

## Committee of the Whole (Public Hearing) Report

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**DATE:** Tuesday, June 04, 2019

**WARD:** 2

**TITLE: 85 MCKENZIE JV INC.**

**OFFICIAL PLAN AMENDMENT FILE OP.18.023**

**ZONING BY-LAW AMENDMENT FILE Z.18.039**

**VICINITY OF REGIONAL ROAD 7 AND KIPLING AVENUE**

**FROM:**

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

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on Official Plan Amendment and Zoning By-law Amendment Files OP.18.023 and Z.18.039 for the Subject Lands shown on Attachment 1, to permit the development of a back-to-back stacked townhouse block, containing 6 dwelling units, as shown on Attachments 2 to 5.

### **Report Highlights**

- To receive input from the public and Committee of the Whole on amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88 to permit a development proposal consisting of a 3-storey, back-to-back stacked townhouse block, containing six (6) dwelling units with access onto McKenzie Street, fronting onto an internal private driveway.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

### **Recommendations**

1. THAT the Public Hearing report for Official Plan Amendment and Zoning By-law Amendment Files OP.18.023 and Z.18.039 (85 McKenzie JV 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.

2. THAT staff continue to review Official Plan Amendment and Zoning By-law Amendment Files OP.18.023 and Z.18.039 (85 McKenzie JV Inc.) and work with the Owner to resolve the outstanding matters detailed in this report.

## **Background**

The Subject Lands (the 'Subject Lands') shown on Attachment 1 are located on the south side of McKenzie Street, a window street which runs parallel to Regional Road 7, east of Kipling Avenue, and are municipally known as 85 McKenzie Street. The Subject Lands include an existing single detached dwelling and accessory structures, which are proposed to be demolished. The surrounding land uses are shown on Attachment 1.

### ***Official Plan Amendment and Zoning By-law Amendment applications have been submitted to permit the proposed development***

On December 21, 2018, the Owner submitted the following applications (the 'Applications') for the Subject Lands, to permit the development of a 3-storey, back-to-back stacked townhouse block, containing six (6) dwelling units with access on to McKenzie Street (the 'Development'), as shown on Attachments 2 to 5:

1. Official Plan Amendment File OP.18.023 to amend Vaughan Official Plan 2010 ('VOP 2010'), to permit a back-to-back stacked townhouse block in the "Low-Rise Residential" and "Natural Area" designations.
2. Zoning By-law Amendment File Z.18.039 to amend Zoning By-law 1-88, specifically to rezone the Subject Lands from "R2 Residential Zone" to "RM2 Multiple Residential Zone" in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.

### ***Related Site Development File DA.18.109 has also been submitted to facilitate the Development***

A related Site Development Application (File DA.18.109) has been submitted together with the Applications to facilitate the Development.

Access to the Subject Lands is proposed from the existing McKenzie Street right-of-way through a private driveway that allows for vehicular access to each of the six garages (one per unit) provided at the ground level.

Four of the six proposed dwelling units are comprised of two levels that occupy the first two storeys of the building and have a private garage with two (2) parking spaces each. The remaining two dwelling units are one level and occupy the third storey of the

building and have a private garage with three (3) parking spaces each. Two (2) additional parking spaces are provided on each private driveway and four (4) shared visitor parking spaces are provided on site, as shown on Attachments 2 and 5.

Resident and visitor access to each of the dwelling units in the building is provided by three (3) communal access points as shown on Attachments 2 to 4. Each of the two-level units also have an individual private access direct to the outside from the ground level as shown on Attachments 2 to 4.

A communal mailbox and a curbside garbage pickup area are proposed on McKenzie Street, in front of the Subject Lands, as shown on Attachment 2.

A terrace/balcony is proposed for each unit which is intended to function as individual private amenity space. The landscaped areas to the east and south are also proposed to provide a form of passive communal amenity space.

***Based on the review undertaken to date, the Applications are not considered to be consistent with the Provincial Policy Statement 2014 (the 'PPS') or conform to the Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan') and the York Region and City Official Plans***

- In accordance with Sections 2 and 3 of the *Planning Act*, all land use decisions shall have regard to all matters of provincial interest and shall be consistent with the PPS and conform to provincial policies.
- The Applications were received on December 21, 2018 and the remaining supporting documents were received on January 25, 2019 and February 14, 2019. A Notice of Complete Application was sent to the Owner on February 15, 2019 and to the Public on February 21, 2019.
- Based on the information reviewed to-date, the Applications have not demonstrated consistency with the PPS or conformity to the Growth Plan, Regional and City Official Plans.

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

- a) Date the Notice of Public Hearing was circulated: May 10, 2019.

The Notice of Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed along the McKenzie Street frontage in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: 150 m, plus the expanded notification area as shown on Attachment 1, the West Woodbridge Homeowners' Association and the Village of Woodbridge Ratepayers' Association.

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. 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 a technical report to a future Committee of the Whole meeting.

### **Previous Reports/Authority**

Not Applicable.

### **Analysis and Options**

#### ***The Subject Lands are identified as being within a Stable Community Area adjacent to a Regional Intensification Corridor***

The Subject Lands are situated in a Stable Community Area that is adjacent to but located outside of the Primary Intensification Corridor (Regional Road 7) identified on Schedule 1 - Urban Structure of VOP 2010.

Community Areas are considered stable areas with mostly low-rise building forms and a limited level of intensification that is sensitive and compatible with the character of the area form and planned function of the surrounding context.

Policy 2.2.5.9 of VOP 2010 states that properties that are rear-lotted against a Regional Corridor or those that have frontage on a window street parallel to a Regional Corridor (as is the case for the Subject Lands), are generally not considered appropriate for intensification and the Key Development Areas policies in VOP 2010 that support intensification of these areas, do not apply, unless a secondary plan has been prepared to recognize land consolidation opportunities.

The Development will be evaluated in consideration of the above-noted policies in VOP 2010.

#### ***The Subject Lands are partially located within "Built-Up Valley Lands"***

The north and east portions of the Subject Lands are located within "Built-Up Valley Lands" as identified on Schedule 2 - Natural Heritage Network of VOP 2010, which recognize existing developed lands located below the physical top of bank, such that minor alterations and/or limited new development may be permitted with restrictions (Policy 3.2.3.1.a.iii.). Confirmation of the precise limits of the "Built-Up Valley Lands" on

the Subject Lands will be determined in the City's review of the Applications.

***Amendments to the “Low-Rise Residential” designation of Vaughan Official Plan 2010 are required to permit the Development***

The majority of the Subject Lands is designated “Low-Rise Residential” and a portion along the east lot line is designated “Natural Area” by VOP 2010. The “Low-Rise Residential” designation permits single detached, semi-detached and townhouse units and the “Natural Area” designation consists of natural heritage components that include, but are not limited to, valley and stream corridors, wetlands, woodlands, and significant wildlife habitat and their minimum vegetation protection zones.

The proposed back-to-back stacked townhouse block is not a permitted use in the “Low-Rise Residential” designation.

Furthermore, it appears that the proposed private driveway along the east side of the Subject Lands is partially located within the “Natural Area” designation. Although development is not permitted within the “Natural Areas” designation, City staff have determined during a site visit conducted on March 19, 2019, that the hedgerow of individually planted trees that coincides with this designation on the Subject Lands, was not considered to meet the policy criteria of VOP 2010 for designation as “Natural Areas”.

Policy 3.2.3.2 of VOP 2010 states that the policy text respecting the Natural Heritage Network prevails over the mapping shown on Schedule 2 – Natural Heritage Network of VOP 2010 in determining the Natural Heritage Network. Policy 3.2.3.2 also states that identification of elements comprising the Natural Heritage Network is an ongoing process and as such the Natural Heritage Network identified on Schedule 2 – Natural Heritage Network is based on the best information available. Based on the visual verification undertaken by staff on-site, the removal of the “Natural Areas’ designation on the Subject Lands is being considered, through the review of the Applications.

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

The Subject Lands are zoned “R2 Residential Zone” by Zoning By-law 1-88, as shown on Attachment 1, which does not permit back-to-back stacked townhouses. The Owner proposes to rezone the Subject Lands to “RM2 Multiple Residential Zone” in the manner shown on Attachment 2, together with the following site-specific exceptions to Zoning By-law 1-88:

Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>RM2 Multiple Residential Zone Requirements</b>	<b>Proposed Exceptions to the RM2 Multiple Residential Zone</b>
a.	Maximum Building Height	11 m	11.57 m
b.	Minimum Amenity Area	360 m <sup>2</sup> (90 m <sup>2</sup> x 4 three-bedroom units) + 220 m <sup>2</sup> (110 m <sup>2</sup> x 2 four-bedroom units) = 580 m <sup>2</sup>	52 m <sup>2</sup> per unit = 312 m <sup>2</sup>
c.	Minimum Width of Landscaping Around the Periphery of an Outdoor Parking Area	3 m	2.25 m (visitor parking space at southwest corner)
d.	Minimum Height of Landscape Screening Around an Outdoor Parking Area	1.2 m	0 m
e.	Surface of Outdoor Parking Areas, Aisles, and Driveways	Hot-Mix Asphalt or Concrete with Adequate Drainage	Unit Pavers

The conceptual site plan and building elevations submitted in support of the Applications are shown on Attachments 2 to 5. 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.

**Through a preliminary review of the Applications, the Development Planning Department has identified matters to be reviewed in further detail**

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Conformity and Consistency with Provincial Policies / Plans, and York Region and City of Vaughan Official Plans	<ul style="list-style-type: none"> <li>▪ Based on the review undertaken to-date, the Applications are not considered to be consistent with the Provincial Policy Statement 2014 ('PPS') or conform to the Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan'), and the policies of the York Region Official Plan ('YROP'), and the City of Vaughan Official Plan ('VOP 2010').</li> <li>▪ The impact of the removal on the "Natural Areas" designation, if any, along the eastern portion of the Subject Lands will be considered in the City's review of the Applications.</li> <li>▪ Confirmation of the limits of the "Built-Up Valley Lands" on the Subject Lands will be determined through the review of the Applications.</li> </ul>
b.	Appropriateness of the Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposed rezoning of the Subject Lands to permit the Development as shown on Attachment 2, will be reviewed in consideration of the existing and planned surrounding land uses with particular consideration given to the proposed back-to-back stacked townhouse use and built-form compatibility with the surrounding area.</li> <li>▪ Consideration of the "OS1 Open Space Conservation Zone" for the portion of the Subject Lands designated "Natural Area" and/or any additional land that may be conveyed for public purposes (i.e. TRCA or the City).</li> </ul>
c.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The following studies and reports in support of the Applications must be approved to the satisfaction of the City and/or respective approval authority:               <ul style="list-style-type: none"> <li>- Planning Justification Report</li> <li>- Arborist Report</li> </ul> </li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<ul style="list-style-type: none"> <li>- Functional Servicing and Stormwater Management Report</li> <li>- Phase One Environmental Site Assessment</li> <li>- Geotechnical/Slope Stability Investigation</li> <li>- Environmental Soil and Ground Water Quality Investigation</li> <li>- Infiltration Test Results Report</li> <li>- Noise and Vibration Impact Study</li> <li>- Community Services and Facilities Study</li> <li>- Urban Design Brief</li> </ul> <ul style="list-style-type: none"> <li>▪ Additional studies/reports may be required as part of the development application review process.</li> </ul>
d.	Toronto and Region Conservation Authority ('TRCA')	<ul style="list-style-type: none"> <li>▪ The Subject Lands are partially located within the TRCA's regulated area and therefore, must be reviewed by the TRCA.</li> <li>▪ The proposed top-of-slope along the east property line of the Subject Lands as shown on Attachment 2, must be confirmed by TRCA.</li> <li>▪ Matters regarding the establishment of the development limits, building setbacks, buffer areas, tree preservation, geotechnical requirements, servicing, and the dedication / conveyance of open space lands to either the City of Vaughan or the TRCA will be reviewed through the review of the subject Applications and the related Site Development Application.</li> </ul>
e.	Existing Trees	<ul style="list-style-type: none"> <li>▪ The Tree Inventory, Preservation, and Removal Plan and Arborist Report submitted in support of the Applications must be reviewed and approved by the Development Planning Department, Urban Design and Cultural Heritage Division, the Transportation Services, Parks, and Forestry Operations Department, Forestry and Horticulture Division, and the Parks Development Department. Should it be determined that the tree removals be approved, then the appropriate compensation in accordance with the City's Council adopted</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		Tree Protection Protocol and Tree Protection By-law 052-2018, will be required.
f.	Proximity to Canadian Pacific ('CP') Railway Line	<ul style="list-style-type: none"> <li>▪ The Applications have been circulated to CP for review and comment as the Subject Lands abut the CP Railway Mactier Subdivision to the east, as shown on Attachments 1 and 2, which is classified as a principal main line.</li> <li>▪ The Owner proposes a 15 m setback to the CP Railway Line is proposed, as shown on Attachment 2. CP must confirm the minimum setback distance requirement from the railway right-of-way to the Development.</li> <li>▪ The Development must be designed and constructed to mitigate potential railway noise, and the appropriate warning clauses must be inserted in all Offers to Purchase, Agreements of Purchase and Sale or Lease, and in the title deed or lease of each dwelling, should the Applications be approved.</li> </ul>
