

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, February 05, 2019

WARD: 2

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.019
ZONING BY-LAW AMENDMENT FILE Z.18.031
DRAFT PLAN OF SUBDIVISION FILE 19T-18V012
DI BENEDETTO GROUP INC.
VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27**

FROM:

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

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.18.019 and Z.18.031 and Draft Plan of Subdivision File 19T-18V012 (Di Benedetto Group Inc.) for the subject lands shown on Attachments 1 and 2, to permit a residential development consisting of 73 townhouse units.

Report Highlights

- To receive input from the public and the Committee of the Whole on a proposed development consisting of 73 townhouse units to be served by private common element roads.
- Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications are required to permit the proposed development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Files OP.18.019, Z.18.031 and 19T-18V012 (Di Benedetto Group Inc.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The subject lands ('Subject Lands') comprise 1.678 hectares and are located south of Rutherford Road and west of Regional Road 27, and are municipally known as 10, 20 and 25 Di Benedetto Lane and 110 Simmons Street, shown as Subject Lands on Attachments 1 and 2. The surrounding land uses are shown on Attachment 2.

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachments 1 and 2 to permit a residential development (the 'Development') consisting of 73 townhouse units as shown on Attachments 3 to 5:

1. Official Plan Amendment File OP.18.019 to amend the policies of Vaughan Official Plan 2010 ("VOP 2010") respecting the design and compatibility criteria for new development within lands identified as a "Community Area".
2. Zoning By-law Amendment File Z.18.031 to rezone the Subject Lands from RR Rural Residential Zone, subject to Exception 9(1182) as shown on Attachment 2, to RT1 Residential Townhouse Zone (freehold townhouse units) in the manner shown on Attachment 4, together with the site-specific zoning exceptions to the RT1 Zone standards of Zoning By-law 1-88, identified in Table 1 of this report.
3. Draft Plan of Subdivision File 19T-18V012 shown on Attachment 3, for the approval of a residential Draft Plan of Subdivision consisting of one 1.678 ha block.

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

- a) Date the Notice of Public Hearing was circulated: January 11, 2019.
The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and Notice Signs were installed along Rutherford Road and Simmons Street in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: 150 m, all properties with frontage onto Simmons Street, the West Woodbridge Homeowners' Association, the Kleinburg and Area Ratepayers' Association, and to those individuals who provided written correspondence or made oral depositions at the Public Hearings related to a similar development proposal in the immediate area (Gemini Urban Design (W))

Corp., Official Plan and Zoning By-law Amendment Files OP.16.007, OP.17.011, Z.16.031, Z.17.031, and Draft Plan of Subdivision Files 19T-16V004 and 19T-17V011) as shown on Attachment 2.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

N/A

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the Development

The Subject Lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (“VOP 2010”) and are located within a “Community Area” as identified on Schedule 1, “Urban Structure” of VOP 2010. The “Low-Rise Residential” designation permits detached, semi-detached and townhouse dwelling units with a maximum permitted building height of 3-storeys, and no associated density requirement.

VOP 2010 identifies compatibility criteria for new development in a “Community Area”. The compatibility criteria directs that new development be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a “Community Area” within established development areas shall pay attention to local lot patterns, size and configuration, and existing building types with similar setbacks. The Development is located south of Rutherford Road in an area that contains larger residential lots and lands that are designated for employment uses to the west.

Additionally, Section 9.2.3.2 in VOP 2010 permits no more than six attached residential dwellings in one block. Block 15 contains seven dwelling units in a row and does not meet the development criteria in Section 9.2.3.2 of VOP 2010.

VOP 2010 permits limited intensification in Community Areas provided it is sensitive to and compatible with the character, form and planned function of the surrounding context. The Development does not address the compatibility and development criteria of the Official Plan, therefore, an amendment to VOP 2010 is required.

