

Item: 1



Committee of the Whole (Public Hearing) Report

DATE: Tuesday, March 05, 2019

WARD: 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.022
ZONING BY-LAW AMENDMENT FILE Z.18.035
KENTVIEW ESTATES INC.
VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD**

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.18.022 and Z.18.035 for the Subject Lands shown on Attachments 1 and 2, to permit 22, four-storey (12.4 m) townhouse dwelling units within three buildings on a private common element road with a total residential gross floor area of 4,896 m², as shown on Attachments 4 to 8.

Report Highlights

- To receive input from the public and the Committee of the Whole regarding 22, four-storey (12.4 m) townhouse dwelling units within three buildings on a private common element road with a total residential gross floor area of 4,896 m².
- Amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88 are required to permit the development.
- A technical report prepared by the Development Planning Department will be

Recommendations

1. THAT the Public Hearing report for Official Plan and Zoning By-law Amendment Files OP.18.022 and Z.18.035 (Kentview Estates 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 (the 'Subject Lands') shown on Attachments 1 and 2, are located at 10,398 and 10,402 Islington Avenue, on the west side of Islington Avenue, south of Nashville Road. The surrounding land uses are shown on Attachment 2.

Official Plan and Zoning By-law Amendment applications have been submitted to permit the Development

The Owner has submitted the following applications (the 'Applications') to permit the proposed development (the 'Development'):

1. Official Plan Amendment File OP.18.022 to amend Vaughan Official Plan 2010 ('VOP 2010') as follows:
 - a) Volume 1, Section 3 Environment policies to permit development within the "Natural Areas" designation whereas the final development limits of the Subject Lands must be confirmed to the satisfaction of the City and the Toronto and Region Conservation Authority ('TRCA');
 - b) Volume 2, Area Specific Exception 12.4 Kleinburg Core, respecting the policies of the "Village Residential" designation as follows:
 - i) Permit 22, four-storey (12.4 m) freehold townhouse dwelling units within three buildings on a private common element road, whereas VOP 2010 permits detached dwelling units up to a maximum building height of 2.5 storeys (9.5 m).
 - ii) Permit 8 attached residential units in a row whereas VOP 2010 permits no more than 6 attached residential units in a row.
2. Zoning By-law Amendment File Z.18.035 to amend Zoning By-law 1-88, specifically to rezone the Subject Lands (Attachment 2) from "R1 Residential Zone" and "OS1 Open Space Conservation Zone" to "RM2 Multiple Residential Zone" and "OS1 Open Space Conservation Zone" in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 1 of this report.

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

- a) Date the Notice of Public Hearing was circulated: February 8, 2019.

The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the Kleinburg and Area Ratepayers' Association.
- c) Comments received:

Written comments have been received by the Development Planning Department from the following individual:

- Steve Kindree, Daleview Court, dated December 10, 2018

The following is a summary of the comments that were provided:

- i) The Development will generate additional traffic to add to the already congested road network. The surrounding existing roads (Regional Road 27, Major Mackenzie Drive, Teston Road and Nashville Road) should be widened to at least two lanes in each direction to handle the increased and expected future traffic volume.
- ii) The water pressure has been reduced due to the increased amount of development in Kleinburg and the surrounding area. Investment in the servicing infrastructure is necessary to accommodate future development to alleviate servicing issues on the existing community.

The concerns noted above and any additional 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 the final technical report at a future Committee of the Whole meeting.

Previous Reports/Authority

Not Applicable.

Analysis and Options

Amendments to the policies of the "Natural Areas" and "Village Residential" designations of VOP 2010 are required to permit the Development

The Subject Lands are designated "Village Residential" and "Natural Areas" by VOP 2010, Volume 2, Section 12.4 Kleinburg Core, as shown on Attachment 3.

The "Village Residential" designation permits detached dwelling units with a maximum building height of 2.5 storeys (9.5 m). The "Natural Areas" designation includes natural features such as wetlands, woodlands and valley and stream corridors does not permit development. The Environmental Impact Study submitted in support of the Applications, states that the Development shown on Attachment 4 encroaches into the "Natural Areas" designation. As the final approved limits of development on the Subject Lands have not yet been determined by the City and the TRCA, any potential impacts on lands subject to the "Natural Areas" designation are unclear at this time.

VOP 2010, Section 3.2.3.11 “Components of Vaughan’s Natural Heritage Network”, may permit minor modifications to the boundaries and alignment of Core Features within the “Natural Areas” designation, if the required environmental studies submitted as part of the development process are approved to the satisfaction of the City and TRCA. These studies must provide appropriate rationale for such minor modifications and include measures to maintain overall habitat area and enhance ecosystem function. The Development is under review by the City and TRCA, and through this review it will be determined if the proposed limits of development (Attachment 4) are accurately identified, if the encroachment into the “Natural Areas” designation is acceptable and identify the necessary amendments to the environmental policies of Section 3 of VOP 2010.

The Subject Lands are also located within an “Intensification Area”, specifically a “Local Centre”, by VOP 2010 - Schedule 1, Urban Structure. Local Centres within Intensification Areas are intended to act as the focus for communities, are lower in scale and offer a more limited range of uses than other Intensification Areas. Intensification Areas have been established to make efficient use of underutilized sites served with a high level of existing or planned transit and to promote walking and cycling.

The proposed Development is not permitted by VOP 2010. Accordingly, an application to amend the policies of the Official Plan has been submitted.

The Subject Lands are located in the Kleinburg-Nashville Heritage Conservation District

The Subject Lands are located within the Kleinburg-Nashville Heritage Conservation District Plan ('KNHCD Plan') area and are designated under Part V of the *Ontario Heritage Act*. Therefore, all planning applications, demolitions and new constructions must be consistent with the KNHCD Plan. The Subject Lands are not identified as contributing properties and are not listed as heritage buildings within the KNHCD Plan.

The existing buildings located on the Subject Lands were built between the 1960's to 1970's. The building located at 10,398 Islington Avenue is a one-storey gabled-roof bungalow with red brick and board and batten cladding. The building located at 10,402 Islington Avenue is a one-storey hipped-roof bungalow with pale brown brick and a recessed front verandah.

The Low-Rise Guidelines do not apply to the Subject Lands

The City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in 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'). Council, on October 19, 2016, approved the Guidelines, which serve to help clarify and implement Policy 9.1.2.3 of VOP 2010 related to compatibility. The Subject Lands are designated “Village Residential” and are located

within a “Local Centre” by VOP 2010. The Guidelines do not apply to the Subject Lands as they are located within a “Local Centre”.

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

The Subject Lands are zoned “OS1 Open Space Conservation Zone” and “R1 Residential Zone” by Zoning By-law 1-88, as shown on Attachment 2. The Development is not permitted within these zone categories and therefore, an amendment to Zoning By-law 1-88 is required to rezone the property to “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone”, together with the following site-specific zoning exceptions:

Table 1:

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
a.	Definition - Block Townhouse Dwelling	“Block Townhouse Dwelling” means a townhouse dwelling that is part of a condominium co-operative or rental project with a private internal traffic circulation system or direct access from a public street.	Amend the definition of a “Block Townhouse Dwelling” to mean a townhouse dwelling in which each dwelling unit is situated on its own lot and that is attached to another dwelling, where the lot has access to a private common element condominium road.
b.	Minimum Lot Frontage	30 m for the Subject Lands Zoning By-law 1-88 does not provide a standard for the Minimum Lot Frontage per unit in a RM2 Zone.	4.5 m / Unit
c.	Minimum Lot Area	230 m ² / Unit	105.7 m ² / Unit
d.	Minimum Rear Yard Setback	4.5 m	i) 0 m and parts of the building and rear yard

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
			are located within the open space buffer area and drip line (Buildings B and C) ii) 4 m (Building A)
e.	Minimum Interior Side Yard Setback	1.5 m	i) 0 m - North Yard (Building B) ii) 0 m - East and West Yards (Building C)
f.	Maximum Building Height	11 m	12.4 m (4-storeys)
g.	Maximum Yard Encroachment (Balcony)	1.8 m	2.5 m - Rear Yard (Balcony - Buildings A, B and C)
h.	Maximum Yard Encroachment (Canopy)	0.5 m	2 m - Front Yard (Canopy) (Buildings A, B and C)
i.	Minimum Amenity Area	i) 2 Bedroom Units @ $55 \text{ m}^2 \times 10 \text{ Units} = 550 \text{ m}^2$ ii) 3 Bedroom Units @ $90 \text{ m}^2 \times 12 \text{ Units} = 1,080 \text{ m}^2$ Total = 1,630 m^2	$34.4 \text{ m}^2 \times 22 \text{ Units} = 757 \text{ m}^2$

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
j.	Minimum Landscape Strip Around the Visitor Parking Area	3 m	1.2 m

Additional 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 Plans	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the statutory Provincial policies including the <i>Provincial Policy Statement, 2014</i> ('PPS') and the <i>Growth Plan for the Greater Golden Horseshoe (2017)</i> (the 'Growth Plan') and the policies of the York Region ('YROP') and the City of Vaughan Official Plan ('VOP 2010') Official Plans.
b.	Final Approved Limits of Development Must be Established	<ul style="list-style-type: none"> In order to complete a thorough review of the Applications, which includes analysis of the matters to be reviewed as identified in this report, the final approved limits of development must be established to the satisfaction of the City and TRCA.
c.	Natural Heritage Features	<ul style="list-style-type: none"> VOP 2010, Schedule 2, Natural Heritage Network identifies a portion of the Subject Lands as being a "Core Feature". The Subject Lands, which abut the Humber River, include significant valleylands and significant woodlands. The following matters identified in the Scoped Environmental Impact Study submitted in support of the Applications

	MATTERS TO BE REVIEWED	COMMENTS
		<p>must be reviewed and approved by City and the TRCA:</p> <ul style="list-style-type: none"> i) establishing the final development limits ii) the proposed removal of a portion of the significant woodlands as determined by YROP, Section 2.2.45 iii) the proposed encroachment of the Development into the significant woodlands and wildlife habitats iv) Habitats of Species of Conservation Concern for the Eastern Wood Pewee birds and Threatened and Endangered Bat Species v) compensation and mitigation measures
d.	Appropriateness of Proposed Uses and Site-Specific Official Plan and Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed amendments to the Official Plan and Zoning By-law will be reviewed in consideration of the existing and planned surrounding land uses, with particular consideration given to land use and built form compatibility, and appropriate development standards, including but not limited to: <ul style="list-style-type: none"> i) the establishment of the final approved development limits ii) the scale and massing of the proposed buildings in relation to the surrounding lands iii) the proposed lot/block pattern, configuration, transition and built form compatibility in relation to the immediate surrounding area iv) the building height, lot coverage and setbacks v) the proposed encroachment of the buildings into the Natural Areas/Core Feature

	MATTERS TO BE REVIEWED	COMMENTS
		<p>vi) the proposed landscaping within the Heritage Conservation District</p> <p>vii) the urban design policies of the Official Plan</p>
e.	Kleinburg-Nashville Heritage Conservation District ("KNHCD") Plan	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the policies of the Kleinburg-Nashville Heritage Conservation District ('KNHCD') Plan. All planning applications, demolitions and new constructions must be consistent with the KNHCD Plan. ▪ The Applications must be considered by the Heritage Vaughan Committee and by Vaughan Council under the <i>Ontario Heritage Act</i>. ▪ Cultural Heritage Staff reviewed the Cultural Heritage Resource Impact Assessment ('CHRIA') submitted in support of the Applications and are satisfied with the analysis of the existing buildings and the conclusion that the houses do not have cultural heritage value.
f.	Zoning for Townhouses on a Private Common Element Road	<ul style="list-style-type: none"> ▪ The Owner proposes to rezone the residential use on the Subject Lands to "RM2 Multiple Residential Zone". Consideration should be given to using the "RT1 Residential Townhouse Zone" as this zoning category is typically applied to a townhouse dwelling on a private common element road. ▪ In Zoning By-law 1-88, a "Street Townhouse" means "a townhouse dwelling in which each dwelling is situated on its own lot, which lot abuts a public street." An exception to the Zoning By-law would be necessary to permit a townhouse dwelling to abut a private common element road, whereas the Zoning By-law requires a lot to abut a public street.

	MATTERS TO BE REVIEWED	COMMENTS
g.	TRCA/Development Limits/Open Space Dedication (Valleylands/Woodlands)	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the TRCA Regulated Area and the Applications have been circulated to the TRCA for review and comment. ▪ The limits of development must be established to the satisfaction of the City and TRCA. ▪ A Slope Stability Assessment Study is required to determine the long term stable top of slope and any additional setbacks for toe erosion (if applicable). ▪ The Owner shall be required to obtain all necessary permits from TRCA pursuant to the <i>Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06)</i>, as may be amended, to the satisfaction of TRCA, should the Applications be approved. ▪ The Owner shall convey the valleylands and woodlot, including any required buffers/Vegetation Protection Zones ('VPZ'), to a public authority (i.e. the City or TRCA), free of all charges and encumbrances, as a condition of development approval as per Section 3.2.3.10 of VOP 2010, if the Applications are approved. ▪ The Owner will be required to satisfy all requirements of the TRCA.

	MATTERS TO BE REVIEWED	COMMENTS
h.	Tree Preservation/Protection and Removal	<ul style="list-style-type: none"> ▪ The Arborist Report and Tree Preservation Plan submitted in support of the Applications must be approved to the satisfaction of the City and the TRCA. ▪ Although the final limits of development have not been approved by the City and TRCA, the submitted Arborist report currently identifies that a total of 46 trees are proposed to be removed, of which 28 of the subject trees are assessed to be in good to fair condition, within the proposed developable portion of the Subject Lands. Compensation is proposed with the planting of 49 new trees at and above a 50 mm caliper size. ▪ Should the Applications be approved, a condition of approval, the Owner will be required to enter into a Tree Protection Agreement ('Agreement') with the City in accordance with the Council adopted Tree By-law 052-2018 and the City's Tree Protection Protocol. This Agreement will include a tree compensation plan and/or cash-in-lieu payment that must be submitted for review and approval to the satisfaction of the City.
i.	Approved Source Water Protection Plan	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the Wellhead Protection Area - Recharge Management Area ('WHPA-Q') and Significant Groundwater Recharge Area as identified in the approved Source Protection Plan, which provides policies for protecting the drinking water sources/supply. The Owner shall satisfy all source water requirements to the satisfaction of the TRCA.
j.	Site Access, Circulation, Parking and Loading Report	<ul style="list-style-type: none"> ▪ The Site Access, Circulation, Parking and Loading Report submitted in support of the Applications must be reviewed and approved by the Development Engineering ("DE") Department, including the proposed access driveway at Islington Avenue, vehicular and pedestrian site circulation, service vehicles maneuvering

	MATTERS TO BE REVIEWED	COMMENTS
		including refuse/recycling collection and loading, and visitor and bike parking requirements.
k.	Cash-in-lieu of Parkland	<ul style="list-style-type: none"> The provision of cash-in-lieu of parkland dedication in accordance with the City's Cash-in-Lieu of Parkland and Policy and the <i>Planning Act</i> is required if the Applications are approved.
l.	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 Site Access, Circulation, Parking and Loading Report Cultural Heritage Resource Impact Assessment Heritage Conservation District Conformity Report Archaeological Assessment Report - Stages 1 and 2 Environmental Site Assessment Reports - Phase One and Phase Two Urban Design and Sustainability Brief Scoped Environmental Impact Study Tree Inventory and Arborist Report Functional Servicing and Stormwater Management Report Geotechnical Report Hydrogeological Report Noise Impact Study A Slope Stability Assessment Study must be submitted to delineate the long term stable top of slope. The requirement for additional studies / information may be identified through the development application review process.

	MATTERS TO BE REVIEWED	COMMENTS
m.	Draft Plan of Subdivision Application	<ul style="list-style-type: none"> ▪ A Draft Plan of Subdivision Application is required to create a Block on a Registered Plan of Subdivision for individual lots (parcels of tied land) through a Part Lot Control Exemption Application, as the Subject Lands are not part of a Registered Plan of Subdivision. ▪ The Owner is of the opinion that a Draft Plan of Subdivision Application is not required.
n.	Site Development Application	<ul style="list-style-type: none"> ▪ A Site Development Application will be required and will be reviewed in consideration of, but not limited to, appropriate building and site design, compliance with the KNHCD Plan, barrier free accessibility, pedestrian connectivity, the location and size of amenity space, vehicular access, internal traffic circulation, parking, landscaping (hard and soft), the location of permeable pavers, landscape buffers, fencing, environmental sustainability, bird friendly design, waste management, outdoor lighting designed to eliminate light spillage to neighbouring properties, stormwater management, and servicing and grading. ▪ A Site Development Application can be processed concurrently with the Applications and be considered together in a comprehensive technical report to a future Committee of the Whole Meeting to ensure that the site-specific exceptions are identified in the implementing zoning by-law to facilitate the Development, if the Applications are approved.
o.	Future Draft Plan of Condominium and Part Lot Control Exemption Applications	<ul style="list-style-type: none"> ▪ Should the Applications be approved, a Draft Plan of Condominium (Common Element) Application will be required to establish the condominium tenure for the Development. ▪ A Part Lot Control Exemption Application is required to create the individual lots (parcels of tied land).

	MATTERS TO BE REVIEWED	COMMENTS
p.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the “heat island” effect, green roofs, etc., will be reviewed and implemented through the site plan approval process, if the Applications are approved. ▪ In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Overall Application Score.
q.	Water and Servicing Allocation	<ul style="list-style-type: none"> ▪ The availability of water and sanitary sewage servicing capacity for the proposed residential units must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing capacity is unavailable, the Holding Symbol “(H)” may be applied to the Subject Lands. Removal of the Holding Symbol will be conditional on servicing being identified and allocated by Vaughan Council.
r.	Section 37 of the <i>Planning Act</i>	<ul style="list-style-type: none"> ▪ The Applications may be reviewed in consideration of the bonusing provisions of Section 37 of the <i>Planning Act</i>, VOP 2010 and the City’s Guidelines for the Implementation of Section 37 of the Planning Act. Section 37 allows municipalities to authorize an increase in the height of a development in return for community benefits, should the Applications be approved.

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. An exemption from York Region approval was sent to the Region for review. Any issues will be addressed when the technical report is considered.

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: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Context Location Map
2. Location Map
3. VOP 2010 Schedule 13 – Land Use
4. Conceptual Site Plan and Proposed Zoning
5. Landscape Plan
6. Elevations - Building A
7. Elevations - Building B
8. Elevations - Building C

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