

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, April 5, 2022

WARD: 5

TITLE: 300 ATKINSON INC.

ZONING BY-LAW AMENDMENT FILE Z.19.028

300 ATKINSON AVENUE

VICINITY OF ATKINSON AVENUE AND CENTRE STREET

FROM:

Haiping Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole for an application to rezone the subject lands (Attachment 1) from “R3 Residential Zone” and “RM2 Residential Multiple Zone” subject to Site-Specific Exception 9(1526) to “RT1 Residential Townhouse Zone” to appropriately implement a future common element condominium tenure for the development of 50 freehold townhouse units and 56 freehold back-to-back townhouse units. The development will be served by a future privately-owned and maintained common element condominium road, amenity space, visitor parking, community mailboxes and walkways, as shown on Attachments 2 to 7.

Report Highlights

- A Zoning By-law Amendment is required to rezone the subject lands to appropriately implement a future common element condominium tenure for the development of 50 freehold townhouse units and 56 freehold back-to-back townhouse units
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Zoning By-law Amendment Z.19.028 (300 Atkinson 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

Location: 300 Atkinson Avenue and located on the west side of Atkinson Avenue and north of Rosedale Heights Drive (the 'Subject Lands'). The Subject Lands and the existing surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: January 23, 2019

Date Application was deemed complete: January 15, 2020

A Standard Townhouse Development was previously approved for majority of the Subject Lands through Files OP.19.001, Z.19.002 and DA.19.083

Vaughan Council, on May 18, 2021, approved Files OP.19.001, Z.19.002 and DA.19.083 to develop 300 Atkinson Avenue with 46 townhouse units and 68 back-to-back townhouses, as shown on Attachment 8. Through this approval, the Subject Lands were zoned to "RM2 Residential Multiple Zone" subject to Site-Specific Exception 9(1526). However, the "RM2 Residential Multiple Zone" would implement a standard condominium tenure and not a common element tenure as proposed.

A Place of Worship was previously proposed at the southeast corner of the Subject Lands through File Z.19.028

300 Atkinson Inc. (the 'Owner') on November 29, 2019, submitted a further Zoning By-law Amendment application File Z.19.028 to permit the development of a two-storey Place of Worship with a total gross floor area of 999 m² and 5 on-site parking spaces (Attachment 9). The Committee of the Whole (Public Meeting) on March 3, 2020, considered Zoning By-law Amendment File Z.19.028.

The Owner revised File Z.19.028 to remove the Place of Worship and replace it with one block of townhouses

The Owner revised the original development proposal removing the Place of Worship and replacing it with a townhouse block consisting for 4 units (Attachment 2) that was consistent with and would form part of adjacent townhouse development on the remaining portion of 300 Atkinson Avenue. The townhouse development on the remaining portion of 300 Atkinson Avenue through Official Plan and Zoning By-law Amendment and Site Development Files OP.19.001, Z.19.002 and DA.19.083 ('Files OP.19.001, Z.19.002 and DA.19.083') was approved by Vaughan City Council on May 18, 2021.

The Owner further revised File Z.19.028 to rezone the Subject Lands to facilitate a common element condominium tenure

The Owner, on January 19, 2022, revised Zoning By-law Amendment File Z.19.028 (the 'Application') to:

- Revise the subject lands to now include the entirety of 300 Atkinson Avenue (previously known as Files Z.19.002 DA.19.083)
- Rezone the Subject Lands from "R3 Residential Zone" and "RM2 Residential Multiple Zone" subject to Exception 9(1526) to "RT1 Multiple Residential Zone" in the manner shown on Attachment 2, together with the site-specific zoning exceptions

identified in Table 1 and 2 of this report, to appropriately implement a future common element condominium tenure for a townhouse development (106 units) on the Subject Lands (the 'Development'), as shown on Attachments 2 to 7.

Overall, the Development, including the adjacent townhouses previously approved through DA.19.083, features, 50 traditional townhouses and 56 back-to-back townhouses for a total of 106 townhouse units. The number of back-to-back townhouses has been reduced from 68 units to 56 units since the time of the Council approval on May 18, 2021. Although the number of units have changed, the gross floor area, amenity space, building size, setbacks and overall layout is consistent with what was approved through File Z.19.002.

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

- a) Date the Notice of Public Meeting was circulated: March 11, 2022

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along Atkinson Avenue in accordance with the City Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m radius from the Subject Lands, the Flamingo Ratepayer's Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received by the Development Planning Department as of March 11, 2022.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future comprehensive report to the Committee of the Whole.

