

## Committee of the Whole (1) Report

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**DATE:** Tuesday, May 6, 2025

**WARDS:** 4

**TITLE: KS LIMITED PARTNERSHIP  
ZONING BY-LAW AMENDMENT FILE Z.23.018  
DRAFT PLAN OF SUBDIVISION FILE 19T-23V004  
8780 BATHURST STREET  
VICINITY OF BATHURST STREET AND AUTUMN HILL  
BOULEVARD**

**FROM:**

Vince Musacchio, Interim Deputy City Manager, Planning and Growth Management and Housing Delivery

**ACTION:** DECISION

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**Purpose**

To seek approval for a Zoning By-law Amendment and Draft Plan of Subdivision Application to permit 25 townhouse units (12 street townhouses and 13 common element townhouse units) as shown on Attachments 2 to 7.

**Report Highlights**

- The Owner proposes to rezone the Subject Lands (Attachment 1) to permit a residential subdivision consisting of 12 street townhouses and 13 common element townhouses fronting on a private common element condominium road.
- Zoning By-Law Amendment and Draft Plan of Subdivision Applications are required to implement the Development
- The Development and Parks Planning Department supports approval of the proposed development subject to conditions as outlined in this report.

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.23.018 (KS LIMITED PARTNERSHIP) BE APPROVED, to amend Zoning By-law 001-2021, to rezone the Subject Lands shown on Attachment 1, from A Agricultural Zone to RT1 Townhouse Residential Zone with a Holding Symbol (H) in the manner shown on Attachments 2, together with the site-specific zoning exceptions identified in Attachment 8 (Table 1) of this report.
2. THAT the Holding Symbol (H) shall not be removed from the Subject Lands or any portion thereof, until the following condition is addressed to the satisfaction of the City:
  - a) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning capacity to the Subject Lands.
3. THAT Draft Plan of Subdivision File 19T-23V004 (KS LIMITED PARTNERSHIP) as shown on Attachment 3, BE APPROVED, to permit a residential Draft Plan of Subdivision, subject to the Conditions of Draft Plan of Subdivision Approval in Attachment 9.

## **Background**

Location: 8780 Bathurst Street (the Subject Lands). The Subject Lands and the surrounding land uses are shown on Attachment 1. The Subject Lands are vacant.

### ***Zoning By-law Amendment and Draft Plan of Subdivision have been submitted to permit the proposed development.***

KS Limited Partnership (the Owner) has submitted a Zoning By-law Amendment and Draft Plan of Subdivision (the Applications) for the Subject Lands to permit the proposed development consisting of 25 townhouses, 12 Street Townhouses which will front onto Cabernet Road and 13 townhouse dwelling units fronting onto a private common element condominium road (the Development) as shown on Attachments 2 to 7:

1. Zoning By-law Amendment File Z.23.018 to rezone the Subject Lands from A Agricultural Zone (A Zone) to RT 1 Townhouse Residential Zone (RT1 Zone) with a Holding Symbol (H) in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 8, Table 1.
2. Draft Plan of subdivision File 19T-23V004, as shown on Attachment 3, for a Draft Plan of Subdivision (the Draft Plan) consisting of the following:

Blocks	Townhouse Type	# of Dwelling Units	Area (ha)
Blocks 1 & 2	Street Townhouses	12	0.1944 ha
Block 3	Common Elements Townhouses	13	0.3225 ha
Total		25	0.5169 ha

A future Site Development Application is required to secure design details for the condominium block (Block 3). In accordance with Bill 109, the approval of Site Development Applications has been delegated to the City of Vaughan Deputy City Manager, Planning, Growth Management and Housing Delivery or designate.

The Owner has submitted a Draft Plan of Condominium (Common Elements) Application concurrently with the Applications. Staff will bring forward the Draft Plan of Condominium (Common Elements) Application to a future Committee of the Whole meeting once the site plan details are secured through the future Site Development Application.

A Part Lot Control Exemption Application will also be required to create a Parcel of Tied Land (POTL) for the 13 common element townhouse units that will front along the private common element road. Part Lot Control Exemption will also be required for the townhouse blocks fronting onto the public road. The Part Lot Control Exemption Application will be required once site plan details are secured as discussed previously.

