

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 4, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

4 ZONING BY-LAW AMENDMENT FILE Z.17.017 SITE DEVELOPMENT FILE DA.17.041 FIRSTGREEN CORP. VICINITY OF BATHURST STREET AND GEORGE KIRBY STREET

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 5, 2018:

Recommendations

1. THAT Zoning By-law Amendment File Z.17.017 (Firstgreen Corp.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “C4 Neighbourhood Commercial Zone” and “C4(H) Neighbourhood Commercial Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 9(1217), to RT1 Residential Townhouse Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.17.041 (Firstgreen Corp.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to permit the development of 50 townhouse units served by privately owned and maintained (by a future condominium corporation) common elements including the internal road, 13 visitor parking spaces, walkways, a mailbox, and amenity areas, as shown on attachments #3 to #6:
 - a) That prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate, and building elevations;
 - ii) the Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion and sediment control plan, functional servicing and stormwater management report, noise report, external lighting plan and construction management plan;
 - iii) the Owner, or the Owner of the property to the south (the Rutherford Marketplace lands), shall successfully obtain approval of a Consent Application from the Vaughan Committee of Adjustment for the creation of easements required for access over the adjacent property to the south (the Rutherford Marketplace) in favour of the Subject Lands. The Committee’s decision shall be final

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and binding and any conditions of approval imposed by the Committee, including the issuance of a Certificate of Official by the City pursuant to Section 53 of the *Planning Act* shall be satisfied;

- iv) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division;
 - v) the Owner shall submit a letter from the Block 11 Block Trustee indicating that they are in good standing with the Block 11 Block Trustee, and to confirm that all financial obligations are fulfilled for the payment of its proportionate share for all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 11, to the satisfaction of the Development Engineering Department;
 - vi) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority; and
 - vii) the Owner shall satisfy all requirements of York Region.
- b) The implementing Site Plan Agreement shall include the following clauses:
- i) "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, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's cash-in-lieu Policy. 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 Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment."
 - ii) "The Owner shall pay to the City, a woodlot development charge at the rate of \$1,000.00 per residential unit, plus \$500.00 per future residential unit on each part lot, in accordance with the previous Special Area Woodlot Development Charge By-law and City's Woodlot Acquisition Front-end Agreement"
 - iii) "Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the dwelling units, noise due to increasing road traffic may continue to be of concern,

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occasionally interfering with the activities of the occupants as the sound level may exceed the noise criteria of the Municipality and the Ontario Ministry of the Environment and Climate Change. I, the purchaser hereby agree to place this clause in all subsequent offers of purchase and sale when I sell the property.”

- iv) “Purchasers/tenants are advised that the dwelling unit was fitted with a central air conditioning system in order to permit the closing of windows for noise control. (Note: Locate air cooled condenser units in a noise insensitive area and ensure that the unit has an AHRI sound rating not exceeding 7.6 bels.)”
 - v) “Purchasers/tenants are advised that this residential unit is in proximity to existing commercial buildings whose activities may at times be audible.”
 - vi) “Purchasers/tenants are advised that sound levels due to the adjacent commercial buildings are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed.”
3. THAT Site Development File DA.17.041 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 50 residential units (153 persons equivalent).

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.17.017
SITE DEVELOPMENT FILE DA.17.041
FIRSTGREEN CORP.
VICINITY OF BATHURST STREET AND GEORGE KIRBY
STREET**

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.17.017 and Site Development File DA.17.041 to rezone the Subject Lands shown on Attachments #1 and #2 from “C4 Neighbourhood Commercial Zone” and “C4(H) Neighbourhood Commercial Zone” with the Holding Symbol “(H)”, to “RT1 Residential Townhouse Zone”, to permit the development of 50 townhouse units, as shown on Attachments #3 to #6.