g.	Related Site Development Application	<ul style="list-style-type: none"> <li>▪ The Owner has submitted related Site Development File DA.18.109 for the proposed Development as shown on Attachments 2 to 5, which will be reviewed comprehensively and concurrently with the subject Applications. The review of the Site Development Application will consider, but not be limited to, the following matters: <ul style="list-style-type: none"> <li>- Appropriate built form, building elevations and materials, site design, and enhanced landscaping</li> <li>- The relationship of the building setbacks, height and design with the immediate area</li> <li>- Pedestrian and barrier-free accessibility to / from and throughout the site</li> <li>- Provision of accessible parking on the site in accordance with the requirements of Ontario Regulation 413/12, made under the <i>Accessibility for Ontarians with Disabilities Act</i>, which cannot be varied</li> </ul> </li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<ul style="list-style-type: none"> <li>- Site circulation, proper vehicular access and turning movements</li> <li>- Vehicular turning movements (including service vehicles such as fire and garbage trucks) on the proposed driveway</li> <li>- Traffic and parking impacts of the proposed development on the immediate residential neighbourhood</li> <li>- Integration of the proposed development with the existing and future development in the community</li> <li>- Provision of sufficient snow storage area(s)</li> <li>- Implementation of appropriate waste collection design standards, stormwater management, and site servicing and grading</li> <li>- Proper stormwater management and retention measures to ensure any runoff/drainage is properly maintained on site.</li> </ul>
h.	Future Draft Plan of Condominium Application	<ul style="list-style-type: none"> <li>▪ The Owner will be required to submit a future Draft Plan of Condominium application to facilitate the proposed standard condominium tenure for the development, if the applications are approved.</li> </ul>
i.	Infill Development in Established Low-Rise Residential Neighbourhoods	<ul style="list-style-type: none"> <li>▪ Vaughan Council adopted Urban Design Guidelines ('Guidelines') for Infill Development in Established Low-Rise Residential Neighbourhoods on October 19, 2016 and the Community Area Policy Review for Low-Rise Residential Designations Study ("Study") on April 19, 2017</li> <li>▪ On September 27, 2018 adopted an Official Plan Amendment ('OPA') Number 15 to implement the Study. OPA Number 15 has been forwarded to York Region for approval.</li> <li>▪ The Guidelines and Study identify the Subject Lands as being within an "Established Low-Rise Residential Neighbourhood" in a "Stable Community Area".</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<ul style="list-style-type: none"> <li>▪ As an infill development, the Applications will be reviewed in consideration of the Guidelines and Council adopted OPA Number 15.</li> </ul>
j.	Urban Design Guidelines	<ul style="list-style-type: none"> <li>▪ The Development will also be reviewed in consideration of the City of Vaughan City-Wide Urban Design Guidelines.</li> </ul>
k.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bioswales, drought tolerant landscaping, energy efficient lighting, reduction in pavement, bird-friendly treatments, etc., will be reviewed and implemented through the Site Development Application process, if the Applications are approved.</li> <li>▪ In accordance with the City of Vaughan’s Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score.</li> </ul>
l.	Cultural Heritage	<ul style="list-style-type: none"> <li>▪ A portion of the Subject Lands is located within an area identified as being of high archaeological potential in the City’s database of archaeological resources.</li> <li>▪ As such, the Applications will be reviewed in consideration of any Cultural Heritage impacts, including archaeological resources.</li> </ul>
m.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan’s Cash-in-Lieu of Parkland Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Vaughan Legal Department, Real Estate Division.</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
n.	Allocation and Servicing	<ul style="list-style-type: none"> <li>▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Applications are 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 to the Subject Lands.</li> </ul>

**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. The Owner has made a request to York Region to exempt the Official Plan Amendment Application from York Region Approval. To date, York Region has not issued a decision regarding the exemption request. 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: Letizia D’Addario, Planner, Development Planning Department, ext. 8213.

**Attachments**

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Building Elevations – North and East
4. Building Elevations – South and West
5. Landscape Plan

**Prepared by**

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