



July 11, 2023

Christine Vigneault
Manager, Development Services & Secretary Treasurer to the Committee of Adjustment
City of Vaughan | Office of the City Clerk
2141 Major Mackenzie Drive, Vaughan ON
L6A 1T1

Dear Ms. Vigneault:

**RE: PLANNING JUSTIFICATION ADDENDUM LETTER
209 Crestwood Road, Vaughan ON**

Please accept this Planning Justification “Addendum” Letter with respect to **209 Crestwood Road** (hereinafter the “Subject Site”), which is currently subject to active Consent and Minor Variance applications corresponding to City File No.’s B001/23, A055/23 & A056/23 respectively.

RESPONSE TO DEVELOPMENT PLANNING COMMENTS

On June 26, 2023, the City Development Planning Department provided their comments on the proposed development, which basically consisted of the following primary comments (as summarized by the City):

Since the inception of OPA 15 (passed by Vaughan Council on September 27, 2018) it has become more imperative to respect and preserve the existing character of the large-lot neighbourhoods (i.e., local pattern of the lots, streets and blocks, size and configuration of lots) and discourage forms of infill development that do not meet the criteria listed in sections 9.1.2.2, 9.1.2.3. and 9.1.2.4 of the Vaughan Official Plan 2010 ('VOP201 O'). In this instance, the subject property in question would be deficient in lot frontage, thereby, not conforming to section 9.1.2.3 (a) where new lots created should to be equal or exceed the frontages of the adjoining lots (211 and 207 Crestwood Road), which are approximately 20 m and 14.5 m respectfully.

For clarification purposes, the consent application (File 8014/17) for 201 Crestwood Road that was approved by Committee of Adjustment on April 27, 2017, was not subject to the OPA 15

conformity exercise and only considered the Vaughan Official Plan 2010 policies that were in effect at that time.

Based on the above, please accept the following response to City comments:

- Firstly, while City staff have identified that this OP policy was passed in 2018 (which pre-dates the 2017 approval of 201 Crestwood Road as noted), there have also been significant changes to the *Planning Act* since 2018, specifically Bill 23, which has been officially enacted since the submission of the original Planning Justification Letter for the subject site back in December 2022. The Province has enacted Bill 23 to ensure that “gentle density/intensification” occurs in the already built environment, and effectively allows each existing single-detached dwelling to be a permitted four-plex as-of-right. The proposed severance at the subject site achieves this gentle density/intensification intended by Bill 23, as it not only more efficiently and better utilizes an existing large lot, but it creates two (2) brand new large lots, and therefore permissions of two (2) brand new fourplexes (whereby the current situation only allows for one (1) fourplex at the existing dwelling). This proposal achieves an increase in unit count in the already built-up area of the City of Vaughan, which in my opinion better addresses the Province’s current policy direction for increased housing opportunities, rather than a specific 2018 OP policy that only considers lot frontage relative to the preservation of existing neighbourhood character.
- Further to the point above, and as noted in my original December 2022 Planning Justification Letter for this site, the June 26, 2023 City comments do not take any of the other factors into consideration with respect to the “resulting built form on the resulting lot areas” in association with the proposed development. Apart from a deficient lot frontage, and a minor height deficiency (described in further detail through the balance of this letter), the resulting lot areas created comply with the ZBL, and there are no other built form variances required to implement the development of two (2) brand new single-detached dwellings in this neighbourhood, which in my opinion suggests that the new lots created can seamlessly accommodate two (2) brand new dwellings, just as they have at 201 and 203 Crestwood Road (as these dwellings completely fit the character of this neighbourhood, and do not create a situation that results in impacts of a planning nature on the surrounding lots). Regardless of the fact that these were approved in 2017, the resulting built form on these lots respects and reinforces the existing neighbourhood character in this area of the City.
- Lastly, and as also noted in my December 2022 Planning Justification Letter for the subject site, please recall that the test for a Minor Variance based on Section 45(1) of the *Planning Act* is that the variance meets the “**general intent and purpose** of the Official Plan”. On this basis, apart from not specifically satisfying Policy 9.1.2.3a) with respect to lot frontage, the City comments do not identify any other detailed comments or analysis relative to any of the other OP policies that apply to the subject site. In addition, please keep in mind that Policy 9.1.2.3a) states: “*In the case of lot creation, new lots **should be** equal to or exceed the frontages of the adjoining lots or the average of the frontage of the adjoining lots where they differ;*” Given that this language says