Report Highlights

- The Owner proposes a 50 unit common element condominium townhouse development.
- The development includes freehold lots with frontage on Ilan Ramon Boulevard, George Kirby Street, and a private amenity area.
- The Development Planning Department supports the approval of the development as it conforms to Vaughan Official Plan 2010 and is consistent with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT Zoning By-law Amendment File Z.17.017 (Firstgreen Corp.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “C4 Neighbourhood Commercial Zone” and “C4(H) Neighbourhood Commercial Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 9(1217), to RT1 Residential Townhouse Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report.

2. THAT Site Development File DA.17.041 (Firstgreen Corp.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to permit the development of 50 townhouse units served by privately owned and maintained (by a future condominium corporation) common elements including the internal road, 13 visitor parking spaces, walkways, a mailbox, and amenity areas, as shown on Attachments #3 to #6:
 - a) That prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan, landscape cost estimate, and building elevations;
 - ii) the Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion and sediment control plan, functional servicing and stormwater management report, noise report, external lighting plan and construction management plan;
 - iii) the Owner, or the Owner of the property to the south (the Rutherford Marketplace lands), shall successfully obtain approval of a Consent Application from the Vaughan Committee of Adjustment for the creation of easements required for access over the adjacent property to the south (the Rutherford Marketplace) in favour of the Subject Lands. The Committee’s decision shall be final and binding and any conditions of approval imposed by the Committee, including the issuance of a Certificate of Official by the City pursuant to Section 53 of the *Planning Act* shall be satisfied;
 - iv) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division;
 - v) the Owner shall submit a letter from the Block 11 Block Trustee indicating that they are in good standing with the Block 11 Block

Trustee, and to confirm that all financial obligations are fulfilled for the payment of its proportionate share for all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 11, to the satisfaction of the Development Engineering Department;

- vi) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority; and
 - vii) the Owner shall satisfy all requirements of York Region.
- b) The implementing Site Plan Agreement shall include the following clauses:
- i) "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, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's cash-in-lieu Policy. 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 Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment."
 - ii) "The Owner shall pay to the City, a woodlot development charge at the rate of \$1,000.00 per residential unit, plus \$500.00 per future residential unit on each part lot, in accordance with the previous Special Area Woodlot Development Charge By-law and City's Woodlot Acquisition Front-end Agreement"
 - iii) "Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the dwelling units, noise due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the occupants as the sound level may exceed the noise criteria of the Municipality and the Ontario Ministry of the Environment and Climate Change. I, the purchaser hereby agree to place this clause in all subsequent offers of purchase and sale when I sell the property."
 - iv) "Purchasers/tenants are advised that the dwelling unit was fitted with a central air conditioning system in order to permit the closing of windows for noise control. (Note: Locate air cooled condenser

units in a noise insensitive area and ensure that the unit has an AHRI sound rating not exceeding 7.6 bels.)”

- v) “Purchasers/tenants are advised that this residential unit is in proximity to existing commercial buildings whose activities may at times be audible.”
- vi) “Purchasers/tenants are advised that sound levels due to the adjacent commercial buildings are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed.”

3. THAT Site Development File DA.17.041 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 50 residential units (153 persons equivalent).

Background

The vacant 1.1 ha Subject Lands (the “Subject Lands”) are located on the southeast corner of Ilan Ramon Boulevard and George Kirby Street, and are known municipally as 9370 Bathurst Street, shown as Subject Lands on Attachments #1 and #2. On October 20, 2016, Vaughan Committee of Adjustment approved Consent Application B026/16 to create the Subject Lands.

Previous development applications were approved on the Subject Lands for a mid-rise mixed-use building

The Subject Lands were previously subject to Official Plan Amendment File OP.11.013, Zoning By-law Amendment File Z.11.044 and Site Development File DA.12.079 (“FCHT Holdings Corporation”) which were approved by the Ontario Municipal Board on December 5, 2013, for a 12-storey, 230 unit mixed-use residential/commercial apartment building.

