Vaughan is satisfied with the protection measures for the abutting woodlot, the grading on these lots, the height of retaining walls, fence heights and noise attenuation, and the interface with the abutting public park.
2. THAT Draft Plan of Subdivision File 19T-12V003 (1668135 Ontario Inc.) as shown on Attachment #4, BE APPROVED, as red-lined revised, to facilitate a Draft Plan of Subdivision consisting of 28 lots for semi-detached dwellings (56 units), one lot for a single detached dwelling and blocks for open space uses, subject to the Conditions of Draft Approval set out in Attachment #1 to this report.
3. THAT the subdivision agreement include provisions with regard to the conveyance of the public park and future access over Hydro One Network Inc. (HONI) easement lands to the City of Vaughan.

#### **Contribution to Sustainability**

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

Goal 2: To ensure sustainable development and redevelopment.

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

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, and low-impact development practices, will be included in the proposed development:

- i) Environmental clean-up of contaminated site prior to development;
- ii) Increased depth of topsoil for lots to assist with rainwater detention and healthier lawns; collection in rain barrels for watering at homeowner's discretion;
- iii) Drought tolerant, native trees and shrubs to be specified for boulevards, parks and open space areas.
- iv) Enhancement and stabilization of Open Space/Valleyland Slope through restoration, bank stabilization works, and naturalization planting programs.
- v) Edge management of adjacent woodlot to be included as part of development which will include additional plantings of native species and removal of invasive species.

#### **Economic Impact**

This will be addressed when the technical report is completed.

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#### **Communications Plan**

On September 21, 2012, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the West Woodbridge Homeowners' Association. No written comments were received by the Vaughan Development Planning Department from the public with respect to this application. The recommendation of the Committee of the Whole at the Public Hearing on October 16, 2012, to receive the Public Hearing report and forward a comprehensive technical report to a future Committee of the Whole meeting, was ratified by Vaughan Council on October 30, 2012.

Four primary issues with respect to this proposal were identified at the Public Hearing, which were as follows, and are discussed within the report:

1. The development proposal should be sensitive to the protection of the existing wooded area on lands owned by Canadian Pacific Railway to the north of proposed Lots 14-18;
2. The lands beneath the Hydro Corridor, and which are under private ownership, should be regularly maintained;
3. Approval of the application should facilitate and expedite the removal of stockpiled material on site; and,
4. Some of the residents who currently reside on Campania Court are opposed to the inclusion of sidewalks within the proposal. City Staff will be requiring that the proposed subdivision include sidewalks in front of Lots 11-18 (east of Street "A" on the north side of Street "B") in order to provide linkage to the proposed future park and from the park to the existing subdivision to the south of the subject property. The applicant will not be required to provide sidewalks within the remainder of the subdivision. The City intends to protect for the opportunity to include pedestrian trails along the Open Space blocks and through the Hydro Corridor in the future.

#### **Purpose**

The Owner has submitted the following applications to facilitate the development of a proposed residential Draft Plan of Subdivision for the subject lands shown on Attachments #2 and #3:

1. Zoning By-law Amendment File Z.12.024 to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to R5(H) Residential Zone with the Holding Symbol "(H)", OS1 Open Space Conservation Zone, OS2 Open Space Park Zone and A Agricultural Zone, in the manner shown on Attachment #5, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-12V003 consisting of 28 lots for semi-detached dwellings (56 units), one lot for a single detached dwelling, and open space blocks on the subject lands, as shown on Attachment #4.

#### **Background - Analysis and Options**

The subject lands shown on Attachments #2 and #3 are located north of Langstaff Road, east of Martin Grove Road, in Part of Lot 11, Concession 8, City of Vaughan. The lands are currently vacant. The surrounding land uses are shown on Attachment #3.

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#### Official Plan

The subject lands are designated “Low Density Residential” (tableland) and “Drainage Tributary” (valleyland) by in-effect OPA #240 (Woodbridge Community Plan). The “Low Density Residential” designation permits detached and semi-detached dwelling units at a maximum gross density of 7.4 units/ha, which is calculated on a Neighbourhood Plan basis. A further discussion of the Neighbourhood Plan and density under the in-effect OPA #240, is provided below. The proposed Draft Plan of Subdivision conforms to the in-effect Official Plan.