“should be”, this is “suggestive” wording that encourages a type of lot frontage. If this policy wanted to be more restrictive/prohibitive, it would use stronger language such as “must be”, or similar. However, this is not the case, and as previously noted above, the proposed development is consistent with the balance of the applicable OP policies (and no City comments indicate otherwise), which in my opinion confirms that the “general” (key word here) intent and purpose of the OP is being met through this proposal.

Overall, it is my opinion that the City comments provided relative to the proposed development are narrow in scope, and do not address the Provincial direction for increased housing opportunities intended through the enactment of Bill 23, which promotes gentle density/intensification in the already built-up areas of cities, and in this case this can occur in an appropriate and seamless manner. In addition, the City comments do not take into consideration any of the resulting built form and lot area factors that apply in this case, none of which compromise or adversely impact the character of this neighbourhood. There are no other major built form variances required, which suggests that this proposal does not represent and overdevelopment of the subject site. If there were variances required for minimum lot area, density, building length/depth, setback reductions, etc., this would represent a situation that may compromise the existing neighbourhood character, but that is not the case for the subject site. On this basis, it is still my opinion that the proposed development continues to meet the “**general intent and purpose**” of the Official Plan.

HEIGHT VARIANCE REQUIREMENT

Since the original Planning Justification Letter (dated December 20, 2022) that was included with the original Consent/Minor Variance application submissions for the Subject Site, City staff completed their zoning review as part of the standard C of A circulation process. Based on this further review, City Zoning staff determined that an additional height variance was needed for each of the newly proposed lots resulting from the proposed severance of the Subject Site.

Essentially, the 9.05 metre maximum building height requirement was derived by taking the difference between “existing mean height” of the existing dwelling (i.e. 199.29m) and the “existing established grade” (i.e. 193.24m), and adding 3.0 metres to this value. As such and because of this technicality in the zoning regulations, the typical maximum building height standard of 9.5 metres for the R2A (EN) Zone does not apply to the proposed development. However, that being said, there is only a 1cm and 6cm deviation from the typical R2A (EN) Zone requirements respectively for each proposed new dwelling with respect to maximum building height, which is a negligible difference overall.

These new variances may be summarized as follows:

- Re. City File No. A055/23 (Re. Part 1, Lot A/ Severed land) – The maximum permitted building height is **9.05m** [per Section 4.5.1.b of the Zoning By-law], while the requested variance is to permit a building with a maximum height of **9.56m**; and

- Re. City File No. A056/23 (Re. Part 2, Lot B/ Retained land) – The maximum permitted building height is **9.05m** [per Section 4.5.1.b of the Zoning By-law], while the requested variance is to permit a building with a maximum height of **9.51m**; and

The formal City documentation issued by the City’s Building Standards Department confirming these new variances have been included with this letter as Appendices A and B respectively. As a result, this “Addendum” Letter has been prepared to address the required height variance in the context of the Four (4) Tests for a Minor Variance under the *Planning Act*, because at a very high level from a planning policy standpoint (and as identified in my previous/original December 20, 2022 Planning Justification Letter), it remains my interpretation and opinion that notwithstanding the required height variance, the proposed development continues to:

- be consistent with the Provincial Policy Statement (PPS);
- conform to, and not conflict with the Growth Plan; and
- conform to, and not conflict with the 2010 York Region Official Plan (YROP).

FOUR (4) TESTS FOR MINOR VARIANCE

It is my interpretation and opinion that that the request for relief from the applicable City of Vaughan ZBL’s meets the four (4) tests as set out under Section 45(1) of the *Planning Act*, as follows:

1. The Variance Meets the General Intent and Purpose of the Official Plan

The Subject Site is identified as a “Community Area” on the Urban Structure Map (Schedule 1) of the City of Vaughan Official Plan, 2010 (i.e. VOP 2010), and designated as “Low-Rise Residential” on the Land Use Map (Schedule 13) of VOP 2010. In addition, the Subject Site is identified part of the “Areas Subject to Policy 9.1.2.3 - Vaughan’s Established Large-Lot Neighbourhoods (21-29 metres)” on Schedule 1B of VOP 2010.