A Zoning By-law Amendment application has been submitted to permit the Development

The Owner has submitted Amendment File Z.17.017 and Site Development File DA.17.041 to amend Zoning By-law 1-88 to rezone the Subject Lands from “C4 Neighbourhood Commercial Zone” and “C4(H) Neighbourhood Commercial Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 9(1217), to “RT1 Residential Townhouse Zone”, to facilitate a development proposal for 50 townhouse units (the “Development”), as shown on Attachments #3 to #6.

The Development will be served by privately owned and maintained (by a future condominium corporation) common elements including the internal road, 13 visitor parking spaces, walkways, a mailbox and amenity areas. The future condominium corporation would also assume the responsibility for private snow removal.

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

On September 8, 2017, a Notice of Public Hearing was circulated to all property owners within the extended polling area shown on Attachment #2. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and notice signs were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

The recommendation of the Committee of the Whole to receive the Public Hearing report of October 3, 2017, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on October 24, 2017. The following deputations and written submission were received at the Public Hearing:

Deputations

- T. Shatz, George Kirby Street, Maple
- Resident, Marc Santi Blvd, Maple

Written Submission

- T. Shatz, George Kirby Street, Maple, dated August 29, 2017

The following is a summary of and response to the comments made by deputation and included in the written correspondence submitted at the Public Hearing on October 3, 2017:

a) Building Elevations

The proposed building elevations are not in keeping with the character of the existing neighbourhood.

Response

The Owner has submitted a letter from John G. Williams Architect, the control architect for the Valleys of Thornhill (Block 11) Architectural Design Guidelines ("Architectural Guidelines"), dated May 31, 2017. The letter states that the Development complies with the Architectural Guidelines and will benefit the community by creating an active and attractive residential street edge, with front

elevations rather than garages and driveways facing George Kirby Street and Ilan Ramon Boulevard.

The letter also states that the proposed built form represents three-storey brick and stone contemporary-styled townhouses that will combine to create an appropriate transition to the existing commercial uses located south and east of the Subject Lands (the “Rutherford Marketplace lands”), thereby fostering a high quality mixed-use character for this area.

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the proposed building elevations shown on Attachments #5 and #6 and the letter from John G. Williams Architect, and has no objection to the proposed building elevations.

b) Traffic, Parking and Safety

The Development will result in increased traffic volume and congestion, increased parking on the street, and decreased road safety within the existing community.

Response

The Subject Lands were previously subject to Official Plan Amendment File OP.11.013, Zoning By-law Amendment File Z.11.044 and Site Development File DA.12.079 (“FCHT Holdings Corporation”) for a 12-storey, 230 unit mixed-use residential/commercial apartment building. This proposal was approved by the Ontario Municipal Board on December 5, 2013. The Transportation Study prepared by HDR for the original applications were reviewed and approved by the Development Engineering Department. The proposed development represents a substantial decrease in residential units from 230 apartment units to 50 townhouse units, which will result in less traffic volume than the approved development.

On May 22, 2018, the Development Planning Department mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the applications.

Previous Reports/Authority

[November 5, 2013, Committee of the Whole \(Item 15, Report No. 47\)](#)

[October 20, 2016, Committee of Adjustment, File B026/16](#)

[October 3, 2017, Committee of the Whole \(Public Hearing\) \(Item 4, Report No. 36\)](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Development Planning Department has reviewed the Development in consideration of the following policies:

The Development is consistent with the Provincial Policy Statement (PPS), 2014

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

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

- Section 1.1.1 - to promote efficient development and accommodate an appropriate range of residential, employment, institutional, recreation, park and open space uses
- Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land and are transit-supportive
- Section 1.4.3 - directing new housing to locations with appropriate levels of infrastructure and public service facilities
- Section 1.6.6 - accommodating growth that promotes the efficient use of existing municipal sewage and water services
- Section 4.7 - the official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans

The Development shown on Attachments #3 to #6 provides for residential land uses within a settlement area that efficiently utilizes the Subject Lands and conforms with the "Mid-Rise Mixed-Use" land use designation in VOP 2010. The Development utilizes existing municipal sewage and water infrastructure and is located in proximity to public service facilities including public schools (Nellie McClung and Anne Frank Public Schools), neighbourhood parks (Woodvalley, Pioneer and Mill Race Parks), and walking trails. The Development is also located in proximity to York Region Transit Routes 16, 85 and 88. The Development is consistent with policies of the PPS.