The subject lands are designated “Low-Rise Residential” and “Natural Areas” by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2011, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The “Low-Rise Residential” density designation permits single and semi-detached dwellings with no maximum prescribed density. The proposed Draft Plan of Subdivision conforms to the land uses outlined in the new Official Plan. However, some of the environmental standards are based on policies of the in-effect Official Plan. These are discussed in later sections of this report.

#### Neighbourhood Plan

The subject lands are located within the Neighbourhood 4A Development Plan as shown on Attachment #6, which was approved by Vaughan Council in October 1988, and last revised in 2008. The Neighbourhood Plan deals with land use, transportation and roads, traffic impact and density. The Neighbourhood Plan is implemented through the approval of individual Plans of Subdivision.

To ensure the orderly development of the Woodbridge Community, Section 12(h) in OPA #240, as amended, provides the following:

“To enable the City and the Region to co-ordinate the development of individual Plans of Subdivision and to establish priorities for the provision of municipal and regional services and facilities, the City shall require the preparation and adoption of detailed neighbourhood development plans prior to permitting major development to proceed in certain areas. Such neighbourhood development plans need not form an amendment to this Plan.”

The proposed land use and subdivision design is generally consistent with the Vaughan Council approved Neighbourhood 4A Development Plan with the exception of the road design. The Neighbourhood Plan shows the southerly extension of Campania Court into the subject lands and terminating in a cul-de-sac. The subject Draft Plan proposes that Campania Court be extended to intersect with a perpendicular east/west road that terminates in a cul-de-sac at each end. The Neighbourhood 4A Plan will be updated with the proposed road pattern, should Vaughan Council approve the subject Draft Plan of Subdivision application.

#### Density

OPA #240 establishes four residential Neighbourhoods for the Woodbridge Community and provides density requirements for each. The subject lands are located within the Neighbourhood 4A Development Plan, which permits a maximum gross density of 7.4 units/ha calculated on a neighbourhood plan basis.

The Neighbourhood 4A Development Plan (Attachment #6) permits a maximum of 1145 units within its boundaries. Based on the number of units built and approved in Neighbourhood 4A, 180 units currently remain for development, which will accommodate the 57 units proposed for this development.

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Zoning

The subject lands are zoned A Agricultural Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) by Zoning By-law 1-88, as shown on Attachment #3. To facilitate the proposed Draft Plan of Subdivision as shown on Attachment #4, a Zoning By-law Amendment is required to rezone the residential tableland to: R5(H) Residential Zone with the addition of the Holding Symbol "(H)"; the valleylands, buffer block, and the noise berm to OS1 Open Space Conservation Zone; the park block to OS2 Open Space Park Zone; and the hydro corridor to A Agricultural Zone, as shown on Attachment #5, together with the following site-specific zoning exceptions:

	<b>By-law Standard</b>	<b>By-law 1-88, R5 Residential Zone Requirements</b>	<b>Proposed Exceptions to the R5 Residential Zone</b>
a.	Minimum Rear Yard	7.5 m	6 m For Lots 1, 2, 4, and 19-27
b.	Minimum Exterior Side Yard	4.5 m	Lot 10 - 2.8 m
c.	Minimum Building Setback to a Sight Triangle	4.5 m	Lot 10 - 2.85 (dwelling) and 1.7 m (to the porch)
d.	Maximum Lot Coverage	50%	All lots - 53%
e.	Section 3.14(c) respecting a covered porch encroachment into a required front yard	0 m	1 m
f.	Section 4.1.1 j) respecting maximum height of retaining walls on a property line between two residential lots	1.0	2.4m (abutting Open Space Blocks)

The implementing zoning by-law will also include:

- Canadian Pacific Railway's (CP) requirement that any dwelling be setback a minimum distance of 30 m from the railway right-of-way;
- a clause that will prohibit the development of structures within 3.0 m of the rear yard for Lots 1-5, 19-29 inclusive, in order to protect the stability of the reconstructed slope over time. This clause will not prevent permissions for decks, where required, provided the structures are not within 3.0 m of the rear lot line; and,
- a clause that will prohibit the development of structures within 2.5 m of the rear yard for Lots 14-18 to provide a buffer to the existing abutting wooded area. This clause will not prevent permissions for City approved fenestration and retaining walls.

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The Development Planning Department is satisfied that the proposed zoning categories and required exceptions to Zoning By-law 1-88 are appropriate. The rezoning, together with the site-specific exceptions, will facilitate a development that is consistent and compatible with the surrounding area. The applicant is requesting a 6.0 m rear yard setback for Lots 1, 2, 4 and 19-27 inclusive. These lots will abut open space blocks that will be conveyed to the City or Toronto and Region Conservation Authority (TRCA) for open space purposes. The Development Planning Department is supportive of these exceptions, that are coupled with an effective 3.0 m “no-build” zone abutting the re-built top-of-bank, which are requirements of the TRCA.

#### Subdivision Design

The proposed Draft Plan of Subdivision shown on Attachment #4 includes the following site statistics:

<b>Land Use</b>	<b>Lot/Block No.</b>	<b>Area (ha)</b>
Residential	1-29 (Semi-detached 15 m frontage, Detached 11 m frontage)	1.62
Park	30	0.26
Open Space	31-34 and 37	1.70
Hydro Corridor	35 and 36	0.39
Buffer Block	38	0.06
0.3m Reserves	39-40	0.01
Road		0.67
<b>Total</b>		<b>4.71 ha</b>

The proposed Draft Plan of Subdivision shown on Attachment #4 will facilitate the extension of Campania Court and a new east/west public street (Street “B”) that terminates in a cul-de-sac at each end. Campania Court and proposed Street “B” will have a right-of-way width of 18.5 m and 17.5 m, respectively. The proposed development is consistent with the existing Plan of Subdivision (File 19T-06V015) to the south. A total of 28 lots for 56 semi-detached units, each with a 7.5 m frontage and one (1) lot for a single-family dwelling are proposed. The Plan also includes a 0.25 ha park on the eastern limit of the subdivision. The appropriate open space and buffer blocks are proposed, which must be dedicated to the City and/or Toronto and Region Conservation Authority.

#### Lots 14-18

The Draft Plan of Subdivision includes 5 lots (10 semi-detached units) that abut a woodlot to the north on lands owned by Canadian Pacific Railway (CPR). Development Planning and Development/Transportation Engineering Staff are proposing that the subdivision plan be red-lined to place these lots into a “future development” block to be zoned with the Holding Symbol “(H)” for further review. In addition, Staff are recommending that these lots include a requirement for warning clauses so that prospective purchasers are advised of the issues pertaining to finalization of the plan related to the woodlot in this area. Additional review is required in order to ensure protection of the woodlot; resolve grading issues in the area; reduce the height of required retaining walls; resolve noise attenuation matters; and, the interface with the abutting public park. The applicant will be required to submit applications for Zoning By-law Amendment, with supporting detailed drawings, to remove the Holding Symbol on the Block, and Part Lot Control to create the lot fabric, once these issues have been addressed to the satisfaction of the Vaughan Development Planning and Development/Transportation Engineering Departments.

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The Owner has provided preliminary grading, a tree inventory assessment and an edge management study in this regard. The Owner will be required to meet and dialogue with CPR and obtain the latter's authorization with regard to any work that may be required on CPR lands. Issues related to grading, retaining and noise wall design, noise attenuation, the protection of the woodlot, and the interface with the park, will be subject to further review by City Staff. Further development approvals, including adherence to the City (and Region's) Tree By-law, may be required. Additionally, the supplementary study/work required may result in additional conditions of approval (and Purchase and Sale conditions and/or environmental easements and warning clauses) for the subject lots.

#### Block 33

Block 33 on Attachment #4 (northwest corner of the subdivision) is required for drainage purposes given the interface with the lands to the north. The final size and configuration of this Block will be determined to the satisfaction of the Vaughan Development/Transportation Engineering Department and the TRCA. A condition to this effect is included in Attachment # 1.

#### Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the applications and provides the following comments:

##### a) Environmental Site Assessment/Environment Documents

The subject lands have been used for the placement of contaminated fill in the past. The Owner has provided Phase I and Phase II Environmental Site Assessment (ESA) Reports, prepared by Jacque Whitford Environmental Ltd. entitled "Final Report for Phase II Subsurface Investigation, Delineation of Impacts and Development of Remedial Options, 5550 Langstaff Road, Vaughan, Ontario" dated August 15, 2000, and a Remedial Action Plan (RAP) prepared by Terra Firma Plus Inc. entitled "Final Remedial Action Plan (RAP), Proposed Residential Subdivision, Phase 2, 5550 Langstaff Road, Vaughan, Ontario" dated May 8, 2012.

The Owner is required to remediate the lands as per the RAP and prepare a new Phase One and Phase Two ESA reports to facilitate the submission of a Record of Site Condition for the subject lands, which will be conditions of the Subdivision Agreement.