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

The Subject Lands are zoned RR Rural Residential Zone, subject to site-specific Exception 9(1182) which permits only detached dwellings on lots with a minimum frontage of 45 m and a lot area of 400m². The Owner is proposing to develop the Subject Lands with townhouse units, which is not a permitted use in the RR Rural Residential Zone. The Owner is proposing to rezone the Subject Lands to RT1 Residential Townhouse Zone, together with the following site-specific exceptions to Zoning By-law 1-88 to permit the Development shown on Attachments 3 and 4:

Table 1

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Frontage on a Public Street	A lot must front onto a public street.	Permit a freehold lot to front onto a private common element condominium road or public street.
b.	Definition of a “Street Townhouse Dwelling”	Means a townhouse dwelling in which each dwelling unit is situated on its own lot which abuts a public street.	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which fronts onto a public street or private road.
c.	Maximum Building Height	11 m	11.5 m
d.	Minimum Lot Depth	27 m	23.5 m
e.	Minimum Lot Area	162 m ² / unit	129 m ² / unit
f.	Minimum Exterior Side Yard Setback (Private Road)	4.5m	1.2 m

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
g.	Minimum Rear Yard Setback	7.5 m	6.5 m
h.	Minimum Lot Frontage	6 m / unit	5.4 m / unit
i.	Maximum Number of Units in a Row	6	7 Units (Block15)
j.	Maximum Driveway Access Width	7.5 m	8 m
k.	Minimum Visitor Parking Space Dimensions	2.7 m x 6 m	2 m x 6 m

The Owner has submitted a conceptual site plan in support of the Applications as shown on Attachment 4. Other zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENTS
a.	Conformity with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the applicable Provincial policies (e.g. Provincial Policy Statement and Growth Plan) and the York Region and City Official Plan policies, particularly the policies in VOP 2010 respecting the design and compatibility criteria for new development in a "Community Area".

	MATTERS TO BE REVIEWED	COMMENTS
b.	Comprehensive Development Concept	<ul style="list-style-type: none"> ▪ In addition to the subject Applications, the City of Vaughan is processing the following applications for 2 additional development proposals for townhouse units to be served by private roads in the surrounding area, and are identified on Attachment 3: <ul style="list-style-type: none"> i) Gemini Urban Design (W) Corp. (Files OP.16.007 and OP.17.011, Z.16.019 and Z.17.035 and 19T-16V004 and 19T-17V012) to permit 111 townhouse units served by private common element roads ii) Gemini Urban Design (C) Corp. (Files OP.18.020, Z.18.032 and 19T-18V013 to permit 32 townhouse units on a private common element road. ▪ The submission of a broader development concept plan is required to address matters such as, but not limited to, access, the co-ordination of servicing, public amenity space, and the preservation of environmental features, shall be addressed. Additional supporting studies may be required in this regard.
c.	Appropriateness of the Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed rezoning and site-specific exceptions to Zoning By-law 1-88 to permit the Development on the Subject Lands will be reviewed in consideration of the existing and planned surrounding land uses.
d.	Community Area Policy Review for Low-Rise Residential Designations	<ul style="list-style-type: none"> ▪ In recognition of the increased development pressure in large lot neighbourhoods, the City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in Vaughan Council adopting Urban Design Guidelines ('Guidelines') for Infill Development in Established Low-Rise Residential Neighbourhoods and the Community Area Policy Review for Low-Rise Residential Designations Study ("Study").

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> ▪ The Guidelines were approved by Vaughan Council on October 19, 2016 and serve to clarify and implement the existing Official Plan policies related to compatibility. Vaughan Council approved the Study on April 19, 2017, and on September 27, 2018 adopted Official Plan Amendment ('OPA') Number 15 to implement the Study. OPA Number 15 has been forwarded to York Region for approval. ▪ The Applications were submitted on September 17, 2018 and were deemed "Complete" on October 16, 2018. The Guidelines and Study identify the Subject Lands as being part of a "Large Lot Neighbourhood". The Development Planning Department will review of the Development in consideration of the Guidelines and the Council adopted OPA Number 15.
e.	Draft Plan of Subdivision File 19T-18V012	<ul style="list-style-type: none"> ▪ Draft Plan of Subdivision File 19T-18V012 has been submitted for technical reasons under the <i>Planning Act</i> to create a block within a future Registered M-Plan. This would facilitate a future Draft Plan of Condominium (Common Elements) application to establish the condominium tenure of the common elements (private road, internal walkway, and visitor parking spaces); and the creation of individual lots for the townhouse and semi-detached dwelling units through a Part Lot Control application(s). These matters will be reviewed in consideration of the surrounding land uses and to implement the appropriate Draft Plan of Subdivision conditions, should the applications be approved.
f.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Applications, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> - Planning Justification Report - Conceptual Site Plan and Landscape Plan