The following key policies of VOP 2010 are focused on, and relevant/applicable to the requested height variance proposed for the Subject Site, relative to the required test for a Minor Variance:

Policy 9.2.2.1a) – *Low-Rise Residential areas be planned to consist of buildings in a low-rise form no greater than three storeys.*

Policy 9.2.2.1c) – *The following Building Types are permitted in areas designated as Low-Rise Residential, pursuant to policies in subsection 9.2.3 of this Plan:*

- i. *Detached house;*

RESPONSE/ANALYSIS: Despite that 51cm and 46cm variances are now required for the proposed new lots respectively, the proposed development continues to contemplate two (2) single-detached dwellings that are two storeys in height, thereby meeting the policy requirements above.

Policy 9.1.2.1a) – *That new development will respect and reinforce the existing and planned context within which it is situated. More specifically, the built form of new developments will be designed to achieve the following general objectives:*

- a) the physical character of the established neighbourhood within which it is located as set out in policies 9.1.2.2 - 9.1.2.4 or, where no established neighbourhood is located, it shall help establish an appropriate physical character that is compatible with its surroundings, as set out in policy 9.1.2.5. An Established Community Area is a portion of the Community Area identified on Schedule 1 (Urban Structure) generally bounded by Major or Minor Arterial streets or other significant features such as the Natural Heritage System, which is entirely or almost entirely developed and occupied, such that its physical character is well defined;*

RESPONSE/ANALYSIS: The proposed development continues to reinforce the established and existing context and built form character with respect to the single detached dwellings located within this neighbourhood, specifically the dwellings on the south side of Crestwood Road. From a building height perspective, it is my opinion that the 9.56m and 9.51m heights associated with the proposed dwellings for the Subject Site respectively are more in keeping with the existing character of the existing dwellings immediately surrounding the Subject Site than the existing side-split type dwelling currently on the Subject Site.

As per **Figure 1** below, this specific section along the south side of Crestwood Road from 195 to 211 Crestwood Road respectively generally contains large two-storey dwellings with taller building heights than other two-storey dwellings on Crestwood Road, notwithstanding the fact that there are a vast range of building heights on this street overall. Ultimately, the building heights of the proposed dwellings would seamlessly and harmoniously fit within the current context and character of the existing streetscape in this neighbourhood, particularly in this section of Crestwood Road as previously noted, and as such the proposed dwellings would not grossly stand out as dwellings out of character.



Figure 1 – 195 to 211 Crestwood Road (Source: Google Streetview)

In addition, when taking a specific look at the Subject Site and its immediate adjacent properties from the streetscape (see **Figure 2** below), the proposed dwellings would blend in and fit harmoniously with its immediate surroundings, especially considering the existing/tall two-storey dwelling to the immediate west of the Subject Site at 211 Crestwood Road, which in particular has a noticeably tall pitched/gabled roof as perceived from the street level. The proposed building heights would not result in the proposed dwellings dominating or overpowering the streetscape/public realm. Rather, the proposed dwellings would be perceived from the streetscape/public realm as dwellings that reinforce and respect the existing physical character and building heights in this neighbourhood, more so than the existing side-split dwelling on the Subject Site (as noted above).

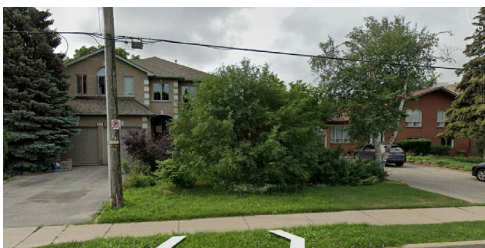


Figure 2 – 207 (left) and 209 Crestwood Road (right) AND 209 (left) and 211 Crestwood Road (right)
(Source: Google Streetview)

Furthermore, and as also mentioned in the previous December 2022 Planning Justification Letter for the Subject Site, the existing dwellings located at 201 and 203 Crestwood Road (3 properties east of the Subject Site – see **Figure 3** below) are representative of, and very similar to the resulting built form and proposed dwellings for the Subject Site (i.e. two (2) single detached 2-storey dwellings with a modern/flat roof appearance). As a result, the proposed development reinforces the single detached context and character that already exists in the

immediate and broader neighbourhood, whereby the building heights of the proposed dwellings would look and feel very similar to these existing dwellings when viewed and experienced from the streetscape.