The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

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

The Development is consistent with the policy framework of the Growth Plan as it optimizes the use of existing land supply, makes efficient use of existing infrastructure, and provides housing at densities that are supportive of the Growth Plan objectives, specifically:

- Section 2.2.1 - directing growth to settlement areas with municipal water and wastewater systems, public service facilities, and public transit to support the achievement of complete communities
- Section 2.2.2 - contributing to meeting 40% of residential development within a delineated built-up area by 2031
- Section 2.2.6 - providing a diverse mix of housing densities to meet the needs of current and future residents

The Development shown on Attachments #3 to #6 directs growth to a built-up area where there is existing vacant land, and provides for residential units within a settlement area that contributes to meeting the prescribed 40% of residential development within a delineated built-up area. The Development supports the achievement of a complete community as the Subject Lands are located within the Block 11 Community Plan, which consists of a diverse mix of land uses, planned building forms, and existing public services. The Development is also in proximity to existing commercial uses and public transit routes. Accordingly, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

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

Section 3.5.4 of the YROP requires that “local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.” The YROP also encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes.

The Development is located within an Urban Area, and will contribute to planned growth within the Region. The Development will also diversify housing options by providing condominium tenure townhouse units in the community, and will provide for an urbanized streetscape along George Kirby Street and Ilan Ramon Boulevard. The Development conforms to the YROP.

The Development conforms to Vaughan Official Plan 2010

The Subject Lands are designated “Mid-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), with a maximum permitted building height of 12-storeys and maximum Floor Space Index (“FSI”) of 3.5 times the area of the lot. The “Mid-Rise Mixed-Use” designation permits residential units, home occupation, community facilities, retail, office and hotel uses in a mid-rise building form. Townhouses, stacked townhouses and low-rise buildings are also permitted, provided that the lands are located within 70 m of lands designated “Low-Rise Residential” in VOP 2010 or on streets that are not arterial streets or major collector streets.

Townhouses are permitted on the Subject Lands, as the lands are located within 70 m of lands designated “Low-Rise Residential” in VOP 2010, specifically the existing street townhouse dwellings on the north side of George Kirby Street, as shown on Attachment #2.

The Subject Lands are also subject to site specific Policy 13.7 in Volume 2 of VOP 2010, which permits a maximum permitted gross leasable area of 26,800 m² for all commercial uses located on the Subject Lands and the Rutherford Marketplace lands. The Development does not include any commercial land uses.

Section 9.2.3.2 of VOP 2010 provides the following development criteria for townhouse dwellings: that one block of townhouses shall consist of no more than six attached residential dwellings; that townhouse dwellings shall generally front onto a public street; and, that blocks of townhouses that are not separated by a public street shall have a minimum facing distance of 18 m.

The Development includes three blocks of seven townhouse units in a row, identified as Blocks 6, 7 and 8, as shown on Attachment #3. A facing distance of 15 m between Blocks 7 and 8 is proposed, as shown on Attachment #3. The proposed development does not meet the townhouse criteria in Section 9.2.3.2 in VOP 2010 respecting the maximum number of townhouse units in a row, and the minimum facing distance between townhouses.

Section 9.2.1.2 of VOP 2010 allows for minor variations to the development criteria identified in Section 9.2.3.2, subject to the Owner submitting an Urban Design Brief to the satisfaction of the City. The Owner has submitted an Urban Design Brief prepared by Guthrie Muscovitch Architects, dated January 26, 2018 (the “Design Brief”).

