

Committee of the Whole (1) Report

DATE: Tuesday, January 17, 2023

WARD: 1

TITLE: AMAL AND VINCE TETI
ZONING BY-LAW AMENDMENT FILE Z.22.022
100 TREELAWN BOULEVARD
VICINITY OF ISLINGTON AND NASHVILLE ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to permit an amendment to Zoning By-law 1-88 to facilitate the severance of the subject lands and allow for the construction of two single-detached dwelling units, as shown on Attachment 3, together with the site-specific zoning exception identified in this report.

Report Highlights

- The Owner proposes to amend Zoning By-law 1-88 to facilitate the severance of the subject lands into two lots and allow for the construction of two single-detached dwelling units
- The Development Planning Department supports the approval of the proposed amendment as it is consistent with and conforms to Provincial Policy, conforms to the York Region Official Plan 2010 and Vaughan Official Plan 2010, and is compatible with the surrounding area context

Recommendations

1. THAT Zoning By-law Amendment File Z.22.022 BE APPROVED, to amend Zoning By-law 1-88 to facilitate the severance of the Subject Lands and construction of two single-detached dwellings, together with the site-specific exception identified in this report.; and

2. THAT Council direct staff to implement Conditions of Approval on the future Consent Application to ensure that the proposed single-detached dwellings comply with the “Village of Kleinburg” architectural guidelines.

Background

The subject lands (‘Subject Lands’) are approximately 0.28 ha in area and are municipally known as 100 Treelawn Boulevard, located on the north side of Treelawn Boulevard, east of Weaver Court. The Subject Lands and the surrounding land uses are shown on Attachment 1.

A Zoning By-law Amendment Application has been submitted to facilitate the severance of the Subject Lands to permit the construction of two single-detached dwellings

Amal and Vince Teti (the ‘Owner’) have submitted Zoning By-law Amendment Application Z.22.022 (the ‘Application’) to amend Zoning By-law 1-88 to facilitate the severance of the Subject Lands to permit the construction of two single-detached dwellings (the ‘Development’), as shown on Attachments 3 to 6, together with the site-specific zoning exception identified in this report.

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

On August 26, 2022, a Notice of Public Meeting was circulated to all property owners within an expanded polling area from the Subject Lands that included all properties along Treelawn Boulevard, Weaver Court, Granary Road, and North Field Court, as shown on Attachment 1. A copy of the Notice was also posted on the City’s website www.vaughan.ca and a Notice Sign was installed on the Subject Lands along Treelawn Boulevard, in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on Monday, September 19, 2022, to receive comments from the public and the Committee of the Whole. Vaughan Council on September 28, 2022, ratified the recommendations of the Committee of the Whole (Public Meeting) to receive the Public Meeting Report and to forward a technical report to a future Committee of the Whole Meeting.

The following deputations were received by the Committee of the Whole (Public Meeting) at the September 19, 2022, meeting:

Deputations:

- Jonathan Sasso, Humphries Planning Group Inc., Pippin Road, on behalf of the Owner

- Gerard C. Borean, Treelawn Boulevard

Written Submissions:

- Carol-Ann and Trevor, no address given, dated September 19, 2022
- Claudia and Francisco Fernando, Treelawn Boulevard, dated September 17, 2022
- J. Fierro, Weaver Court, dated September 19, 2022
- Melissa Fierro, no address given, dated August 7, 2022
- Steven Zanette, Treelawn Boulevard, dated September 19, 2022
- Roy Chiarotto, Marel Contractors, Weaver Court, dated September 19, 2022
- Donna Rotondo, Treelawn Boulevard, dated September 21, 2022
- Albert Vitullo, Weaver Court, dated September 8, 2022
- Cindy Milazzo, Weaver Court, dated September 3, 2022
- Robert Pasutto, Granary Road, dated September 2, 2022
- Joe Di Giorgio, Granary Road, dated September 5, 2022
- Sam Emied, Granary Road, dated September 5, 2022
- Resident, Treelawn Boulevard, dated September 6, 2022
- Resident, Treelawn Boulevard, dated September 3, 2022
- Sabrina Palmieri, Weaver Court, dated September 5, 2022
- Annalisa Commisso, Treelawn Boulevard, dated August 29, 2022
- Lori Moscone, Treelawn Boulevard, dated August 24, 2022
- Milena Calabro, Treelawn Boulevard, dated August 24, 2022
- Maria Corvinelli, Treelawn Boulevard, dated September 12, 2022
- Jim Deangelis, Treelawn Boulevard, dated September 10, 2022
- Josipa Niedermuller, Treelawn Boulevard, dated September 9, 2022
- Pina Licata, Treelawn Boulevard, dated September 10, 2022
- Emmanuel M. Pavlakis, Treelawn Boulevard, dated September 11, 2022