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> - Functional Servicing and Stormwater Management Report - Transportation Study - Environmental Impact Study Letter - Community Services and Facilities Impact Study - Noise and Vibration Feasibility Study - Urban Design and Sustainability Brief - Arborist Report - Tree Inventory and Removals Plan - Stage 1 and 2 Archaeological Assessment - Phase 1 Environmental Site Assessment - Geotechnical Assessment <p>▪ Additional studies and/or reports may be required as part of the development application review process including, but not limited to, Architectural and Urban Design Guidelines.</p>
g.	Canadian Pacific Rail	<p>▪ The Subject Lands abut a Canadian Pacific Rail (CPR) rail line and the Applications have been circulated to CPR for review.</p>
h.	Conceptual Site Plan / Future Site Development Application	<p>▪ A future Site Development Application is required to facilitate the Development, should the Applications be approved. The following matters, but not limited to, will be considered through the review of the Site Development Application:</p> <ul style="list-style-type: none"> - pedestrian and barrier free accessibility - proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private roads - right-of-way width of the private roads - appropriate site design and building materials, orientation of units and upgraded and visible flankage elevations, landscaping, snow storage, stormwater management, and servicing and grading - the location of air conditioning units - the relationship between the facing distance of each townhouse block to maximize daylight, enhance landscaping and ensure privacy

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> - accessibility and location of the proposed residential visitor parking spaces - the provision of an appropriate amenity space - the relationship of the proposed built form, building setbacks and design with the immediate neighbourhood - co-ordination of access with possible future development with the lands to the south
i.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the subject applications are approved. ▪ In accordance with the City of Vaughan's Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Score.
j.	Draft Plan Condominium Application File 19CDM-18V004	<ul style="list-style-type: none"> ▪ Draft Plan of Condominium Application File 19CDM-18V004 shown on Attachment 5, has been submitted to establish the condominium tenure of the private common elements (i.e. private road, internal sidewalk, visitor parking, and common landscaped amenity areas), to be managed by a future Condominium Corporation, should the Applications be approved.
k.	Parkland and Cash-in-Lieu of the Dedication Parkland	<ul style="list-style-type: none"> ▪ Opportunities for public parkland and/or a multi-use recreational pathway that connects the Subject Lands to Regional Road 27 via Rutherford Road will be considered as part of the processing and consideration of the Applications. ▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, should the City determine that a public park is not

	MATTERS TO BE REVIEWED	COMMENTS
		required, prior to the issuance of a Building Permit(s), in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-Lieu of Parkland Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.
I.	Allocation and Servicing	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Development is approved. If servicing is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council.
m.	Phase 1 Environmental Site Assessments ('ESA')	<ul style="list-style-type: none"> The Phase 1 ESA submitted in support of the Applications must be approved to the satisfaction of the Development Engineering Department.
n.	Noise Attenuation	<ul style="list-style-type: none"> The Subject Lands are located adjacent to the CPR rail corridor and close to Rutherford Road, which are sources of noise. The Development Engineering Department will review the Noise and Vibration Feasibility Study to determine the appropriate measures that will be required to mitigate noise and vibration.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered. The Owner has made a request to exempt the Official Plan Amendment Application from York Region approval.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Clement Messere, Senior Planner, Development Planning Department, Extension 8409.

Attachments

1. Context Location Map
2. Location Map
3. Draft Plan of Subdivision File 19T-18V012
4. Conceptual Site Plan and Proposed Zoning
5. Draft Plan of Condominium File 19CDM-18V004

Prepared by

Clement Messere, Senior Planner, ext. 8409

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

/LG