The Design Brief states that the townhouse blocks that face Ilan Ramon Boulevard and George Kirby Street (Blocks 1 to 5 inclusive) contain a maximum of six dwelling units. Internal to the site and with limited public exposure are three townhouse blocks that are accessed from a condominium road (Blocks 6 to 8 inclusive). These blocks have been designed for a maximum of six townhouse entries in any one front building face, with a seventh unit accessed from a porched entry on a flankage elevation. The larger blocks, consisting of one additional unit, will contribute to the streetscape variety and character of the neighbourhood, and are located internal to the Development.

The proposed facing distance between Blocks 7 and 8 is 15 m and is comprised of a landscaped mews/amenity area, as shown on Attachment #3. The Design Brief states that a 15 m separation distance is equivalent to the conventional relationship between houses with abutting rear year yards. In addition, the townhouse blocks utilize flat-roof design and are comparable in overall height to traditional two-storey dwellings with sloped roofs. As a result, daylight exposure or penetration is not restricted by the building mass.

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the Design Brief and concurs with its conclusions. Accordingly, the Development conforms to VOP 2010.

The proposed site-specific zoning exceptions would permit a Development that is compatible with the existing and planned built-form in the area

The Subject Lands are zoned C4 Neighbourhood Commercial Zone and C4(H) Neighbourhood Commercial Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, as shown on Attachment #2, and are subject to site-specific Exception 9(1217), which permits a 12-storey apartment building with a total of 250 units on the Subject Lands.

The Owner is proposing to rezone the Subject Lands to RT1 Residential Townhouse Zone in order to permit 50 townhouse units, as shown on Attachments #3 to #6, together with the following site-specific zoning exceptions to the RT1 Zone:

Table 1

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
a.	Definition of “Lot”	Means a parcel of land fronting on a public street.	Means a parcel of land fronting on a public street, a private road, or a private amenity area.

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
b.	Definition of “Street Townhouse”	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 abuts a public or private street, or a private amenity area.
c.	Definition of “Street Line”	Means the dividing line between a lot and a street or the dividing line between a lot and a reserve abutting a street.	Means the dividing line between a lot and a street or a private road, or the dividing line between a lot and a reserve abutting a street or a private road.
d.	Definition of “Unenclosed Porch”	Means a platform with or without a foundation and with at least two sides open which is uncovered or covered by either a roof, balcony, or enclosed space or room, with or without foundation.	Means a platform with or without a foundation and with at least one side open which is uncovered or covered by either a roof, balcony, or enclosed space or room, with or without foundation.
e.	Frontage on a Public Street	A lot must front onto a public street.	Permit a lot to front onto a private road or a private amenity area.
f.	Minimum Front Yard Setback (Facing Amenity Area)	4.5 m	Block 6 - 1.5 m Block 7 - 3 m Block 8 - 3 m

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
g.	Minimum Rear Yard Setback (Facing a Private Road)	7.5 m	Block 1 - 0.96 m Blocks 2, 3, 5, 7 and 8 - 1 m Blocks 4 and 6 - 1.4 m
h.	Minimum Development Standards (All Blocks): i. Lot Frontage ii. Lot Area iii. Lot Depth	i) 6 m / unit ii) 162 m ² iii) 27 m	i) 5.5 m / unit ii) 94 m ² iii) 17 m
i.	Minimum Interior Side Yard Setback to a Walkway/Greenway	3.5 m	1.5 m (Blocks 2 to 7)
j.	Minimum Exterior Side Yard Setback Where the Exterior Lot Line Abuts a Public Street or Private Road	4.5 m	Block 1 - 3 m Block 5 - 2.8 m Block 8 - 3.2 m
k.	Minimum Exterior Side Yard Setback Abutting a Non-Residential Use (Parking Area, Parkette, Walkway, Easement, or the Dead End of a Private Road)	3.5 m	Block 7 (Unit 43) - 2 m Blocks 6 and 8 (Units 30 and 50) - 3 m
l.	Maximum Building Height	11 m	12.75 m