The City has reviewed the following documents:

- Evans Planning, letter dated April 2, 2013;
- Skira & Associates Ltd., letter dated March 26, 2013;
- Exp Services Inc., letter dated February 27, 2013;
- Terra Firma Plus Inc., letter dated March 15, 2013;
- Exp Services Inc., letter package dated April 5, 2013, including the attachments;
- Exp Services Inc., report entitled *Surface Water Sampling Program, Phase II Parcel, 5550 Langstaff Road, Vaughan, Ontario*, dated January 7, 2013;
- Exp Services Inc., letter entitled *Reliance on Reports – Phase II Parcel, 5550 Langstaff Road, Vaughan, Ontario* dated April 5, 2013; and,
- Terra Firma Plus Inc. letter entitled *"Dust Control Measures, Proposed Residential Development, Phase II, At 5550 Langstaff Road, City of Vaughan, Ontario"* dated May 24, 2013.

The City is satisfied with the submitted documents and the associated responses to date. No further environmental site assessment related requirements are noted at this time.

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The submission of a Phase One ESA and Phase Two ESA in accordance with O. Reg. 153/04 (as amended) and a Record of Site Condition (RSC) acknowledged by the Ministry of the Environment to the satisfaction of the City are included as conditions of Draft Plan Approval (Attachment #1). Prior to final registration of the Draft Plan of Subdivision, the Owner must demonstrate that the clean-up of the subject lands has been undertaken in conformance with the approvals.

The Development/Transportation Engineering Department has reviewed the Draft Plan of subdivision dated March 15, 2012 and revised on June 3, 2013, prepared by Evans Planning Inc. (the "Draft Plan"), and Functional Servicing Report (FSR) prepared by Skira & Associates Ltd., dated June, 2012, and comment as follows:

b) Road Network

1668135 Ontario Inc. Developments will be serviced by major nearby arterial roads such as Langstaff Road, Martin Grove Road and Kipling Avenue. The proposed access will be from Campania Court to the north of the site. The proposed roadways within the Draft Plan are in accordance with the City's standards.

c) Water Servicing

The Functional Servicing Report confirms that the proposed Draft Plan of Subdivision will be serviced by connecting to the existing 150mm diameter watermain located on Campania Court. The new 150mm diameter watermain will be extended through the new proposed development and will connect to the existing 150mm diameter watermain located on the existing stormwater management facility block located southeast of the proposed development.

d) Sanitary Servicing

The new development is proposed to be serviced by the existing 200mm diameter sanitary sewer located on Gentile Circle (part of Phase 1 development). The existing sanitary sewer has sufficient depth and capacity to service the new proposed development.

e) Sewage and Water Allocation

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on June 26, 2012, formal allocation of servicing capacity for the above noted development application has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development concept.

The City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol. The availability of servicing allocation capacity for the above noted development application may be revisited at this time based on the status of the subject development application.

Accordingly, as a pre-condition to Draft Plan approval, the Owner shall enter into an agreement of no-sale with the City and the Region that restricts unit sales until servicing capacity is available, in addition to the appropriate "Holding" provision being included in the site-specific zoning by-law.

f) Storm Drainage

The subject development lies within the Rainbow Creek watershed, being a tributary to the Humber River. The site drains sheet flow in a southerly direction towards Rainbow Creek valley. The watercourse flows southerly crossing Langstaff Road.



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The proposed stormwater sewer system and run-off from the subject development must be properly conveyed to the existing stormwater management facility located southeast of the development lands.

As part of the engineering design and prior to the initiation of any grading within the Draft Plan, the applicant shall provide an engineering report for the review and approval of the City that describes the proposed storm drainage system to develop the subject lands. This report shall describe the proposed drainage system to develop the subject lands and include, but not be limited to, the following items:

- (i) Plans illustrating the proposed system and its connection into the existing storm system;
- (ii) Storm water management techniques that may be required to control minor or major flows;
- (iii) Detail all external tributary lands, and include existing development(s); and,
- (iv) Proposed methods for controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction.

The municipal servicing design shall conform to the approved Functional Servicing Report.

g) Geotechnical

Given the nature of the grading of the subject lands, the need to remediate the lands and the requirements of the proposed development, the Owner submitted a Global Stability Analyses report prepared by Soil Probe Ltd. Reports were prepared for proposed Lots 19-29 (the Rear Side Slope Section of south side, dated March 7, 2011), and Lots 1-7 (Rear Side Slope Section at West End, dated March 16, 2012).

The findings of the slope stability analysis indicate that the existing slope next to the Rainbow Creek is currently unstable due to the existing fill on the site. After the remediation of the site and the placement of engineered fill, the stability of the slope will improve making the construction of the proposed houses feasible subject to strict filling operations. The soils reports initially recommended that the setbacks from the top-of-bank to the proposed houses on the south side of the development be a minimum of 8.0 metres (Lots 19-29), and between 11.55m and 21.3 metres to the houses on the west side of the development (Lots 1-7), subject to TRCA's review.

Subsequently, the TRCA has reviewed and accepted the Setback Review and Recommendation Addendum Letter to the Slope Stability Analysis Reports submitted for the proposed draft plan dated May 28, 2013 by Delwar Hossain and Daanish Memon of Soil Probe Limited. As outlined in the letter, there are potential engineered solutions. Through the Permit process, TRCA will be requiring that the landowner retain a Geotechnical Consultant to thoroughly test the new slope, during its construction, for adequacy of compaction of the engineered fill and to confirm the test outcomes in writing. As well, the Addendum proposes additional protection works for the reconstructed slope and this will also be required within the Permit for reconstruction. Based on these considerations, the TRCA is satisfied that the 6 metre structural setback (including within it the 3 metre "no structures" setback from the rear yard) can be accommodated.

The Owner is required to submit a geotechnical investigation report and/or a slope stability report for review and approval by the City as part of the detailed engineering submission. The report(s) shall provide information about subsoil and groundwater condition and shall provide recommendations for the construction of municipal services, pavement design, earth berm/safety-berm, slope stability, foundation design, and methods for any required slope stabilization within the Draft Plan.

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##### h) Grading Considerations

The topography of the lands within the draft plan is undulating given the proximity of the Rainbow Creek valley and the previous land filling that has occurred on the site. The applicant has provided a preliminary lot grading plan for the site, which identifies the need for a significant amount of earthworks to achieve standard lot grading together with substantial sections of high retaining walls. The preliminary grading identifies the need for retaining walls as high as 2.5 metres along the rear of Lots 19 to 26 next to the valley and along the rear of Lots 14 to 18 next to the woodlot. In addition, retaining walls potentially up to 3.4 metres in height will be required adjacent to the cul-du-sac on the east leg of Street B.

Given the topographical constraints on this site, and that this is an infill development, Staff can support the use of retaining walls in most of the proposed locations on the draft plan but has concerns with design of the retaining walls on Lots 14 to 18. The retaining wall along the rear of Lots 14 to 18 has a maximum height of 2.5 metres and is being proposed to accommodate the grade difference between the existing woodlot and the proposed lot grades. Given the substantial grade difference, the retaining wall may need to be tiered, which potentially could take up a good part of the back yard amenity space. It is unclear at this point whether this retaining wall will have an impact on the adjacent woodlot, the proposed park, and the surrounding drainage.

In addition, the noise report identifies the need for a 2.5 metre high noise fence along the rear of Lots 17 and 18 to mitigate rail noise, which will need to be placed on top of the retaining wall. This will effectively result in a 5.0 metre vertical barrier in the rear yards of these lots, which is undesirable from both an engineering and a livability perspective.

These issues need further study to determine if there are more effective grading solutions that take into account City woodlot protection and restoration objectives. Accordingly, if this draft plan proceeds, Staff is recommending that Lots 14 to 18 be placed in a block, which will be subject to further review.

##### i) Environmental Noise Impact

The applicant has provided a preliminary noise and vibration impact feasibility report dated December 22, 2011, and additional letter dated May 31, 2013, prepared by J.E Coulter Associates Ltd. that identify noise sources that will impact the Draft Plan such as railway noise from the CP railway. The traffic volumes generated by roadways within this development are minimal, servicing the local housing only and will have no impact on this development. These reports provide recommendations that include typical measures to develop the proposed lots and mitigate the noise sources such as acoustic barriers, safety berm, air conditioning, warning clauses and potentially upgraded building components and foundations.

The Acoustic Consultant has proposed a 2.5 metre high Acoustic fence along the rear yards of Lots 17 and 18 and along the side yard of Lot 18 to the north façade of the home to mitigate the noise sources. Another acoustic fence will be required along the east side of Lot 19. The dwellings on these lots will also require central air conditioning.