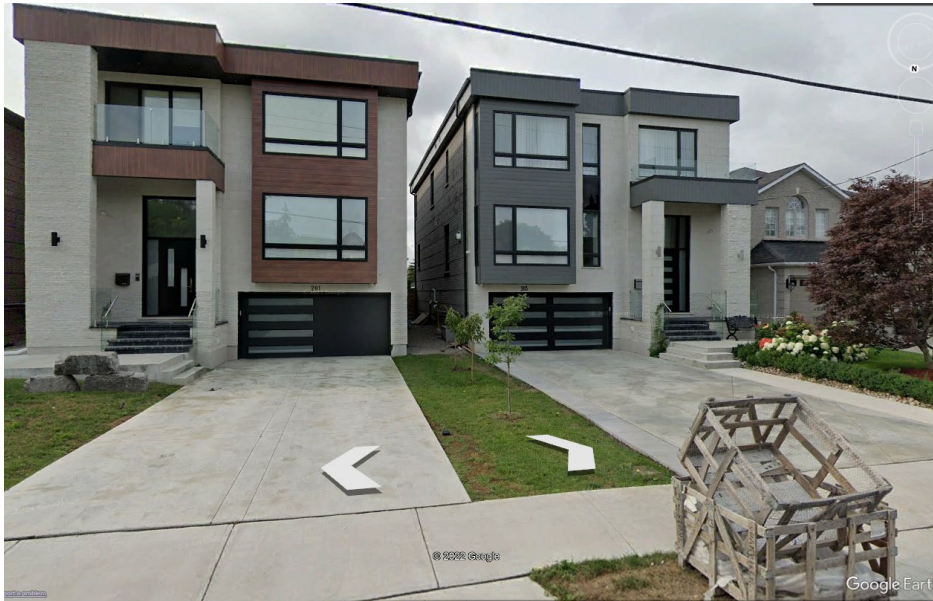


Figure 3 – 201 and 203 Crestwood Road (Source: Google Streetview)

Policy 9.1.2.2 – *That in Established Community Areas, new development as reflected in any zoning, variance, subdivision, consent or part lot control exemption application, will be designed to respect and reinforce the existing physical character and uses of the surrounding area, specifically respecting and reinforcing the following elements:*

e) the heights and scale of adjacent and immediately surrounding residential properties;

RESPONSE/ANALYSIS: Although 51cm and 46cm building height variances are now required for the proposed new lots respectively, these proposed heights fit harmoniously within the scale of the adjacent and immediate surrounding properties on Crestwood Road, and do not overpower or dominate any of the surrounding dwellings (particularly on the south side of Crestwood Road in this section of the street), and do not result in any adverse impacts of a planning nature. The proposed heights will harmoniously fit and blend in with other existing dwelling heights in this neighbourhood as identified in **Figures 1 through 3** above.

Policy 9.1.2.3 – *In order to maintain the character of established, large-lot neighbourhoods the following policies shall apply to all developments within these areas (e.g., land severances, zoning by-law amendments and minor variances), based on the current zoning, and guide the preparation of any future City-initiated area specific or comprehensive zoning by-laws affecting these areas.*

g) Building heights and massing: Should respect the scale of adjacent residential buildings and any city urban design guidelines prepared for Community Areas;

RESPONSE/ANALYSIS: As noted above and as identified in **Figures 1 through 3** in this letter, it is my opinion that the proposed 51cm and 46cm building height differences from the required standard respectively are not perceptible from the streetscape given the existing context and character of this neighbourhood (specifically this section along the south side of Crestwood Road). As such, the proposal will continue to respect the size and scale of the existing adjacent residential buildings as described above, and specifically as shown in **Figure 2** above.

Policy 10.1.2.47 – *That in addition to matters under the Planning Act, the Committee of Adjustment, in determining whether a consent is to be granted, shall have regard for the following matters in consultation with the appropriate departments and agencies:*

- a) *Compatibility of the proposed size, shape and use of the lot with:*
 - iv. *the heights and scale of nearby properties;*

RESPONSE/ANALYSIS: As noted above, the proposed building heights will remain compatible with the surrounding size and scale of nearby properties on Crestwood Road. The proposed dwellings will not overpower the streetscape and will not stand out amongst other surrounding two-storey detached dwellings in this neighbourhood in both the immediate and broader contexts.

Based on the above, the requested variances maintain the general intent and purpose of the Official Plan.

2. The Variance Meets the General Intent and Purpose of the Zoning By-law

The Subject Site is zoned "Residential 2 (R2)" in the ZBL 1-88, and "Residential 2A, Established Neighbourhood (R2A(EN))" in ZBL 001-2021

The following is an assessment of how the proposed building height variance maintains the general intent and purpose of the provisions being sought.

As per the detailed discussion and analysis provided throughout this letter, it is my opinion that the proposed 51cm and 46cm building height differences from the required standard respectively are not perceptible from the streetscape given the existing scale, massing and character of the residential detached dwellings in this neighbourhood (specifically this section along the south side of Crestwood Road). It is also my opinion that the proposal represents a development that is appropriate in size and scale overall based on the existing neighbourhood context. On this basis, the proposed development overall is not representative of "overdevelopment" on an undersized lot that is too intense or massive in scale, rather it represents development at an appropriate scale overall, whereby the proposed building height increases do not have any adverse impacts of a planning nature on this neighbourhood (and would not be negatively realized or perceived from the streetscape). Rather, the proposed dwellings will blend in and fit harmoniously within the existing character and context of this neighbourhood, and will not overpower or dominate the streetscape in a negative manner.

3. The Variance is Desirable for the Appropriate Development or Use of the Land

The proposed building height variance is desirable for the appropriate development and use of land, as the proposal allows for the creation of two brand new lots of an appropriate size and scale within an existing established neighbourhood, thereby renewing the housing stock in an appropriate and compatible manner. To reiterate, the proposed severance only results in one (2) variances to the minimum required lot frontage and maximum building height, in order to implement the development of 2 brand new single-detached dwellings. Apart from the 51cm and 46cm building height variances (which are not realized or perceived from the street level in a negative manner), no other built form variances are required to implement the development of each proposed single detached dwelling, which continues to reinforce that new dwellings may be provided in this existing established neighbourhood in a compatible and non-invasive/non-overpowering manner within minimal impacts to the surrounding area.

As mentioned in the original December, 2022 Planning Justification Letter for the Subject Site, severances are one of the few ways to create new single detached housing within built-up areas of cities, and this proposal achieves a redevelopment of two brand new dwellings at an appropriate size and scale based on the existing neighbourhood context and existing building heights within the immediate and broader contexts of this neighbourhood.

4. The Variance is Minor in Nature

Based on the above analysis, it is my interpretation and opinion the proposed building height variance does not rise to a level of unacceptable adverse impacts of a planning nature. Rather, the proposed building height variance would not be perceptible from the street level based on the existing scale and character of this neighbourhood. Overall, the proposed lot areas resulting from the proposed severance still allows for two (2) brand new single detached dwellings to be constructed without the need for any corresponding built form variances apart from building height, which again suggests that the proposal does not represent “overdevelopment”, nor a development that overpowers and dominates the neighbourhood in a negative manner. It is my opinion that the proposal is appropriate, compatible and in keeping with the existing neighborhood scale and character, as it fits harmoniously within the existing built context of this neighbourhood, particularly this specific section of Crestwood Road.

CONCLUSION

In conclusion, I am still of the opinion that the requested Consent and Minor Variance applications to permit the proposed development on the Subject Site is in the public interest and represents good planning, despite the additional height variance required for each newly created lot resulting from the proposed severance.

If you have any further questions, please do not hesitate to contact me. Thank you.

Yours truly,

Ianhall Planning Ltd.

A handwritten signature in cursive script that reads "Andrew Palumbo".

Andrew Palumbo, MCIP, RPP
President