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
m.	Maximum Number of Townhouse Units in a Row	6 units	7 units (Blocks 6, 7 and 8)
n.	Maximum Interior Garage Width	3.048 m	5.54 m
o.	No Encroachment Zone for Unenclosed Porches (Covered or Uncovered) Cold Cellars, Architectural Features and Balconies	1.5 m	0.6 m (All Blocks)

The Development Planning Department supports the proposed site-specific zoning exceptions for the following reasons:

a) Definitions

The request to amend the definition of a “Lot”, “Street Townhouse” and “Street Line” is technical in nature, as the Development will contain freehold lots having access from a private common element condominium road. This will ensure zoning compliance for the future freehold lots.

The definition of “Unenclosed Porch” will facilitate a contemporary townhouse dwelling design by allowing only one side of the porch to be open instead of two.

b) Frontage onto a Private Road or Amenity Area

Zoning By-law 1-88 requires street townhouse dwellings to front onto a public street. Block 6, 7 and 8, as shown on Attachment #3, front onto a landscaped amenity area as part of a common element condominium. Accordingly, an exception to Zoning By-law 1-88 is required to permit the proposed townhouse units to front onto a private amenity area. The remaining development blocks front onto Ilan Ramon Boulevard and George Kirby Street.

c) Minimum Lot Frontage, Lot Area, and Lot Depth Requirements

The proposed lot frontage, lot area and lot depth requirements will facilitate an appropriate medium intensity housing form while maintaining a suitable integration into the existing adjacent low-rise residential area, as stipulated by VOP 2010.

d) Minimum Setbacks and Encroachments

The proposed yard setbacks and encroachments will enable the development to be designed in an urban contemporary building form that will promote an attractive public realm along George Kirby Street and Ilan Ramon Boulevard. A linear amenity area measuring 8 m wide at its narrowest point is located adjacent to the front yards for Blocks 6, 7 and 8, as shown on Attachment #3, thereby mitigating any visual impact as a result of the reduced front yard setbacks.

e) Building Height

The proposed townhouse designs are three-storeys and a maximum 12.75 m in height, whereas the RT1 Residential Townhouse Zone of Zoning By-law 1-88 permits a maximum 11 m building height. Zoning By-law 1-88 requires that the building height for a flat roof is measured to the highest point of the roof surface, whereas building height for a sloped (e.g. hip or gambrel) roof is measured at the mean height between the eaves and the highest point of the roof (i.e. midpoint).

The proposed townhouse units have a flat roof as shown on Attachments #5 and #6, in order to create a contemporary architectural character. The main building elevation is 9.5 m high, with an additional 3.25 m in height for rooftop mechanical and elevator overrun equipment, and access to a rooftop terrace, as shown on Attachments #5 and #6. The rooftop mechanical room extends across the full width of each townhouse block, and measures approximately 2.75 m in width, as shown on Attachment #6. The rooftop mechanical room is substantially setback from the front and rear walls of the building. The additional building height will have minimal impact on the commercial uses to the south and east, and the existing stormwater management pond to the west. The townhouse dwellings are also separated from the existing townhouse units to the north by George Kirby Street, a 20 m wide right-of-way.

f) Maximum Number of Townhouse Units in a Row

A maximum of 6 townhouse units in a row are permitted by Zoning By-law 1-88, whereas the Owner is requesting a maximum of 7 units on Blocks 6, 7 and 8, as shown on Attachment #3. These blocks have been designed for a maximum of six townhouse entries in any one front building face, with a seventh unit accessed from a porched entry on a flankage elevation. Blocks 6, 7 and 8 are located internal to the site and with limited public exposure, and will contribute to

the streetscape variety and character of the neighbourhood. The Development Planning Department has no objections to this zoning exception.

g) Maximum Interior Garage Width

The proposed modifications to the interior garage width will permit a two-car garage for each unit in the Development, thereby accommodating more on-site parking. In addition, all of the units on Ilan Ramon Boulevard and Geroge Kirby Street include full front façades with garages located at the rear of the units, thereby providing a visually appealing public streetscape.