The following is a summary of the comments provided in the deputations and written submissions received which are addressed throughout the report:

a) Noise and Pollution

- Concern with noise and pollution caused by demolition and construction of multiple buildings on a single lot
- Increase in noise pollution with added density

Response

The management of noise resulting from construction is enforced through Noise By-law 121-2021. The Noise By-law sets standards for time of operation of construction

vehicles and equipment. Issues with noise, construction, and maintenance of the Subject Lands are enforced by the By-law Enforcement and Compliance Department as well as any general noise disturbances.

b) Precedent

- The Development will change the character of neighbourhood, will not encourage a cohesive lot pattern, and is not compatible or in keeping with the neighbourhood
- The Application would set a precedent leading to further severances
- The current zoning protects the interest and character of subdivision
- Design of proposed dwellings should reflect character of subdivision, and be in accordance with approved Architectural Control Guidelines

Response

The Committee of Adjustment, in 2001, approved a Consent and Minor Variance Application at 1 Treelawn Boulevard (Lot 51 on Plan 65M-3377) for the creation of a new residential lot (19 Treelawn Boulevard), with a lot frontage of 20 m and lot area of 1,606 m².

Most of the existing lots within the area vicinity have lot frontages between 18 to 20 m, where the minimum lot frontage requirement is 18 m for interior lots and 22 m for corner lots under the R1 Residential Zone ('R1 Zone') of Zoning By-law 1-88. Further subdivision of such lots would not meet the lot frontage and area requirements of the Zoning By-law and would produce lots that are sufficiently smaller in size than the typical lot found within the neighbourhood.

The proposed lots comply with the minimum lot area and frontage requirements under the R1 Zone, subject to site-specific Exception 9(563) of Zoning By-law 1-88. The proposed lots are similar in lot area and frontage with the adjacent lots and will have lot frontages greater than the majority of lots within the subdivision. The proposed single detached dwellings that are shown conceptually by the Owner indicate that dwellings can be built on the proposed lots in compliance with the development standards of Zoning By-law 1-88.

The "Village of Kleinburg" architectural design guidelines prepared by MBTW (revised November 15, 1988) and approved by Council on January 18, 1988, October 31, 1988, and April 30, 1990, are the approved architectural guidelines that apply to the subdivision (File No. 19T-81061). A recommendation has been included in this report for Council to direct staff to request that the design of the proposed dwellings be in compliance with the approved "Village of Kleinburg" architectural

design guidelines through conditions of approval on the future Consent Application, should the Application be approved.

c) Visual Impact

- Views, lighting, and privacy impact on adjacent properties with the proposed dwellings
- Impact on streetscape along Treelawn Boulevard

Response

The proposed dwellings shown conceptually are configured with a side-to-side building condition with 126 Treelawn Boulevard, and a side-to-rear condition with 1 and 11 Weaver Court. Similar side-to-side and side-to-rear conditions exist within the subdivision. The Zoning By-law establishes appropriate standards for setbacks, building height, and lot coverage that regulates the impact of massing, built form, shadowing, and privacy. Although the design of the buildings is conceptual at this stage, the Owner has demonstrated that future dwellings on the two lots proposed can meet the requirements of Zoning By-law 1-88 with respect to height, lot coverage, and setbacks. Any changes to the single detached dwellings as shown on Attachments 3 to 6 that do not comply with Zoning By-law 1-88 will be subject to further public consultation and approval through the Committee of Adjustment.

The orientation of the proposed lots and dwellings is a similar condition to that of the existing dwelling on the Subject Lands and the other dwellings and lots along Treelawn Boulevard. Additional landscaping was also requested by Urban Design staff with large canopy deciduous and coniferous trees and shrubs, to be integrated with the design of the building's front façade to match the existing street character along Treelawn Boulevard. The Owner has provided a conceptual Landscape Plan, as shown on Attachment 4, to the satisfaction of the Development Planning Department. Future conditions of approval for planting and detailed finishing materials will be provided and approved through a future Consent Application, should the Application be approved.

d) Construction

- Concerns regarding potential water issues and damage arising from construction
- Active construction site poses safety risk to cars and pedestrians on the street

Response

The Owner has submitted a Stormwater Management ('SWM') Brief confirming that the proposed severance will maintain existing drainage flows, where water drains from the rear to the front of the Subject Lands towards Treelawn Boulevard. The Lot

Grading Plan provided by the Owner shows the installation of sediment control fencing along the edges of the Subject Lands, which will mitigate the flow of mud and construction debris to adjacent properties. Mud mats for construction access will also limit the amount of mud flowing to the municipal street. The Development Engineering Department has reviewed the Application and has no objection to its approval.

e) Traffic

- Additional dwelling and construction will contribute to increased traffic and parking on the street, Treelawn Boulevard cannot sustain amount of traffic and parking on road, car obstructions
- Subdivision was not built to withstand current volumes

Response

The Transportation section of the Development Engineering Department have reviewed the Application and identified no issues or concerns regarding traffic in the area with the addition of one dwelling on the Subject Lands.

Previous Reports/Authority

The following are links to previous reports regarding the Subject Lands:

[September 28, 2022, Committee of the Whole \(Public Meeting\), Zoning By-Law Amendment File Z.22.022](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement, 2020

Section 3 of the *Planning Act* requires that all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy, and a clean and healthy environment. The PPS also recognizes that local context and character is important.

The Subject Lands are located within a defined Settlement Area by the PPS. The Development is consistent with the policies of the PPS, specifically Policies 1.1.1, 1.1.3.2, 1.4.3.d) by promoting efficient development, land use patterns, new housing, and use of resources which sustain the financial well-being of the Province and municipalities over the long term, and efficiently use the infrastructure and public service facilities which are planned or available. Development shall also be focused within Settlement Areas, in accordance with Policy 1.1.3.1. The Application will promote

intensification and redevelopment within Settlement Areas to optimize the use of land where existing municipal sewage services and municipal water services are available and feasible to accommodate growth, in accordance with Policy 1.6.6.

The Development is consistent with the Settlement Areas and Housing policies of the PPS as it makes more efficient use of the Subject Lands, minimizes land consumption, utilizes existing servicing and infrastructure, and avoids the need for the uneconomical expansion of services. The Application is consistent with the PPS.

The Application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') guides decision making on a wide range of issues, including economic development, land-use planning, urban form, and housing. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-Up Area, as identified by the Growth Plan. The Development conforms to Section 2.2.2, as intensification is encouraged generally throughout the Delineated Built-Up Area, where growth can be supported by existing infrastructure. Specifically, the Subject Lands are located within a subdivision with existing municipal water and wastewater systems that can be utilized to service the Development, which optimizes the use of land supply, in accordance with Sections 2.1 and 2.2.1. Accordingly, the Development conforms to the Growth Plan.

The Application conforms to the York Region Official Plan 2010

The York Region Official Plan 2022 was approved by the Province on November 4, 2022. Policy 7.4.13 in York Region Official Plan 2022 states that development applications which have not been deemed complete by the date of the Plan's approval shall be subject to the policies of the Plan. The Application was deemed complete on July 19, 2022; therefore, the Application is subject to the policies of York Region Official Plan 2010.

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Towns and Villages" on Map 1 – Regional Structure by the YROP. Section 5.2 states that growth will be accommodated in Regional Centres and Corridors, the Urban Area, Towns and Villages, and new community areas. Specifically, Section 5.6 identifies Towns and Villages as areas of tightly knit villages that each have their own unique

sense of place and identity, with each Town and Village in York Region having a role to play in accommodating growth.

Section 7.3.15 states that development within Towns and Villages will occur on the basis of full municipal water and wastewater treatment services where such facilities currently exist.

The Development introduces new single detached dwellings which are an existing built form in the community and represents a form of small-scale intensification and local infill that will utilize existing municipal water and wastewater services. Accordingly, the Development conforms to the policies of the YROP.

The Application conforms to Vaughan Official Plan 2010

The Subject Lands are located within the “Community Areas” on Schedule 1 – Urban Structure and are designated “Low-Rise Residential” on Schedule 13 – Land Use of Vaughan Official Plan 2010 (‘VOP’).

The Development conforms to the “Low-Rise Residential” designation in VOP 2010

The “Low-Rise Residential” designation permits residential uses in a low-rise form no greater than three storeys. Detached, semi-detached, and townhouses are permitted building types within the “Low-Rise Residential” designation. The Development includes two new detached dwellings on the Subject Lands that comply with the requirements of both Zoning By-law 1-88 and Zoning By-law 001-2021, subject to the approval of a Consent Application to sever the Subject Lands into two separate lots. The proposed use and built form for the Applications conforms to the “Low-Rise Residential” designation of VOP 2010.

The Development conforms to the “Community Area” Policies in VOP 2010

VOP 2010 identifies that as the City grows and matures, Community Areas will remain mostly stable. However, incremental change is expected as a natural part of maturing neighbourhoods. This change will be sensitive to, and respectful of, the existing character of the area.

The Development conforms to the “Community Area” policies in VOP 2010, specifically the following:

- Section 2.2.3.2 – new development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form, and planned function of the immediate local area is permitted

- Section 2.2.3.3 – limited intensification may be permitted in Community Areas, subject to development being sensitive to and compatible with the character, form, and planned function of the surrounding context
- Section 9.1.2.1.a – in Community Areas, new development will be designed to respect and reinforce the physical character of the established neighbourhood within which it is located
- Section 9.1.2.2 – in Established Community Areas, new development will be designed to respect and reinforce the following elements:
 - a. The local pattern of lots, streets, and blocks;
 - b. The size and configuration of lots;
 - c. The building type of nearby residential properties
 - d. The orientation of buildings
 - e. The heights and scale of adjacent and immediately surrounding residential properties
 - f. The setback of buildings from the street
 - g. The pattern of rear and side-yard setbacks
 - h. The presence of mature trees and general landscape character of the streetscape;
 - i. The existing topography and drainage pattern on the lot and in the adjacent and immediately surrounding properties
 - j. Conservation and enhancement of heritage buildings, heritage districts and cultural heritage landscapes.
 - k. The above elements are not meant to discourage the incorporation of features that can increase energy efficiency (e.g., solar configuration, solar panels) or environmental sustainability (e.g., natural lands, rain barrels).

The Subject Lands are located within the Millview Subdivision (File No. 19T-81061 / Registered Plans 65M-3466 and 65M-3377). The surrounding area and subdivision are characterized by residential lots with one and two-storey single-detached dwellings with varying lot and dwelling sizes. Lot frontages generally range between 18 to 22 m and lot areas between 940 m² to 3,620.31 m², with the average lot area being 1,547.85 m². Site-specific Exception 9(563) applies zoning standards for the subdivision and identifies a minimum lot area requirement of 929 m² and a minimum lot frontage of 18 m for interior lots, and 22 m for corner lots.

The Subject Lands represent one of the largest lots within the subdivision, with a lot area of 2,842 m², and an approximate lot frontage of 80.2 m. The proposed severance will create two lots fronting onto Treelawn Boulevard that will exceed the minimum

standards as noted in Exception 9(563) by a significant margin. A lot frontage of 40.1 m for both lots is greater than a majority of lots within the subdivision, and greater than the immediate adjacent lots. The areas of the lots proposed are 1,465.32 m² and 1,376.77 m², which are similar in lot area with the adjacent lots and within the range of lot sizes found within the subdivision.

The proposed lots will front onto Treelawn Boulevard and will follow the existing lotting pattern along the street. While the proposed lots are unique in shape compared to lots in the surrounding area which are rectangular, they are consistent with the existing shape of the Subject lands, which exists within the fabric of the neighbourhood. Accordingly, Development Planning Staff are of the opinion that the proposed lots are compatible with the surrounding area and context.

The lots are conceptually shown to be developed with single-detached dwellings that comply with the setback, height, and lot coverage standards of both Zoning By-law 1-88, subject to site-specific Exception 9(563) and Zoning By-law 001-2021. Accordingly, the Development respects and reinforces the scale, massing, and orientation of existing detached dwellings in the immediate area under the criteria established under Section 9.1.2.2 of VOP 2010 and provides for a limited form of intensification by creating two residential lots that are consistent with the local pattern, size, and configuration of existing lots within the Millview Subdivision.

The Subject Lands and surrounding neighbourhood are not located within an “Established Large-Lot Neighbourhood” identified on Schedule 1B - Areas Subject to Policy 9.1.2.3 - Vaughan’s Established Large-Lot Neighbourhoods of VOP 2010. Accordingly, Section 9.1.2.3 of VOP 2010 does not apply to the Subject Lands.

The Development conforms to the Severance Policies in VOP 2010

The Development conforms to the Severance policies as the Development is consistent and compatible with the surrounding pattern and configuration of lots in the neighbourhood, will facilitate a built form with a height and scale compatible with the surrounding area, and will have appropriate access to a public street with available servicing connections in accordance with Policies 10.1.2.42 and 10.1.2.47.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal (‘OLT’) in respect of Zoning By-law 001-2021 was November 15,

2021. Zoning By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as Zoning By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both Zoning By-law 001-2021 and Zoning Bylaw 1-88, as amended.

The Application was received by the City on June 27, 2022, and as such, is subject to a dual zoning review under Zoning By-law 1-88 and Zoning By-law 001-2021.

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

The Subject Lands are zoned R1 Zone and subject to site-specific Exception 9(563) by Zoning By-law 1-88, as shown on Attachments 1 and 2. Provision gi) of site-specific Exception 9(563) limits the R1 zoned lots shown on Attachment 2, Schedule E-630 of Exception 9(563), to one single family detached dwelling, effectively limiting the ability to sever the lands without an amendment to the Zoning By-law.

The Owner is proposing to amend site-specific Exception 9(563) by exempting the Subject Lands from provision gi) to permit more than one single family detached dwelling on a lot shown on Schedule E-630 by way of a future severance to create a new residential lot. No other amendments to Zoning By-law 1-88 are required to facilitate the Development.

No Amendment to Zoning By-law 001-2021 is required to permit the Development

The Subject Lands are zoned R1B(EN) First Density Residential Zone and subject to the Established Neighbourhood “EN” suffix, and site-specific Exception 14.336, as shown on Attachment 1. Development Planning staff note that the conceptual dwellings would comply with the zoning standards of site-specific Exception 14.336, including the Established Neighbourhood “EN” suffix, which provides additional standards for maximum building height, interior and front yard setbacks. In addition, the provision that restricts the number of dwellings on a lot within the subdivision was not carried over from Zoning By-law 1-88. Therefore, no amendment to Zoning By-law 001-2021 is required to facilitate the Development.

The Development Planning Department has no objection to the Application

The Application will allow for severance of the Subject Lands which complies with VOP 2010 and the area and frontage requirements of both Zoning By-law 1-88 and 001-2021 and facilitate two new dwellings to be built which conceptually comply with Zoning By-law 1-88 and 001-2021. The Development represents limited intensification that respects the existing character of the area. Subject to the approval of the Application, the Owner will be required to submit a Consent Application to facilitate the severance of the Subject Lands.

The Urban Design Division of the Development Planning Department has provided preliminary comments on the Development to be addressed through the future Consent Application, including the requirement for the dwellings to comply to the “Village of Kleinburg” architectural guidelines. Changes recommended include the following:

- revising the roof to be pitched, with rooflines lowered to match the massing and scale of the adjacent homes;
- the reduction of window height to be proportionate to wall area and be of similar scale of adjacent homes; and
- building elements to be more consistent with the architectural styles identified in the guidelines.

Landscaping details will also be finalized through the future Consent Application.

The Development Engineering Department has no objection to the Application

The DE Department has reviewed the SWM Brief, Grading and Servicing Plan, Plan of Survey, and Architectural Drawings provided by the Owner and have no objection to the Application. The DE Department advises that the Owner shall obtain permits for lot grading, servicing, and for curb cuts for the proposed driveways to facilitate the Development.

Cash-in-Lieu of the dedication of parkland is required

The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% 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 of Parkland Dedication 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 Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. The Real Estate Department has advised that cash-in-lieu of parkland will be collected at the Consent application stage.

External Agencies have no objection to the Application

The Toronto and Region Conservation Authority, Alectra Utilities, Rogers Communications, Canada Post, and Enbridge Gas have no objection to the Application.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has no objection to the Application, and consider the Application to be a matter of local significance.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.22.022 in consideration of the applicable Provincial Policies, York Region and City Official Plan policies, the requirements of Zoning By-law 1-88 and Zoning By-law 001-2021, the comments received from City Departments, external public agencies, the public, and the surrounding area context.

The Development Planning Department is of the opinion that the Application is consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010, and is compatible with the surrounding area context. On this basis, the Development Planning Department can support the approval of the Application, subject to the recommendations in this report.

For more information, please contact: Michael Torres, Planner, Development Planning Department, ext. 8933.

Attachments

1. Context and Location Map
2. Schedule E-630 to Zoning By-law 1-88, Exception 9(563)
3. Conceptual Site Plan
4. Conceptual Landscape Plan
5. Conceptual Building Elevations Dwelling A
6. Conceptual Building Elevations Dwelling B

Prepared by

Michael Torres, Planner, ext. 8933

Chris Cosentino, Senior Planner, ext. 8215

Mark Antoine, Senior Manager of Development Planning, ext. 8212

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager