

Committee of the Whole (Public Hearing) Report

DATE: Monday, October 07, 2019

WARD: 5

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.19.009
BETOVAN CONSTRUCTION LTD.
VICINITY OF BATHURST STREET AND WORTH BOULEVARD**

FROM:

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

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.19.009 (Betovan Construction Ltd.) for the subject lands shown on Attachment 1, to amend Zoning By-law 1-88, to rezone the subject lands from “R2 Residential Zone” to “RT1 Residential Townhouse Zone” in a manner shown on Attachment # 2, to permit a residential development consisting of 6 townhouse dwelling units and 2 semi-detached dwelling units on a common element condominium road.

Report Highlights

- To receive input from the public and the Committee of the Whole to permit the development of 6 townhouse dwelling units and 2 semi-detached dwelling units on a common element condominium road.
- An amendment to Zoning By-law 1-88 is required to permit the Development.
- 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 Zoning By-law Amendment File Z.19.009 (Betovan Construction Ltd.) 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

The subject lands (the 'Subject Lands') are located on the northwest corner of Bathurst Street and Worth Blvd and are municipally known as 520 Worth Boulevard, as identified on Attachment 1. Surrounding land uses are shown on Attachment 1. The Subject Lands are currently vacant and are characterized by flat terrain with trees and shrubs framing the boundary of the parcel.

A Zoning By-Law Amendment Application has been submitted to permit the proposed Development

The Owner has submitted a Zoning By-law Amendment Application Z.19.009 ("the Application ") to rezone the Subject Lands from "R2 Residential Zone" to "RT1 Residential Townhouse Zone" in the manner shown on Attachment 2, together with the site-specific zone exception identified in Table 1 of the report. The proposal includes 6 townhouse dwelling units and 2 semi-detached units on a common element condominium road.

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

- a) Date the Notice of Public Hearing was circulated: September 13, 2019

The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols. Two signs have been placed on the property, one fronting onto Bathurst Street and the second on the south side of the property facing Worth Boulevard.

- b) Circulation Area: 150 m, and to the Beverley Glen Homeowner Association.

Any comment 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 that will be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

None

Analysis and Options

The proposed Development conforms to the Vaughan Official Plan

The Subject Lands are designated "Regional Intensification Corridors" and "Low-Rise Residential" by Vaughan Official Plan 2010 ('VOP 2010'). Development within the "Regional Intensification Corridors" is intended to encourage compact building types

that is transit oriented and pedestrian friendly. The proposed townhouse and semi-detached units are oriented in a manner that will optimize access to future higher-order transit planned along Bathurst Street. The compact built-form proposed complies to the intentions of the Regional Intensification Corridor designation which permits linear intensification areas that will serve as a link to Primary Centres (i.e. Promenade Mall), located south of the Subject Lands.

The “Low-Rise Residential” designation permits residential uses and the following building types, detached house, semi-detached houses, townhouse and public and private institutional buildings. The proposed development will consist of 6 townhouse units and 2 semi-detached units which are both permitted building types within the “Low-Rise Residential” designation. The maximum height allowed within the prescribed “Low-Rise Residential” land use designation is 3 storeys. The proposed development has a planned maximum height of 3 storeys as illustrated in Attachment 3 and 4.

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 townhouse units or semi-detached units. The Owner is proposing to rezone the Subject Lands to “RT1 Residential Townhouse Zone” in manner shown on Attachment 2, together with the following site-specific exceptions to Zoning By-law 1-88:

Table 1

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to RT1 Zone Requirement
a.	Definition of a “Dwelling, Street Townhouse”	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which lot abuts a public street	Means a townhouse dwelling in which each dwelling unit is situate on its own lot, which lot abuts a Public or Private street
b.	Definition of a “Lot Line, Front”	Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle the centre point of	The Front Lot Line shall be deemed to be along Bathurst Street

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to RT1 Zone Requirement
		the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines. Where both lot lines are of equal length or where the lot abuts more than two (2) street lines, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot. A reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph	
c.	Definition of a "Street"	See "Public Highway", Means a street or highway being a Provincial Highway or under the jurisdiction of the Regional Municipality of York, the Municipality of Metropolitan Toronto, or assumed by the City or being constructed under an Agreement with the City	See "Public Highway", also includes a Private Street. A private street shall mean a roadway that is used by vehicles and is maintained by condominium corporation as a private road, but which provides access to individual freehold lots
d.	Uses Permitted	Semi-detached units are not permitted	Semi-detached units shall be permitted
e.	Maximum interior garage width with lots frontages less than 11 m	3.048 m	5.5 m (Lots 2 to 8)

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to RT1 Zone Requirement
f.	Maximum interior garage width with lots that have frontages between 11.5 m to 11.99 m	5.0 m	5.5 m (Lot 1)
g.	Minimum Lot Depth	27 m	Lot 7 - 14.8 m
h.	Minimum front yard	4.5 m	Lot 1-2.5 m Lot 5- 4.1 m Lot 6 - 3.0 m Lot 7 - 3.0 m Lot 8 - 3.1 m
i.	Minimum Rear Yard	7.5 m	Lot 1 - 3.7 m Lot 2 - 4.1 m Lot 3 - 3.3 m Lot 4 - 3.2 m Lot 5 - 3.2 m Lot 6 - 3.3 m Lot 7 - 2.3 m Lot 8 - 3.1 m
j.	Minimum Setback to an Attached Garage	6.0 m	Lot 6 - 5.8 m Lot 7 - 5.8 m
k.	Minimum Exterior Side Yard	4.5 m	Lot 1 - 3.3 m Lot 6 and 7 - 1.2 m
l.	Minimum Setback to a Sight Triangle	3.0 m	Lot 1 - 1.5 m

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to RT1 Zone Requirement
m.	Maximum Building Height	11 m	12 m
n.	Lot Frontages for Lots Between 6.0 – 11.99 m Shall Comprise of the Minimum Landscape Area	Front or Exterior Yard Landscaping requirements: Minimum 33% of which 60% of the minimum landscape is soft landscape	Shall not apply
o.	Permitted Yard Encroachments and Restrictions with respect to sills, a/c, cornices, eaves, gutters, canopies, chimney pilasters and windows.	Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters and windows, provided however, that the same shall not project more than 0.5 metres into a required yard	Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters, fireplaces and windows, provided however, that the same shall not project more than 0.5 metres into a required yard
p.	Permitted Yard Encroachment and Restrictions with respect to exterior stairways, porches, uncovered balconies, unenclosed & unexcavated, bay windows.	Subject to Paragraph (b), exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 metres and may extend into a required front, exterior side or rear yard to a maximum of 1.8 metres	Subject to Paragraph (b), exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 metres and may extend into a required front, exterior side or rear yard to a maximum of 1.8 metres. In addition, a bay or box

	Zoning By-law 1-88 Standards	RT1 Residential Townhouse Zone Requirement	Proposed Exceptions to RT1 Zone Requirement
			window or similar window projection which is constructed with footings shall be permitted and may extend into a required front, exterior side or rear yard to a maximum of 0.6 m
q.	Minimum front yard setback encroachment for covered/uncovered unenclosed porches (those with two side open)	Covered/uncovered unenclosed porches (those with two side open) are permitted to encroach into front yard setback by 2.5 m	Proposed porch does meet the definition within the bylaw 1-88. Porches with only one side open are not permitted to encroach into the setbacks. Seeking a maximum encroachment allowance of 1.8 m into the front yard setback

Additional zoning exceptions may be identified through the detailed review of the Application and will be considered in a technical 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	COMMENTS
a.	Consistency and Conformity with Provincial Policies, York Region and City Official Plans	The Zoning By-law Amendment application will be reviewed for consistency and conformity with the <i>Provincial Policy Statement 2014</i> (the “PPS”), and the <i>Growth Plan for the Greater Golden Horseshoe (2019)</i> (the “Growth Plan”), and the policies of the York Region Official Plan (“YROP 2010”) and the City of Vaughan Official Plan (“VOP 2010”).

	MATTERS TO BE REVIEWED	COMMENTS
b.	Appropriateness of Proposed Zoning Amendment and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed amendments to Zoning By-law 1-88 to permit the proposed development, will be reviewed in consideration of the existing and planned surrounding land uses, with consideration given to land use and built form compatibility, and appropriate development standards, including but not limited to: <ul style="list-style-type: none"> i) the scale and massing of the proposed buildings in relations to the surrounding lands ii) the proposed lot/block pattern, configuration, transition and built form compatibility in relation to the immediate surrounding area iii) the building height, lot frontage, lot coverage and setbacks iv) the urban design policies of the Official Plan.
	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Applications, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> • Planning Justification Report • Arborist Report • Urban Design & Sustainability Brief • Functional Servicing and Stormwater Management Report • Landscape Cost Estimates <p>Additional studies/reports may be required as part of the development application review process.</p>
	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary sewage servicing capacity for the proposed residential units must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing capacity is unavailable, the Holding Symbol “(H)” may be applied to the Subject Lands. Removal of the Holding Symbol will be conditional on servicing being identified and allocated by Vaughan Council.

	MATTERS TO BE REVIEWED	COMMENTS
d.	Parkland Dedication or Cash-in-lieu of Parkland	<ul style="list-style-type: none"> ▪ The Owner is required to provide parkland and/or cash-in-lieu of the dedication of parkland to the City of Vaughan in accordance with the Planning Act and the City’s Parkland Dedication and Cash-in-lieu Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Real Estate Department, should the Application be approved.
f.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> ▪ The Development must conform to the approved City-wide Urban Design Guidelines.
	Existing Trees	<ul style="list-style-type: none"> ▪ The Arborist Report and Tree Preservation Plan submitted in support of the Applications must be reviewed and approved by the Development Planning, Forestry and Horticulture Division, and Parks Development Departments. Should it be determined that trees are proposed to be removed, then the appropriate compensation in accordance with the City’s Replacement Tree Requirements s will be required.
g.	Site Development Application File: DA.19.052	<ul style="list-style-type: none"> ▪ A Site Plan Application has been submitted concurrently with the rezoning proposal to permit the development on the subject land. The Site Plan application will be reviewed based on, but is not limited to appropriate building type and site design, barrier free accessibility, pedestrian connectivity, vehicular access, fencing, internal and external traffic circulation, parking capacity, landscape, landscape buffers, illumination plan and preventative spillage design into neighbouring properties, environmentally sustainable design, servicing, grading, waste management, stormwater management and permeable design features. ▪ A Site Plan Application and Zoning By-law amendment application can be processed together and consolidated into one comprehensive technical

	MATTERS TO BE REVIEWED	COMMENTS
		<p>report that is considered at the Committee of the Whole. This is to ensure that the site-specific exceptions are identified in the implementing zoning by-law to facilitate the Development, if the application is approved.</p>
i.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bioswales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the “heat island” effect etc., will be reviewed. ▪ In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Overall Application Score.
j.	Future Draft Plan of Condominium and Part Lot Control Exemption Applications	<ul style="list-style-type: none"> ▪ Should the Applications be approved, a Draft Plan of Condominium (Common Element) Application will be required to establish the condominium tenure for the Development. ▪ A Part Lot Control Exemption Application is required to create the individual POTLS (parcels of tied land).

Financial Impact

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

Broader Regional Impacts/Considerations

The Application have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues identified 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 this Application will be considered in the technical review of the Application. Comments from the public and Vaughan Council expressed at the Public Hearing or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: OluwaKemi Apanisile, Planner at extension 8210.

Attachments

1. Location Map
2. Site Plan and Proposed Zoning
3. Building Elevations - Townhouse
4. Building Elevations - Semi-Detached

Prepared by

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