In consideration of the above, the Development Planning Department is satisfied that the proposed amendments to Zoning By-law 1-88 will facilitate a Development that maintains the intent of the Official Plan and permit a residential development that is compatible with the existing and planned land uses in the surrounding area.

A future Consent Application is required to create access easements over the lands to the south (the Rutherford Marketplace lands) in order to permit access to the Subject Lands

Access easements over the Rutherford Marketplace lands to the south, as shown on Attachment #2, in favour of the Subject Land are required for the following:

- to utilize an existing driveway entrance from George Kirby Street for access to the Development;
- access for waste collection for Block 8 via a controlled access gate; and
- access for installation and maintenance of noise mitigation works for existing rooftop mechanical units located on the existing commercial plaza to the south.

The Owner, or the Owner of the Rutherford Marketplace lands, shall successfully obtain approval of a Consent Application to the Vaughan Committee of Adjustment for the easements described above. Prior to the execution of the Site Plan Agreement, the Owner shall satisfy any conditions of approval imposed by the Committee, and a Certificate of Official shall be issued by the Office of the City Clerk. A condition to this effect is included in the Recommendations of this report.

The Development Planning Department is satisfied with the proposed site plan and building elevations, subject to the comments and recommendations in this report

Site Layout and Building Elevations

The Subject Lands form part of a multi-building commercial complex known as Rutherford Marketplace. On October 20, 2016, the Vaughan Committee of Adjustment approved Consent Application B026/16 to create the Subject Lands. The proposed site plan shown on Attachment #3 consists of 50 three-storey freehold townhouse units served by private condominium roads, walkways, a 1,975 m² tot lot and a linear

landscaped amenity area, and 13 visitor parking spaces located throughout the interior of the Development, including one barrier free space. A community mailbox pad is proposed between Blocks 7 and 8, as shown on Attachment #3. Snow storage is proposed between Blocks 1 and 2.

Access to the Subject Lands is proposed from a new access on Ilan Ramon Boulevard, and from an existing driveway entrance from George Kirby Street that currently serves the commercial complex. The proposed condominium road consists of 1.2 m wide sidewalks located on each side of the street. Pedestrian connections are located between Blocks 3 and 4 and Blocks 1 and 2, and at each driveway entrance, as shown on Attachment #3. Bicycle racks are proposed east of Block 7 in front of the proposed visitor parking area.

The proposed building elevations shown on Attachments #5 and #6 are constructed using dark brown and grey brick, grey and white architectural panels, and grey board and batten siding. The rear elevation of each townhouse unit consists of a private amenity balcony at the second and rooftop level of each unit. The proposed townhouse units are designed as three-storey townhouse units, with building entrances provided on both the private road and public street or amenity area, with access to a double car garage door from the private road. Air conditioning units are proposed on the roof-top level of each dwelling unit.

The final site plan, building elevations, landscape plan and landscape cost estimate must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The Development Engineering Department supports the Development subject to the comments and conditions of this report

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

Servicing and Stormwater Management

The Owner has submitted a Functional Servicing and Stormwater Management Report prepared by TMIG Ltd, dated May 2017. The report concludes that servicing is available for the Development and must conform to the City’s design standards. The final Functional Servicing and Stormwater Management Report shall be approved by the DE Department. A condition to this effect is included in the Recommendations of this report.

Transportation

The Subject Lands are bounded by George Kirby Street to the north, Ilan Ramon Boulevard to the west and the Rutherford Marketplace lands (with internal drive aisles) to the east and south. The Development is the final phase of the surrounding development and will introduce a new common element road and adjoining access to

the existing internal drive aisle network. This access will intersect with an existing north-south drive aisle servicing the Rutherford Marketplace that currently intersects with George Kirby Street. An additional access to the development is proposed from Ilan Ramon Boulevard.