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

- *Date of Notice (Circulated 150 m from Subject Lands as shown on Attachment 1):*
- *Location of Notice Signs: Bathurst Street and on Cabernet Road*
- *Date of Public Meeting: June 4, 2024, date ratified by Council June 25, 2024*
- *Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: Joanne Groer – ask clerks for email address, she was communication C.16 CW(PM) June 4, 2024 for Item 3 – send Courtesy Notice 1 week prior to the CW1 report*

***Public Comments were received***

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

**Visitor Parking**

- The Development will require more visitor parking for 25 units during the holiday season.

## **Density, Built Form**

- Adequate servicing capacity must be available to accommodate 25 units.

### Response

All Development Applications must provide adequate parking at the rates outlined in the City's Comprehensive Zoning By-law. The Development has been revised to secure provisions for one Barrier-free Parking Space as defined and required under section 6.4.3 of the City's Comprehensive Zoning By-law and Ontario Regulation (O.Reg 413/12).

The availability of water and sewer capacity for all Development Applications are reviewed and approved by the Development Engineering Department. If application is not approved for Development without a Council Resolution authorizing allocation of sewer and water for the number of residential dwelling units proposed, a holding symbol will be applied to the Subject Lands until such time that Council has allocated water and wastewater services to the Subject Lands.

## **Previous Reports/Authority**

Previous reports related to the applications and Subject Lands can be found at the following link:

KS Limited Partnership, Public Meeting Report

[June 4, 2024, Committee of the Whole Public Meeting \(Item 3, Report 23\)](#)

## **Analysis and Options**

***The Development is consistent with the Provincial Planning Statement, 2024 and conforms York Region Official Plan, 2022 (YROP 2022) and meets the intent of Vaughan Official Plan 2010 (VOP 2010).***

### Provincial Planning Statement 2024

The Provincial Planning Statement 2024 provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Development facilitates a compact urban form through the intensification of underutilized and vacant lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide a diverse range of housing aligns with the principles of the PPS 2024. Staff are satisfied that the Development is consistent with the PPS 2024.

### York Region Official Plan 2022 (YROP 2022)

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (Planning Statute Law Amendment Act, 2023) and Bill 162 (Get It Done Act, 2024) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) (Bill 185) received Royal Assent which includes amendments to the Planning Act. In accordance with the amendments to the Planning Act implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the Planning Act, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

### Vaughan Official Plan 2010 (VOP 2010)

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- Community Area on Schedule 1 – Urban Structure of VOP 2010
- Low-Rise Residential on Schedule 13 – Land Use of VOP 2010

The Low-Rise Residential designation permits townhouse dwellings at a building height of 3-storeys.

The Development shown on Attachments 2 to 7 is in a Low-Rise Residential designation that is characterized by low-rise buildings in the form of street townhouses. The built-form contemplated within the Development is consistent with the existing building-types surrounding the immediate area. The Development also abuts Bathurst Street, a regional corridor that is identified on VOP 2010 Schedule 10 Major Transit Network as a special study corridor where future transit improvements are to be study and contemplated. The Development would have direct access to any future transit improvements planned along Bathurst Street. On this basis, the Development conforms to VOP 2010.

### ***Amendments to Zoning By-law 001-2021 are required to permit the Development.***

Zoning:

- A Agricultural Zone by Zoning By-Law 001-2021
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to RT1 Townhouse Residential Zone as shown on Attachment 2, together with the following site-specific zoning exceptions identified in Attachment 8 (Table 1) to facilitate the Development.

Minor modifications may be made to the zoning exceptions identified in Attachment 8 (Table 1), prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

***A Holding Symbol (H) is recommended for the Subject Lands to satisfy the conditions of the City.***

A Holding Symbol (H) is recommended to be placed on the proposed zoning for the Subject Lands to address service allocation provisions. The Holding Symbol (H) shall not be removed from the Subject Lands, or any portion thereof, until the condition included in the Recommendation section of this report is addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

***The Development and Parks Planning Department recommends approval of the Draft Plan, subject to the Conditions of Approval.***

The Development and Parks Planning Department recommends approval of the Development as shown on attachments 2 to 7, subject to conditions.

