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CONSULTING**

planning + urban design

COMMUNICATION – C27

ITEM 1

**Committee of the Whole (Public Meeting)
October 29, 2020**

City of Vaughan
Planning and Growth Management
2141 Major Mackenzie Drive
Vaughan, Ontario, L6A 1T1

October 27, 2020
File 7672

**Attn: Todd Coles
City Clerk, City of Vaughan**

**RE: Comments on the Third Draft – Comprehensive Zoning By-Law Review
8849 Regional Road 27, City of Vaughan
Sunfield Homes (Hwy 27) Ltd.**

Weston Consulting is the planning agent for Sunfield Homes (Hwy 27) Ltd., the owner of the property municipally known as 8849 Regional Road 27 in the City of Vaughan (the 'subject lands'). The purpose of this letter is to comment on the Third Draft of the City's Comprehensive Zoning By-Law Review ("Draft ZBL") dated September 2020 as it relates to the subject lands.

The subject lands are proposed to be zoned as *Third Density Residential Zone (R3) Exception 423* within the Draft ZBL in order to recognize historical development approvals applicable to the site. The subject lands are associated with Zoning By-law Amendment Application (Z.17.020), which was approved by the Local Planning Appeal Tribunal ("LPAT") through its Order dated July 16, 2019, and later enacted by Vaughan Council on October 2, 2019 through By-law 131-2019. The approval amended the existing site specific exception *R3 Residential Zone Exception 9 (692)* under the current Zoning By-Law 1-88 to permit the development of 8 single-detached dwellings.

Based on our review of the Draft ZBL, we are of the opinion that the regulation does not accurately capture the site-specific provisions approved by By-Law 131-2019. Although the applicable site specific exception Schedule E-771D was incorporated into the Draft ZBL, the associated text contained in By-law 131-2019, which permits the reduced lot frontage, increased lot coverage and increased driveway width was omitted from Exception 423. As, such, we request that the applicable provisions/text of By-law 131-2019 be fully incorporated into Section 14 of the Draft ZBL.

Further, it is noted that the following transitional provisions contained in Section 1.6.3 of the Draft ZBL are applicable to the development of the subject lands given the current active status of Site Development Application (DA.18.015), as well as the applicable LPAT Order referenced above.

1.6.3.2. The requirements of this By-law do not apply to prevent the erection or use of a building or structure for which an application for site plan approval has been filed on or before the effective date of this By-law, provided:

- a. *The site plan application is deemed complete in accordance with the City of Vaughan Official Plan, 2010;*
- b. *The site plan application was in compliance with Zoning By-law 1-88, as amended, and any applicable finally approved minor variances, including minor variances qualified by Section 1.6.3.1; and,*
- c. *Any building permit issued after final approval of the site plan that complies with the provisions of Zoning By-law 1-88, as amended, and is in accordance with any final minor variances.*

1.6.3.4. The requirements of this By-law do not apply to a lot where the Ontario Municipal Board or Local Planning Appeal Tribunal has, on or after January 1, 2015 and on or before the passing of this By-law, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, a provisional consent, or conditional or final Site Plan Approval, but has decided that the final Order shall come into force or be issued at a future fixed date or upon the performance of terms imposed by the Ontario Municipal Board or Local Planning Appeal Tribunal, as the case may be, and a building permit has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title, as the case may be.

We appreciate your consideration of the above and formally request that the comments contained herein be incorporated into the final draft of the Comprehensive Zoning By-law prior to adoption. Further, we request that this correspondence be added to the public record for the upcoming Statutory Public Hearing scheduled for October 29, 2020.

We reserve the right to provide further comment on the Draft ZBL and request to be notified of any further revisions, approvals and notices applicable to the Zoning By-law Review process. Should you have questions or require anything further, please do not hesitate to contact the undersigned (ext. 252) or Steven Pham (ext. 312).

Yours truly,

Weston Consulting

Per:



Michael A. Vani, BURPI, MCIP, RPP
Senior Planner

- c. Sandra Patano, Weston Consulting
- Brandon Correia, City of Vaughan
- Jennifer Kim, City of Vaughan
- Sunfield Homes (Hwy 27) Ltd.

Att. LPAT Order (PL180309)
By-law 131-2019

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: July 16, 2019

CASE NO(S): PL180309

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sunfield Homes (Hwy 27) Ltd.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	R3 Residential
Proposed Zoning:	R5 Residential
Purpose:	To permit the development of 6 single detached dwellings and 4 semi-detached dwellings
Property Address/Description	8849 Highway 27
Municipality:	City of Vaughan
Municipality File No.:	Z.17.020
OMB Case No.:	PL180309
OMB File No.:	PL180309
OMB Case Name:	Sunfield Homes (Hwy 27) Ltd. v. Vaughan (City)

Heard: March 28, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

Sunfield Homes (Hwy 27) Ltd.
("Applicant")

City of Vaughan ("City")

Counsel

Barry Horosko

Effie Lidakis

**MEMORANDUM OF ORAL DECISION DELIVERED BY PAULA BOUTIS ON
MARCH 28, 2019**

INTRODUCTION

[1] This application relates to a zoning by-law amendment (“ZBLA”) application for property located at 8849 Highway 27 (“Subject Property”). The Subject Property is located at the northeast corner of Highway 27 and Martin Grove Road in the western portion of the City, in the community of Woodbridge.

[2] The matter was intended to come before the Tribunal as a pre-hearing conference. The parties, however, had reached a settlement and proposed converting the appearance into a settlement hearing, if the Tribunal considered it appropriate to do so.

[3] The Tribunal confirmed that proper Notice of Hearing had been served and filed the Affidavit of Service as Exhibit 1.

[4] The Tribunal canvassed attendees and determined two residents were seeking Participant status, Jay Branton and John Horton. As no one sought Party status, the Tribunal concluded it should proceed to hear the matter and converted the appearance into a settlement hearing.

[5] While two individuals were given Participant status, only Mr. Branton ultimately gave a statement raising concerns about the proposal.

[6] Kirk Franklin, a land use planner whom the Tribunal qualified to provide opinion evidence in the area of land use planning, testified in support of the settlement.

[7] At the conclusion of the hearing, the Tribunal rendered an oral decision allowing the appeal, in part, but withheld its final order pending the parties filing a final form zoning by-law with the Tribunal for its approval.

EVIDENCE AND ANALYSIS

Issues

[8] The *Planning Act* (“Act”) places several obligations on the Tribunal when it makes a decision.

[9] The Tribunal must have regard to s. 2 of the Act, which enumerates a number of provincial interests, including the orderly development of safe and healthy communities and the appropriate location of growth and development.

[10] The Tribunal’s decisions must be consistent with the Provincial Policy Statement, 2014 (“PPS”) and, in this case, the Tribunal’s decision must also conform to the Growth Plan for the Greater Golden Horseshoe, 2017 (“2017 Growth Plan”).

[11] The proposed ZBLA must conform to the applicable official plans, in this case the Vaughan Official Plan (“City OP”) and the Regional Municipality of York Official Plan (“ROP”).

Proposal, Site and Planning Context

[12] While the Subject Property consists legally of four separate blocks under Registered Plan of Subdivision 65M-2857 (“Registered Plan”), it has only a single detached dwelling on it with an associated garage. It is about one acre in size. Access has been from Martin Grove Road. It is otherwise flanked by and fronts other low-rise detached housing on smaller lots, all of which front Andy Crescent. Low-rise detached housing is also to the south.

[13] Lands to the west are generally vacant rural lands designated for employment uses. A FedEx Ground Facility is located to the west on the other side of Highway 27, with a Costco Distribution to the south of that.

[14] The original proposal proposed ten units, with single detached homes in the middle and two semi-detached homes on the edges. The revised proposal has no semi-detached homes. Instead, eight single detached homes are now proposed. As a result, a rezoning from R3 to R5, to allow for semi-detached homes, is no longer sought. Instead, the ZBLA is required to address site-specific standards for the proposal.

[15] Because of its location along a curve on Andy Crescent, the Subject Property generates pie shaped lots. This means frontages are narrower than the rear property line width. Resulting from that is a need to seek variances from the frontage standard in Zoning By-law No. 1-88 ("ZBL"), which requires a minimum frontage of 12 metres ("m"). The proposed lots will have frontages of 6.6 m to 8.9 m, as outlined in the Draft ZBLA (Exhibit 4).

[16] Other changes relate to lot coverage and driveway width. For one lot, the maximum lot coverage is required to be increased to 41% from the ZBL standard of 40%. Two lots will require a 4 m driveway width, compared to the standard of 3.6 m permitted under the ZBL.

[17] Lot area will exceed the minimum requirements for each lot and no site-specific standards are required in respect of parking. Mr. Franklin indicated that parking will be above the ZBL standard. He indicated that while residents had raised concerns about sufficient parking, he did not share that view. In particular, the concern raised by Mr. Branton at the hearing was "not so much in the driveways, but that all of them [would] have zero on street parking because it's on a curve, so if there are guests, they would have to park in front of [other] residents".

[18] As the Tribunal understood it, Mr. Branton indicated the proposal should be for fewer homes, reflecting the original four lots or perhaps up to a fifth lot which would still meet the 12 m frontage ZBL requirement. This would allow for more on street parking. This would also address his concerns that there is insufficient space for snow storage.

[19] Ultimately, the Tribunal does not have evidence to suggest snow storage

capacity is insufficient and does not consider it an adverse impact to have guests parking in front of other area residents' homes. In any event, the proposal exceeds the ZBL requirements for parking and meets or exceeds the City's guidance for driveways at the street curb.

[20] Mr. Franklin indicated that there was some concern in the neighbourhood about monitoring wells and environmental issues. He confirmed that a Phase I and Phase II study had been completed and there was no indication of any environmental issues on the Subject Property. He also indicated that to the extent there are design concerns, these can be further addressed at the site plan stage. He also indicated that while trees will need to be removed, there will be a master landscape plan and new trees will be planted. Further the development will comply with the tree by-law.

Opinion Evidence

[21] Mr. Franklin indicated that in his opinion the proposal represented good planning. It is an efficient development, contributing to a range and mix of housing, avoiding public health concerns, and near transit on both Highway 27 and Martin Grove Road. He indicated it was cost effective infill development using existing infrastructure within a settlement area. In his opinion, the proposal is both consistent with the PPS and conforms to the 2017 Growth Plan.

[22] Regarding the ROP, Mr. Franklin referenced the intensification, housing and servicing policies. He indicated that there is already sidewalk infrastructure, a nearby school and transit.

[23] Regarding the City OP, Mr. Franklin reviewed the Community Area policies in Chapter 9. He reviewed each of the key criteria in Policy 9.1.2.2 and concluded that the proposal reflects existing patterns, with homes fronting on Andy Crescent; the lot size will exceed the minimums required; it will maintain the single detached housing form, though the height and scale will be slightly denser, with a two-storey residential form; the set backs conform to the ZBL requirements; the existing home has no heritage

attributes and can be demolished. He indicated that the design will complement the design existing in the area and the site plan will further ensure that. Landscaping opportunities are available as there will be generous front yards.

[24] In sum, it was Mr. Franklin's opinion that the proposal conforms to the applicable official plan policies.

[25] Regarding the Draft ZBLA, there was some question about the second "Whereas", which indicates the following:

There has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity.

[26] Mr. Franklin indicated that there were no amendments he was aware of that would affect the proposal and he would be comfortable if it were deleted.

[27] In any event the parties agreed a final order of the Tribunal approving the ZBLA should be withheld pending consent on the final form of the ZBLA.

[28] The Tribunal indicated at the hearing that while this will double the number of lots originally planned for in the Registered Plan, the provincial planning framework has significantly changed in the intervening years. In light of that, and given that the form of housing proposed is the same without any impacts to lot area requirements, the Tribunal accepted the uncontradicted opinion evidence of Mr. Franklin that the proposal is consistent with the PPS, conforms to the 2017 Growth Plan and conforms to the ROP and City OP. Further the Tribunal finds the proposal has regard to s. 2 of the Act.

DECISION

[29] The Tribunal allowed the appeal in part. It withheld its final order pending the submission of the final zoning by-law amendment, anticipated to be on consent of the parties.

[30] The Tribunal may be spoken to in the event its assistance is required.

"Paula Boutis"

PAULA BOUTIS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 131-2019

A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as effected by the Local Planning Appeal Tribunal.

The Council of The Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. THAT the Amendment to City of Vaughan By-law 1-88, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 18th day of July 2019 (LPAT File No. PL180309), attached hereto as Schedule "A", is hereby designated as By-law Number 131-2019.

Enacted by City of Vaughan Council this 2nd day of October 2019.


Hon. Maurizio Bevilacqua, Mayor
Todd Coles, City Clerk

Local Planning Appeal Tribunal
Tribunal d’appel de l’aménagement
local



ISSUE DATE: July 18, 2019 **CASE NO.:** PL180309

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PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sunfield Homes (Hwy 27) Ltd.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
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OMB Case No.:	PL180309
OMB File No.:	PL180309
OMB Case Name:	Sunfield Homes (Hwy 27) Ltd. v. Vaughan (City)

BEFORE:

R. ROSSI)	Thursday, the 18 th
MEMBER)	
)	day of July, 2019

THIS MATTER having come before the Tribunal and in its Decision issued July 16, 2019, allowed the appeal in part and withheld its final order pending the submission of the final zoning by-law amendment, anticipated to be on consent of the parties;

AND THE TRIBUNAL having received the final zoning by-law amendment from the City of Vaughan;

THE TRIBUNAL ORDERS that the appeal is allowed, and By-law is hereby amended in the manner set in Schedule "A" to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.



REGISTRAR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 131-2019

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity;

NOW THEREFORE the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Adding the following clause after clause b) to Exception Paragraph 9 (692) in alphabetical sequence:

"c) Subsection 4.1.4 f) respecting dimensions of driveways;"
 - b) Adding the following sub-clauses after sub-clause ai) (5) to Exception Paragraph 9(692) in numerical and alphanumerical sequence:

"(6) The minimum lot frontage for Lots A to H as shown on Schedule E-771D shall be as follows:

Lot A – 8.6 m

Lot B – 7.2 m

Lot C – 7.1 m

Lot D – 7.1 m

Lot E - 6.6 m

Lot F – 7.3 m

Lot G – 7.9 m

Lot H – 8.9 m
 - (7) The maximum lot coverage for Lot H as shown on Schedule "E-771D" shall be 41%
 - ci) (1) The maximum driveway width for Lots A and H as shown on Schedule "E-771D" shall be 4.0 metres".
 - c) Deleting Schedule "E-771A" and substituting therefor the Schedule "E-771A" attached hereto as Schedule "1".
 - d) Adding Schedule "E-771D" attached hereto as Schedule "2".

PL180309

2. Schedules "1" and "2" shall be and hereby form part of this By-law.

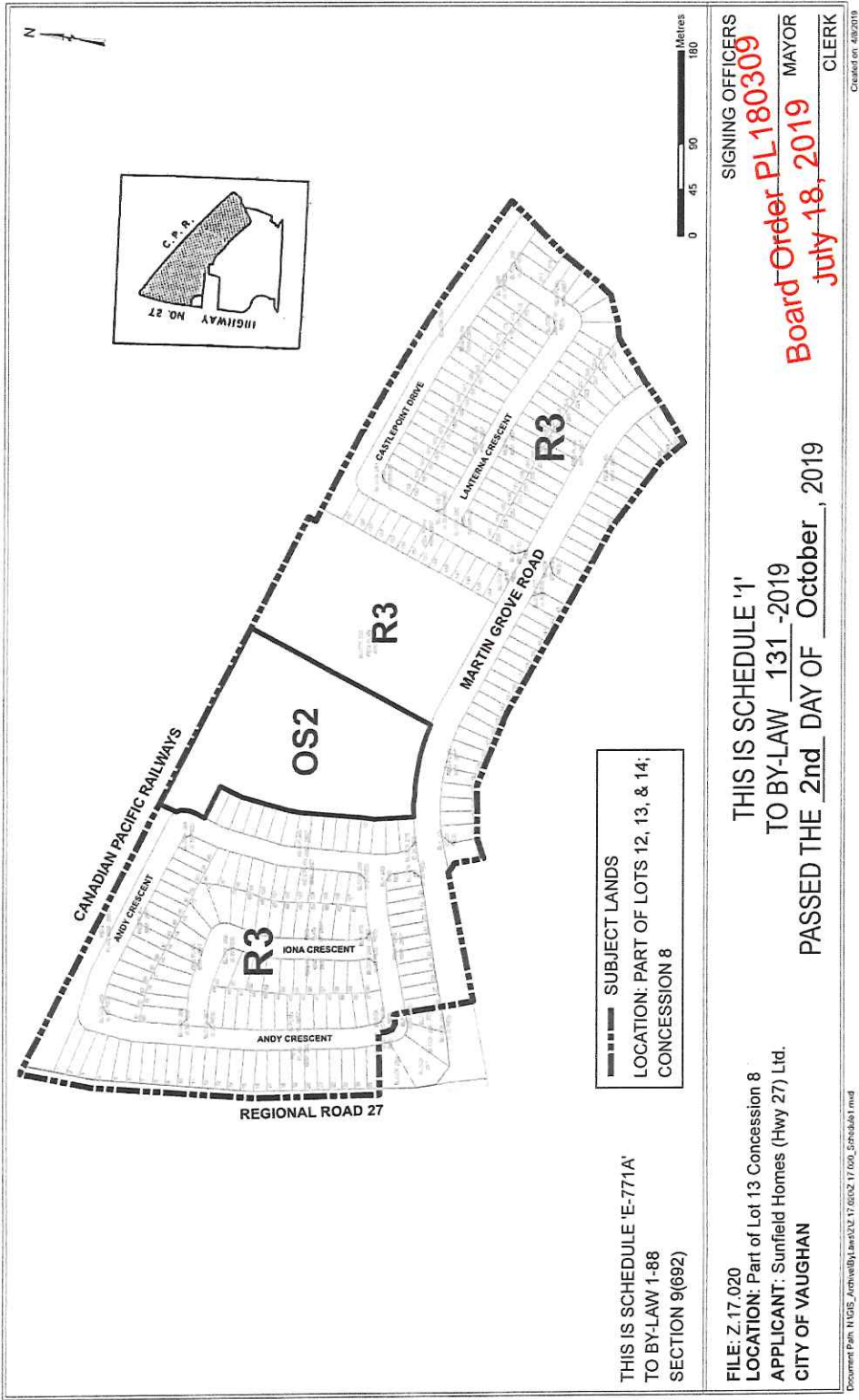
Enacted by City of Vaughan Council this 2nd day of October, 2019.

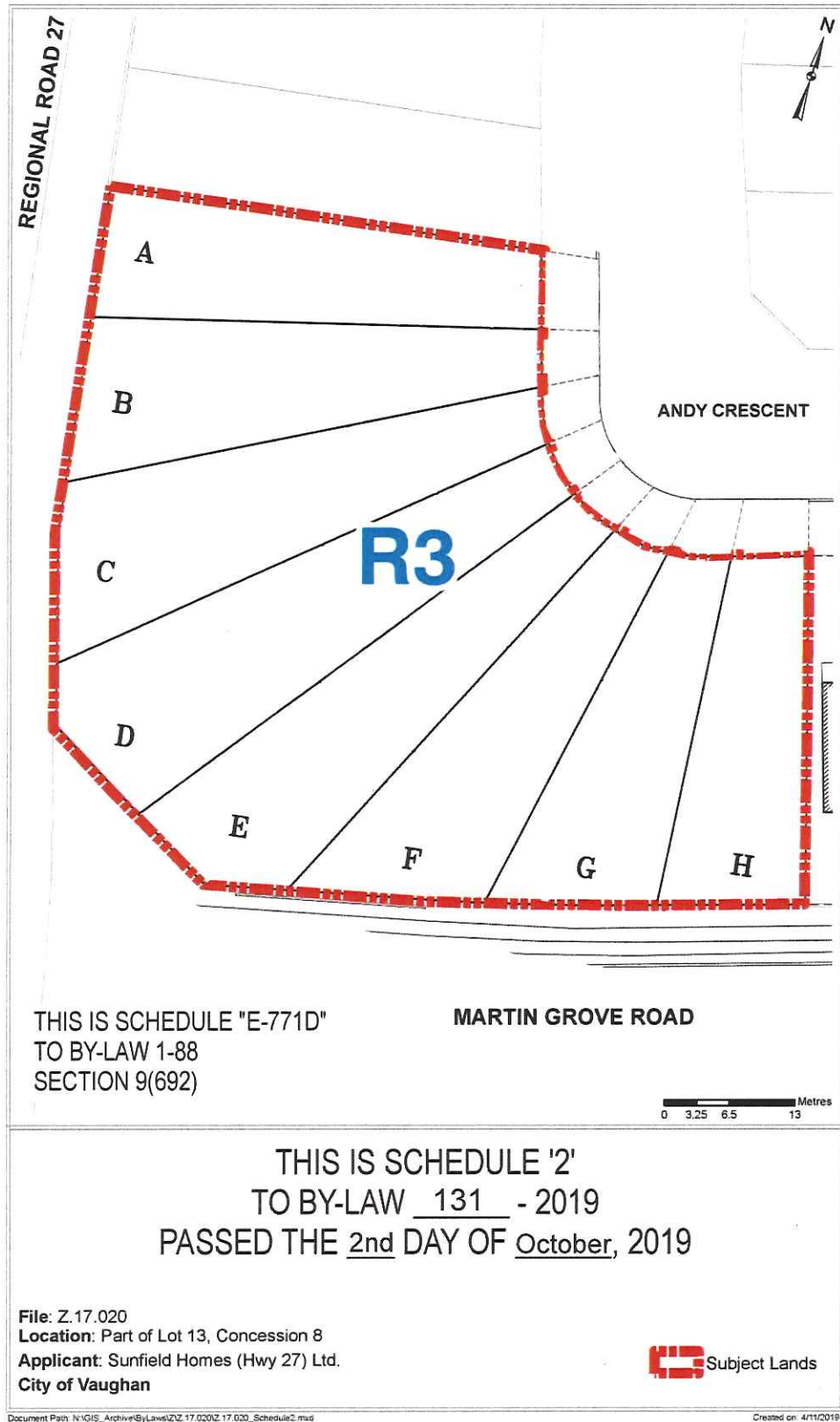
Hon. Maurizio Bevilacqua, Mayor

Board Order PL180309
July 18, 2019

Todd Coles, City Clerk

Authorized by Item No. 6 of Report No. 11
of the Committee of the Whole, which was
Adopted by Vaughan City Council
On March 19, 2019





SCHEDULE A

PL180309

SUMMARY TO BY-LAW 131- 2019

The lands subject to this By-law are located at the northeast corner of Regional Road 27 and Martin Grove Road. The lands are legally described as Blocks 255, 256, 257 and 258 in Plan 65M-2857, and are municipally known as 8849 Regional Road 27, in the City of Vaughan.

The purpose of this zoning by-law amendment is to add site-specific provisions to the R3 Residential Zone Exception 9(692) to permit the development of 8 single detached dwellings on the subject lands.