The applicant is required to submit final noise and railway vibration reports for review and approval by the City as part of the detailed engineering submission when the grading design is typically established. The City requires all dwelling units that are close to the CP railway to be constructed with mandatory central air-conditioning. All required acoustic barriers abutting public lands shall be constructed with all berming and/or fencing material, including foundations, completely on private lands and totally clear of any 0.3m road reserve.

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j) Street-lighting

The design and type of street-lighting in the Plan shall meet City standards, which includes the illumination of the local road. In April 2010, Council directed Staff to undertake a review of the City's engineering design criteria and standards with respect to the use of LED luminaire technology in new developments. This review is currently underway so there may be a requirement to use LED street-lighting in the Plan. This matter will be addressed in conjunction at the detailed engineering design stage. The type of street-lighting should be the same as the abutting subdivision (19T-88009) and approved by PowerStream.

Ministry of the Environment (MOE)

The Owner of the subject lands also submitted Plan of Subdivision File 19T-06V15 for the subdivision to the south that was approved by Vaughan Council in May 2008 and is now constructed. The plan included 43 lots (86 semi-detached units) together with open space, stormwater management, and access blocks. The subject lands and the subdivision lands to the south have been used for the placement of contaminated fill in the past. As part of the approvals of the first Plan of Subdivision File 19T-06V15, the Owner submitted the required reports to address the proper clean-up of the lands. The City of Vaughan, with the assistance of Terrapex Environmental Ltd., the City's peer reviewer, approved a Remedial Action Plan that was submitted by the Owner.

On December 22, 2009, the Ministry of the Environment (MOE) issued an Order to ensure the estimated 16,700 tonnes of waste that was excavated on the lands subject to File 19T-06V15 (southern subdivision) and had been stockpiled in the northern portion of the subject lands be removed from the property in a manner that protected the nearby residential community and the natural environment from deleterious environmental impacts. On May 16, 2013, the MOE issued another Order to remove all stockpiled waste by September 20, 2013, and to submit a Waste Processing Plan by June 21, 2013. Discussions with the landowner, MOE staff and site visits confirm that this work is underway.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) supports the approval of the applications, subject to their Conditions of Approval in Attachment #1. The TRCA is satisfied that the Zoning By-law Amendment application is acceptable to proceed on the basis that Blocks 31, 32, 33, 34 and 37 as shown on Attachment #4, being the lands forming part of the valley and stream corridor are appropriately zoned into an Open Space Zone or similar zoning category that would prohibit any development of the said lands. The TRCA also requested that a minimum depth of 3m from the rear lot line of the residential lots abutting the aforementioned blocks be zoned in a manner that prohibits structures (excluding boundary fences). The intent is to protect the stability of the reconstructed slope over time. Conditions to this effect are included in this report.

The TRCA has requested further discussion with the City of Vaughan and the Ministry of Environment regarding the conveyance of the valleyland blocks into public ownership in order to ensure the long term protection of these lands. This will be subject to future discussion with the City and MOE.

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The TRCA has reviewed and accepted the Setback Review and Recommendation Addendum Letter to the Slope Stability Analysis Reports submitted for the proposed draft plan dated May 28, 2013 by Delwar Hossain and Daanish Memon of Soil Probe Limited. As outlined in the letter, there are potential engineered solutions. Through the Permit process, TRCA will be requiring that the landowner retain a Geotechnical Consultant to thoroughly test the new slope, during its construction, for adequacy of compaction of the engineered fill and to confirm the results in writing. As well, the Addendum proposes additional protection works for the reconstructed slope and this will also be required within the Permit for reconstruction. Based on these considerations, the TRCA is satisfied that the 6 metre rear yard structural setback (including within it the 3 metre "no structures" setback from the rear yard) can be accommodated.

With respect to Block 33 (the recently proposed block at the northwest corner of the site), TRCA supports the proposed condition that the final size and configuration of the Block be determined prior to registration of the subdivision.

The TRCA also notes that as part of the on-going development process, the Owner has submitted a Permit Application pursuant to Ontario Regulation 166/06, in order to proceed with the remedial works.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no objection to the approval of the applications, subject to their conditions of approval in Attachment #1.