Previous Reports/Authority

Previous reports related to the Application can be found at the following link:
[March 3, 2020, Committee of the Whole \(Public Meeting\), \(Item 3, Report 10\)](#)
[June 1, 2021, Committee of the Whole \(Public Meeting\), \(Item 2, Report 30\)](#)

Reports related to the townhouse development approved through Files OP.19.001, Z.19.002 and DA.19.083, can be found at the following links:
[June 4, 2019, Committee of the Whole \(Public Meeting\), \(Item 3, Report 22\)](#)
[May 4, 2021, Committee of the Whole \(1\), \(Item 1, Report 22\)](#)

Analysis and Options

The proposed development conforms with Vaughan Official Plan 2010

Official Plan Designation

- “Community Area” on Schedule 1 - Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’)
- “Low-Rise Residential” on Schedule 13 - Land Use by VOP 2010
- The “Low-Rise Residential” designation permits detached, semi-detached and townhouse dwelling units
- The Subject Lands are also subject to Site-Specific Policy 13.61 of VOP 2010 which permit back-to-back townhouses within the “Low-Rise Residential” designation

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

Zoning

- The Subject Lands are zoned “R3 Residential Zone” by Zoning By-law 1-88 and “RM2 Multiple Residential Zone” subject to Site-Specific Exception 9(1526)
- The “R3 Residential Zone” does not permit the Development
- The “RM2 Multiple Residential Zone” does not permit townhouse units that are situated on their own lot (Parcel of Tied Land ‘POTL’)
- The Owner proposes to rezone the Subject Lands to “RT1 Residential Townhouse Zone” to facilitate a townhouse development with a future common element condominium tenure, together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Definition of “Lot”	Means a parcel of land fronting a public street	Means a parcel of land fronting on a public street, private road, or common element
b.	Definition of “Common Element”	No definition	Means a private road or a private communal space including an underground or above ground parking area, internal park or an internal sidewalk that does not abut a public road
c.	Definition of “Street Townhouse Dwelling”	Means a townhouse dwelling in which each dwelling unit is situated on its own lot that fronts onto a public street	Means a townhouse dwelling in which each dwelling unit is situated on its own lot that fronts onto a public or private street or a common element
d.	Definition of “Back-to-Back Townhouse Dwelling”	No definition	Means a dwelling containing four or more dwelling units divided by vertical common walls and a common rear wall, and individual dwelling units do not have rear

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
			yards. Each Dwelling unit may be situated on its own lot and accessed by an independent entrance
e.	Definition of "Parallel Parking Space"	No definition	Means a parking space with a minimum size of 2 m wide by 6.7 m long
f.	Definition of "Tandem Parking Space"	No definition	Means a parking space that is only accessed by passing through another parking space from a drive aisle within an underground parking garage
g.	Minimum Lot Area Per Unit	162 m ²	112 m ² (Blocks 1-6 & 16)* 105 m ² (Blocks 7-9)* 58 m ² (Blocks 10-15)*
h.	Minimum Lot Frontage	6 m	5 m (Blocks 1-6, 10-16)* 4.5 m (Blocks 7-9)*
i.	Minimum Lot Depth	27 m	19 m (Blocks 1-9 & 16)* 11 m (Blocks 10-15)*
j.	Maximum Townhouse Units in a Row	6 units	7 units (Block 8)*
k.	Minimum Front Yard Setback	4.5 m	2.4 m (Blocks 4, 7-9 & 16)* 2 m (Blocks 5, 6 & 13-15)* 1.5 m (Blocks 10-12)*
l.	Minimum Rear Yard Setback	7.5 m	2.4 m (Blocks 1-3)* 0 m (Blocks 10-15)*
m.	Minimum Interior Yard Setback	1.2 m	0.5 m (Block 9)* 0 m (Blocks 6, 7, 10, 11, 14 & 15)*
n.	Minimum Exterior Yard Setback	4.5 m (to lot line) 3 m (to sight triangle)	1.2 m (Blocks 10 & 13)* 0.9 m (Block 15)* 0.6 m (sight triangle)* 0 m (Blocks 1, 3 & 12)*
o.	Maximum Building Height	11 m	12.91 m (Blocks 10-15)* 12.72 m (Blocks 1-3, 7-9)* 11.9 m (Blocks 4-6 & 16)*
p.	Parking Spaces Requirements	Parking Spaces shall be provided on the same lot as the townhouse dwellings	Parking spaces shall be provided in the common element (underground parking garage)

* Blocks are shown on Attachment 2

Amendments to Vaughan's new Comprehensive Zoning By-law 001-2021 ('Zoning By-law 001-2021') are required to permit the Development

Zoning:

- The Subject Lands are zoned "I1 Institutional Zone" by Zoning By-law 001-2021
- The "I1 Institutional Zone" does not permit the Development
- The Owner proposes to rezone the Subject Lands to "RT1 Residential Townhouse Zone" to facilitate a townhouse development with a future common element condominium tenure, together with the following site-specific zoning exceptions:

	Zoning By-law 01-2021 Standards	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Definition of "Lot"	Means a parcel of land fronting a public street	Means a parcel of land fronting on a public street, private road, or common element condo road
b.	Definition of "Common Element"	No definition	Means a private road or a private communal space including an underground or above ground parking area, internal park or an internal sidewalk that does not abut a public road
c.	Definition of "Street Townhouse Dwelling"	Means a townhouse dwelling in which each dwelling unit is situated on its own lot that fronts onto a public street	Means a townhouse dwelling in which each dwelling unit is situated on its own lot that fronts onto a public or private street or a common element
d.	Definition of "Back-to-Back Townhouse Dwelling"	No definition	Means a dwelling containing four or more dwelling units divided by vertical common walls and a common rear wall, and individual dwelling units that do not have rear yards. Each Dwelling unit may be situated on its own lot and accessed by an independent entrance
e.	Definition of "Parallel Parking Space"	No definition	Means a parking space with a minimum size of 2 m wide by 6.7 m long
f.	Definition of "Tandem Parking Space"	No definition	Means a parking space that is only accessed by passing through another parking space from a drive aisle within an underground parking garage
g.	Minimum Lot Area Per Unit	162 m ²	112 m ² (Blocks 1-6 & 16)* 105 m ² (Blocks 7-9)* 58 m ² (Blocks 10-15)*