Sewage and Water Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City, and that Site Development File DA.17.041 be reserved servicing capacity for 50 townhouse units (153 persons equivalent). Therefore, servicing capacity for Site Development File DA.17.041 is available and unrestricted. A condition to allocate servicing capacity is included in the Recommendations of this report.

Environmental

The Environmental Engineering Division has no comments or objections to the Development.

Noise

The Owner has submitted an Environmental Noise Report ("Noise Report") prepared by Jade Acoustics, dated August 7, 2017, to address potential noise sources and their impacts on the Development. The Noise Report recommends noise mitigation measures including screening of existing rooftop mechanical units that are located on the adjacent property to the south (Rutherford Marketplace). The Noise Report also recommends noise warning clauses to be included as part of the relevant legal documents, including all Offers of Purchase/Sale or Lease. Conditions to this effect are included in the Recommendations of this report.

Developer's Group Agreement

The Subject Lands are located within Block 11, which is subject to a Developer's Group Agreement. The Owner is required to satisfy all obligations, financial or otherwise, of the Block 11 Developer's Group Agreement to the satisfaction of the Block 11 Trustee. A condition to this effect is included in the Recommendations of this report.

The DE Department will continue to work with the Owner to finalize all plans and reports. A condition to this effect is included in the Recommendations of this report.

The Owner is required to satisfy water balance requirements to the satisfaction of the Toronto and Region Conservation Authority

The Subject Lands are located in a Source Water Protection vulnerable area referred to as Wellhead Protection Area-Q2 ("WHPA-Q2"). The WHPA-Q area was delineated to help manage activities that may reduce recharge to an aquifer. The Source Water

Protection Plan recommends the implementation of best management practices, such as Low Impact Development, with the goal to maintain pre-development recharge. The Toronto and Region Conservation Authority ("TRCA") provides technical advice to the City of Vaughan with respect to water balance analysis.

A site water balance is required to demonstrate that pre-development recharge can be maintained to the greatest extent feasible. The Owner must satisfy the water balance requirements of the TRCA prior to execution of the Site Plan Agreement. A Condition to this effect is included in the Recommendations of this report.

The Environmental Services Department, Solid Waste Management Division, has no Objection to the Development

The Development is eligible for curbside municipal waste collection beginning in 2019. The Owner is proposing a controlled access gate to serve Block 8 for municipal waste collection, as shown on Attachment #3. The proposed gate will allow for access to Block 8 without the need for a turnaround, and will be controlled by the future condominium corporation on collection days. An easement for access to the existing commercial plaza to the east is required, as discussed in this report. The Environmental Services Department, Solid Waste Management Division has no objection to the Development.

The School Boards have no objection to the Development

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

Canada Post has no objection to the Development

Canada Post has no objection to the Development, subject to the Owner installing mail box facilities and equipment to the satisfaction of Canada Post.

Enbridge Gas Distribution Inc. and Alectra Utilities Corporation have no objection to the Development

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

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Applications were circulated to the York Region Community Planning and Development Services Department for review and comment. The Owner is required to satisfy all requirements of York Region. A condition to this effect is included in the Recommendations of this report.

Conclusion

Zoning By-law Amendment File Z.17.017 and Site Development File DA.17.041 have been reviewed in accordance with the applicable Provincial policies, YROP and VOP 2010 Official Plan policies, the requirements of Zoning By-law 1-88 and comments from area residents, City departments and external public agencies. The proposal to develop the Subject Lands with 50 townhouse dwellings is consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010, and the proposed rezoning of the Subject Lands will result in a development that is compatible with the surrounding land uses.

Accordingly, the Vaughan Development Planning Department supports the approval of the Applications, subject to the conditions in the Recommendations section of this report.

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

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. Typical Front and Rear Elevations
6. Typical Side Elevations

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