Vaughan Parks Development Department

The Vaughan Parks Development Department has no objections to the approval of the subject applications. The Owner is proposing to convey Block 30 as a park. The Parks Development Department has provided the following comments:

- The slope of the proposed parks needs to be finalized. Sodded areas that are required to be mowed shall not have slopes that exceed 3:1;
- The location of all proposed trees shall be further discussed. The location and distance from proposed property lines will need to be discussed by Parks Development staff;
- The proposed retaining wall system located adjacent to the Park Block will need to be further discussed with Engineering Staff. The proposed design and location may affect the future maintenance of the park block;
- Clarification will need to be provided regarding the proposed retaining wall system proposed within the park block and the adjacent open space, which is located to the southern edge of the proposed park block;
- The proposed storm water design brief for the park block will need to identify the proposed overland flows for the proposed park block, which will require the City's Engineering Department approval;
- Confirmation is required regarding the works proposed to the lands located adjacent to the park block (northern edge). These lands are currently owned by CP Rail and substantial servicing works are proposed by the applicant;

The exact configuration and size of the Park Block will be determined through detailed design and prior to registration of the M-Plan. Open Space and stormwater pond areas shall not form part of the cash-in-lieu of parkland dedication calculation. The parkland credit shall be calculated based on the approved block size and configuration.

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##### Vaughan Real Estate Division

The Planning Act requires the dedication of parkland equivalent to 5% or 1 ha per 300 units. 5% of the developable land (4.71 Ha) would equal 0.235Ha. The applicant is proposing 0.26 Ha for the park. Therefore, no cash-in-lieu would be required because the applicant has satisfied the dedication of land for park purposes. The subdivision agreement shall include provisions regarding the conveyance of the parkland.

##### School Boards

The York Region District and York Region Catholic District School Boards have no objection to the approval of the applications, subject to their conditions of approval included in Attachment #1.

##### Canada Post

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

##### Canadian Pacific Railway

Canadian Pacific Railway has no objection to the approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications, subject to their conditions of approval included in Attachment #1.

##### Hydro One Networks Inc.

Hydro One Networks Inc. has no objection to the approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications, subject to their conditions of approval included in Attachment #1. The Draft Plan of Subdivision includes Blocks 35 and 36 that comprise the hydro corridor. These lands will be zoned as A Agricultural Zone, and will remain under private ownership. It is the responsibility of the Owner to maintain the lands in accordance with the agreement with Hydro One.

As a condition of Subdivision approval, the Owner will also be required to enter into an Agreement with the City of Vaughan to ensure maintenance of the said lands, and to permit the City of Vaughan to create a trail system if deemed desirable in the future. The Owner will also be required to provide a public easement on private lands to facilitate the future trail as a condition of Subdivision approval. The Agreement with the City must be transferable should the lands be sold by the current Owner.

As a condition of Subdivision approval, the Development Planning Department will require the Owner to include a warning clause in the Agreements of Purchase and Sale for all Owners/Tenants that Hydro One Networks Inc. may upgrade service, or remove and replace hydro towers at any time at its discretion.

##### Enbridge Gas Distribution

Enbridge Gas Distribution has no objection to the approval of the subject applications subject to their conditions of approval in Attachment #1.

##### **Relationship to Vaughan Vision 2020/Strategic Plan**

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

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i) Lead & Promote Environmental Sustainability

Committed to protecting and enhancing the natural and built environments through the efficient use of resources.

ii) Manage Growth and Economic Well Being

The proposed development conforms to the in-effect Official Plan and VOP 2010.

iii) Promote Community Safety, Health & Wellness

The proposed development includes a public park to enhance the City's existing inventory of public amenity space.

### **Regional Implications**

The Region of York has no objection to the approval of the Draft Plan of Subdivision, provided water and sewer servicing capacity has been allocated, and subject to their conditions of approval outlined in Attachment #1.

### **Conclusion**

The Vaughan Development Planning Department has reviewed the Draft Plan of Subdivision and Zoning By-law Amendment Applications to permit a 28 lot subdivision to facilitate 56 semi-detached units and one lot for a single-family dwelling, together with open space blocks. The proposal conforms to the policies of the Official Plan, and is generally consistent with the approved Neighbourhood 4A Development Plan and compatible with development in the surrounding area. The proposed zoning categories and exceptions to Zoning By-law 1-88 are considered to be appropriate. Accordingly, the Development Planning Department recommends that the applications be approved, subject to the conditions of approval set out in the recommendation of this report.

### **Attachments**

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Subdivision File 19T-12V003
5. Proposed Zoning
6. Neighbourhood 4A Plan

### **Report prepared by:**

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