**Subdivision Design**

The Draft Plan shown on Attachment 3 includes two street townhouse blocks (Blocks 1 and 2) with a total of 12 dwelling units and one common element townhouse block (Block 3) which will contain 13 dwelling units. The 13 common element townhouse dwelling units front onto a private common element condominium road located within Block 3, north of the 12 street townhouses. The private common element condominium road in Block 3 will extend north from the existing public road (Cabernet Road) to provide vehicular and pedestrian access to the 13 common element townhouse dwelling units. The street townhouses located within blocks one and two will be separate from the condominium block and will form individual lots through a part lot control process. The street townhouse within blocks one and two will have direct access and frontage onto the existing public road (Cabernet Road) as shown on attachments 2 to 7.

**Urban Design**

All development within the Draft Plan is required to proceed in accordance with the Vaughan Council approved City-Wide Urban Design Guidelines. A condition to this effect is included in the Conditions of Approval in Attachment 9 of this report.

**Parks**

The Subject Lands are located adjacent to a municipal park. Block 3 within the Draft Plan contemplates an east to west pedestrian walkway that will connect to an existing municipal pathway that leads into a public park located west of the Subject Lands. Staff recommends a gate be placed at the entrance of the east to west pedestrian walkway where it connects to the existing municipal pathway to control public access. Such provisions will be further evaluated and reviewed in a future Site Development Application for the common element townhouses in Block 3.

### Archaeology

The Development and Parks Planning Department has been advised that the Subject Lands is not identified as having archaeological potential, nor are there any built heritage concerns on the Subject Lands. However, this is subject to any archaeological resources or human remains being located on the Subject Lands during construction. Warning clauses in this regard are included as Conditions of Approval in Attachment 9 of this report.

The Development and Parks Planning Department is satisfied with the proposed Draft Plan of Subdivision design as shown on Attachment 3, subject to the Conditions of Approval in Attachment 9 of this report.

### Tree Protection Agreement

The Owner shall provide a detailed Tree Preservation Study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation based on the arborist report recommendations. The Owner shall enter into a tree protection agreement in accordance with City Council enacted Tree By-Law 052-2018. A condition is included as Conditions of Approval in Attachment 9.

### ***The Development achieves a Bronze Sustainability Threshold Score.***

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 27 (bronze level). This score meets minimum threshold requirements for Draft Plan of Subdivision applications.

### **Financial Impact**

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

### **Operational Impact**

#### ***The Policy Planning and Special Programs Department has no objection to the Development.***

The Policy Planning and Special Programs Department has no objection to the approval of the Applications. The Owner shall ensure the provisions of the *Endangered Species Act*, 2007, S.O. 2007 are not contravened. As such, it is the responsibility of the Owner to comply with the provisions of the *Act*.

#### ***The Development Engineering Department supports the Development, subject to the conditions in this report.***

The Development Engineering Department has provided the following comments:

### Road Network

The Development includes 12 street townhouse dwelling units fronting onto an existing public road (Cabernet Road) and 13 common element townhouse dwelling units located behind the street townhouses, that will front onto a new private common element condominium road in Block 3. The private common element road will have full-move access from Cabernet Road. The private road within the condominium block of the

Development will also have a total of four visitor parking spaces including one barrier-free parking space.

#### Water

The Development is located within Pressure District 6 (PD6) system. The street townhouse dwelling units fronting onto Cabernet Road will have individual 25 mm diameter service connections to an existing watermain located under Cabernet Road. The remaining common element townhouse dwelling units will be connected to the existing watermain located under Cabernet Road by a proposed private water service connection.

#### Sanitary Services

The street townhouses will be serviced via individual service connections to the existing 200 mm sanitary sewer on Cabernet Road. The townhouses within the common element block will be serviced with a private sanitary sewer network connecting to a sanitary control maintenance hole at the west property line and ultimately discharging to the existing 300 mm diameter sanitary sewer.

#### Stormwater

The street townhouse as shown on Attachments 2 to 4 will be serviced via individual service connections to the existing 525 mm storm sewer on Cabernet Road. The remaining common element townhouses dwelling units within will be serviced with a private storm sewer network connecting to a storm control maintenance hole at the west property line and ultimately discharging to the existing 1800 mm diameter storm sewer in the servicing easement. Stormwater flows will ultimately drain to an existing stormwater management pond (Autumn Hill Pond) located at the northwest corner of Bathurst Street and Autumn Hill Boulevard.

#### Dewatering

The Owner will be required to make an application for any temporary and permanent dewatering system that is required for the Development and enter into an agreement and/or permit to discharge groundwater as required by the City. A condition to this effect is included in the Conditions of Approval in Attachment 9a).

#### Noise Assessment

A Noise Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated June 9, 2023, recommended that upgraded building exterior components, central air conditioning, and noise warning clauses be included in all Offers of Purchase and Sale or Lease and registered on title to make future occupants aware of potential noise impacts. The Development Engineering Department requires that a final Noise Feasibility study be approved their satisfaction. A condition to this to this effect is included in the Conditions of Approval in Attachment 9a).

#### Environmental Engineering

The Owner is required to provide an updated Environmental Site Assessment to the standards set out in Ontario Regulation (O.Reg 153/04). The Environmental Site

Assessment that was currently provided for was based on the Canadian Standards Association (CSA). In that report it is noted if a Record of Site Condition (RSC) is required then a Phase 2 ESA will likely be required. A condition to this effect has been added to the draft plan of subdivision conditions.

#### Sewage and Water Allocation

Confirmation of Council's allocation of water and wastewater supply capacity is required in order for the Development to proceed. If the Application is approved by Council the corresponding zoning by-law amendment will include a Holding Symbol (H). The Holding symbol will not be removed until Vaughan Council adopts a resolution assigning servicing capacity distribution for the Subject Lands.

#### ***Real Estate Department: Cash-in-Lieu of the dedication of parkland is required.***

The Real Estate Department has advised that the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to five per cent of the value of the Subject Lands, in accordance with Section 51 of the *Planning Act* and the City of Vaughan Parkland Dedication By-law. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect has been included in the Conditions of Approval in Attachment 9.

#### ***Environmental Services Department, Waste Management Division.***

The common element portion of the Development will require private waste collection services to accommodate the common element private road layout that is contemplated as part of the Development. The remaining 12 street townhouse dwelling units fronting onto Cabernet Road will be eligible for municipal waste collection.

#### ***Other external agencies and various utilities have no objection to the Development.***

The York Region District School Board and York Catholic District School Board have advised they have no objection to the Applications and have no conditions regarding the proposed Draft Plan. No comments were received from the Conseil Scolaire de District Catholique Centre Sud. Alectra Utilities Corporation, Bell Canada, Rogers Communication Canada Inc., Enbridge, and Canada Post have no objection to the Applications, subject to their Conditions of Approval in Attachment 9c), 9d), 9e), 9f) and 9g) respectively.

#### **Broader Regional Impacts/Considerations**

##### ***York Region has provided conditions of approval.***

York Region has no objection to the Applications, subject to their comments and Conditions of Approval included in Attachment 9b).

***The Toronto and Region Conservation Authority (TRCA) has no objection to the approval of the Development.***

The Development is outside of the Toronto and Region Conservation Authority Regulated Area and therefore a TRCA permit is not required in accordance with Section 28 of the Conservation Authorities Act.

The Subject Lands are in WHPA-Q Area of the CTC Source Water Protection Plan, and is subject to REC-1 Part 1 of the CTC SPP. The Toronto and Region Conservation Authority has reviewed the Development in relations to REC-1 Part 1 policies and is satisfied with the proposed mitigation measure and encourage Low Impact Design Standards (LIDS) in the Development.

**Conclusion**

The Development and Parks Planning Department is satisfied the Applications are consistent with the Provincial Planning Statement 2024, conforms with York Region Official Plan 2022 and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development and Parks Planning Department can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 9.

**For more information**, please contact OluwaKemi (Kemi) Apanisile, Planner, at extension 8210.

**Attachments**

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Proposed Draft Plan of Subdivision
4. Landscape Concept Plan
5. Building Elevations (Street Townhouses)
6. Building Elevations (Common Element Townhouses)
7. Conceptual Perspective (Cabernet Road)
8. Zoning By-law 001-2021 Table 1
9. Conditions of Draft Plan of Subdivision Approval File 19T-23V004

**Prepared by**

OluwaKemi (Kemi) Apanisile, Senior Planner, ext. 8210  
Mary Caputo, Senior Manager of Development Planning, ext. 8635  
Nancy Tuckett, Director of Development and Parks Planning, ext. 8529