	Zoning By-law 01-2021 Standards	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
h.	Minimum Lot Frontage	6 m	5 m (Blocks 1-6, 10-16)* 4.5 m (Blocks 7-9)*
i.	Maximum Townhouse Units in a Row	6 units	7 units (Block 8)*
j.	Minimum Front Yard Setback	4.5 m	2.4 m (Blocks 4, 7-9 & 16)* 2 m (Blocks 5, 6 & 13-15)* 1.5 m (Blocks 10-12)*
k.	Minimum Rear Yard Setback	7.5 m	2.4 m (Blocks 1-3)* 0 m (Blocks 10-15)*
l.	Minimum Interior Yard Setback	1.2 m	0.5 m (Block 9)* 0 m (Blocks 6, 7, 10, 11, 14 & 15)*
m.	Minimum Exterior Yard Setback	4.5 m (to lot line) 3 m (to sight triangle)	1.2 m (Blocks 10 & 13)* 0.9 m (Block 15)* 0.6 m (sight triangle)* 0 m (Blocks 1, 3 & 12)*
n.	Maximum Building Height	No requirement	12.91 m (Blocks 10-15)* 12.72 m (Blocks 1-3, 7-9)* 11.9 m (Blocks 4-6 & 16)*
o.	Parking Spaces Requirements	Parking Spaces shall be provided on the same lot as the townhouse dwellings	Parking spaces shall be provided in the common element (underground parking garage)
p.	Hard Landscaping Encroachment	0.6 m to lot line	0 m to lot line
q.	Porch Steps Encroachment	1.2 m to lot line	0.5 m to lot line
r.	Minimum Lot Coverage	50 %	Shall not apply
s.	Minimum Staircase to Underground Setback	3.0 m	0 m (Blocks 6, 10, 12 & 14)*
u.	Minimum Setback to Waste Collection	30 m (to the adjacent R2 Zone)	24 m (to the adjacent R2 Zone)

* Blocks are shown on Attachment 2

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report to a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, and Regional and City Official Plan Policies	▪ The Application will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan'), the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010 ▪ The Application will also be reviewed in consideration of the VOP 2010 compatibility criteria for new development in established community areas (Official Plan Amendment 15)
b.	Appropriateness of the Proposed Rezoning and Amendments to Zoning By-law 1-88 and 001-2021	▪ The appropriateness of the proposed rezoning of the Subject Lands and site-specific zoning exceptions identified in Table 1 and 2 will be reviewed in consideration of, but not limited to, compatibility with the existing lots and uses in the surrounding area
c.	Studies and Reports	▪ The Owner submitted studies and reports in support of the Application which are available on the city's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the Application review process
d.	Water and Servicing Allocation	▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Application is approved. If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", which will be removed once Vaughan Council identifies and allocates servicing capacity
e.	Urban Design and Architectural Control Guidelines	▪ The Development will be reviewed in consideration of the City-Wide Urban Design Guidelines and the Urban Design Guidelines for Infill Development for Established Low-Rise Residential Neighbourhood
f.	Public Agency/Municipal Review	▪ The Application must be reviewed by external public agencies and utilities and the Public, Separate, and French School Boards

	MATTERS TO BE REVIEWED	COMMENT(S)
g.	Sustainable Development	▪ The Application will be reviewed in consideration of the VOP 2010 sustainable development policies and the Sustainability Metrics Program
h.	Parkland	▪ The Application will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
i.	Related Applications and Future Development Applications	▪ The Owner is required to amend related Site Development Applications (File DA.19.081 and DA19.083) ▪ The Owner has submitted related Draft Plan of Condominium Application (19CDM-21V005) to facilitate the common element tenure of the townhouse development ▪ The Owner is required to submit a Part Lot Control Exemption Application to create the individual POTLs

Financial Impact

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

Broader Regional Impacts/Considerations

The Application will be circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the comprehensive report is considered.

Conclusion

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

For more information, please contact Daniela DeGasperis, Planner, Development Planning Department, ext. 8382.

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations – Facing Atkinson Avenue (Blocks 1 to 3 & 16)
5. Building Elevations – Back-to-Back Townhouse Units (Blocks 10 to 15)
6. Building Elevations – Standard Townhouses (Blocks 4 to 6)
7. Building Elevations – Standard Townhouses (Blocks 7 to 9)
8. Original Development Proposal - OP.19.001, Z.19.002, DA.19.083
9. Original Development Proposal – Z.19.028

Prepared by

Daniela DeGasperis, Planner, ext. 8382

Margaret Holyday, Senior Planner, ext. 8216

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager