

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, September 14, 2021

WARD: 3

TITLE: 3911 TESTON ROAD INC.

OFFICIAL PLAN AMENDMENT FILE OP.21.005

ZONING BY-LAW AMENDMENT FILE Z.21.008

DRAFT PLAN OF SUBDIVISION 19T-21V002

3911 TESTON ROAD

VICINITY OF TESTON ROAD AND WESTON ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole to permit 145 townhouse units consisting of 28 dual frontage units, 60 back-to-back units and 57 conventional townhouse units with two parkettes, a 10 m open space buffer area and a stormwater management block, accessed by a common element condominium road as shown on Attachments 3 to 8.

Report Highlights

- The Owner proposes a development comprised of 145 townhouse units, private amenity areas and a stormwater management pond, accessed by a private condominium road
- Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision applications are required to permit the proposed development
- 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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files OP.21.005, Z.21.008 and 19T-

21V002 (3911 Teston Road 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: 3911 Teston Road (the ‘Subject Lands’) are located on the south side of Teston Road as shown on Attachment 1.

Pre-Application Consultation Meeting: A PAC Meeting (PAC.19.099) was held with the Owner on February 19, 2020. On March 25, 2020, the Development Planning Department received the revised proposal, as shown on Attachment 4.

Date applications were deemed complete: Official Plan Amendment and Draft Plan of Subdivision Files OP.21.005 and 19T-21V002 were deemed complete on April 9, 2021. Zoning By-law Amendment File Z.21.008 was deemed complete on May 19, 2021.

Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the proposed development

The Owner has submitted the following applications (‘the Applications’) for the Subject Lands to permit the proposed development consisting of 22 blocks with a total of 145 townhouse units, private amenity areas and a stormwater management pond, accessed by a private condominium road (the ‘Development’), as shown on Attachments 3 to 8:

1. Official Plan Amendment File OP.21.005 to amend the Vaughan Official Plan 2010 (‘VOP 2010’), Volumes 1 and 2, Section 12.13, Block 40/47, and Official Plan Amendment (OPA 600), to permit the Development with the site-specific amendments identified in Table 1 of this report.
2. Zoning By-law Amendment File Z.21.008 to rezone the Subject Lands from “A Agricultural Zone” and “OS1 Open Space Conservation Zone”, as shown on Attachment 1, to “RT1 Residential Townhouse Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2 of this report.
3. Draft Plan of Subdivision File 19T-21V002 (the ‘Draft Plan’), as shown on Attachment 3, to facilitate a residential plan of subdivision consisting of the following:

Blocks	Land Use	Area (ha)	Units
Block 1	Residential	3.52	145
Block 2	Open Space Buffer	0.47	
Block 3	Other Lands Owned by Applicant	10.47	
Total		14.46 ha	145 units

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

a) Date the Notice of Public Meeting was circulated: Aug 20, 2021.

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

b) Circulation Area: An expanded notification area within 200 m of the Subject Lands, as shown on Attachment 1, to the Kleinburg and Area Ratepayer's Association, the Millwood Woodend Ratepayers Association, the Vellore Woods Ratepayers Association, the MacKenzie Ridge Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.

c) Comments received:

The Development Planning Department received the following written comments as it relates to the Applications (as of August 19, 2021):

- Dr. B. Sidhu, Greenbooke Drive, email dated June 7, 2021;

The following concerns regarding the Applications were identified in the written comments received to date:

- General concerns about how the city is developing
- Loss of greenspace and environmentally protected lands
- Increase in pollution, traffic and overcrowding of schools

Any additional 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

Not applicable.

Analysis and Options

Amendments to Vaughan Official Plan 2010 and OPA 600 are required to permit the Development

Official Plan Designation:

- "Community Areas" and "Natural Areas and Countryside" by Schedule 1 – Urban Structure, VOP 2010
- The Subject Lands also contain "Core Features" as identified by Schedule 2 – Natural Heritage Network, VOP 2010

- The Subject Lands are subject to Area Specific Policy 12.13, Block 40/47, and are designated “Low-Density Residential” and “Valley Lands” on Map 12.13.A (‘Schedule B’) by VOP 2010, Volume 2, as shown on Attachment 2
- The permitted gross density within the Block 40 area of the Block 40/47 Block Plan shall be between 5 and 11 units per hectare, VOP 2010, Vol. 2, Section 12.13.
- The “Low-Density Residential” designation policies of Official Plan Amendment 600 (‘OPA 600’) permits residential uses in the form of detached and semi-detached houses
- The proposed townhouse built form and gross density of 11.4 units per hectare is not in conformity with OPA 600 or VOP 2010.

The Owner proposes to amend Section 13 “Site Specific Policies” of VOP 2010, Volume 2, for the Subject Lands to permit the following site-specific amendments to VOP 2010 and OPA 600:

Table 1:

	Applicable Official Plan Policy	Policy Requirement	Proposed Exceptions to Vaughan Official Plan
a.	Section 12.13.2.5.v – Gross Density within Block 40/47	The overall permitted gross density within the Block 40 area of the Block 40/47 Block Plan will be between 5 and 11 units per hectare	Permit an overall range of gross density between 5 and 11.4 units per hectare for lands within Block 40 of the Block 40/47 Block Plan
b.	Section 4.2.1.1.ii of OPA 600 – Permitted Uses	The following residential uses are permitted in the “Low Density Residential” designation of OPA 600: <ul style="list-style-type: none"> • Detached houses • Semi-detached houses 	Permit the following additional residential uses: <ul style="list-style-type: none"> • Townhouse Dwellings • Back-to-Back Townhouse Dwellings • Dual frontage Townhouse Dwellings
c.	Section 9.2.3.2.a of VOP 2010, Vol1. – Definition of Townhouse	A Townhouse is a Low-Rise Residential building, up to three storeys in height, situated on a single parcel and part of a row of at least 3 but no more than 6 attached residential units	A Townhouse shall include a common element townhouse including block townhouse or back-to-back townhouse on a single parcel and part of a row of at least 3 but no more than 10 attached residential units

	Applicable Official Plan Policy	Policy Requirement	Proposed Exceptions to Vaughan Official Plan
d.	Part of Section 9.2.3.2.b of VOP 2010, Vol1. – Types of Townhouses Permitted	Back-to-back townhouses shall not be permitted in areas designated Low-Rise Residential	Back-to-back townhouses shall be permitted in areas designated Low-Density Residential
e.	Part of Section 9.2.3.2.d of VOP 2010, Vol 1. – Townhouses Fronting a Public Street	Townhouses shall generally front onto a public street	Townhouses shall be permitted fronting a private common element condominium road
f.	Section 9.2.3.2.e of VOP 2010, Vol 1. – Separation Distance Between Townhouses	The minimum facing distance between blocks of Townhouses not separated by a public street should generally be 18 m	Permit a minimum of 16 m facing distance between Blocks 1 to 6 and 7 to 15

Additional amendments may be identified through a detailed review of the Applications and will be considered as part of a comprehensive report to a future Committee of the Whole meeting. Amendments to the Schedules of VOP 2010 will be required to implement the Development, if approved.

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

Zoning:

- “A Agricultural Zone” and “OS1 Open Space Conservation Zone” by Zoning By-law 1-88 which do not permit the Development
- The Owner proposes to rezone the Subject Lands from “A Agricultural Zone” and “OS1 Open Space Conservation Zone” to “RT1 Residential Townhouse Zone” and “OS1 Open Space Conservation Zone”, as shown on Attachment 4, with the following site-specific zoning exceptions to permit the Development:

Table 2:

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement of Zoning By-law 1-88	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
a.	Definition of Street Townhouse Dwelling (Section 2.0)	Means a townhouse dwelling in which each dwelling unit is situated on	Means a townhouse dwelling in which each dwelling unit is situated on its own lot or a

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement of Zoning By-law 1-88	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
		its own lot, which lot abuts a public street	parcel of tied land (POTL), which abuts a public street or a private common element condominium road
b.	Definition of Back-to-Back Townhouse Dwelling (Section 2.0)	No definition	Means a building containing three (3) or more dwelling units, each of which has direct access from the outside ground level and shares three (3) above ground party walls with abutting dwelling units; and a unit at the end of a row of townhouse dwellings and sharing only two (2) above ground party walls shall also be a townhouse dwelling and shall be permitted to front a private common element condominium road
c.	Definition of Lot (Section 2.0)	Means a parcel of land fronting on a street separate from any abutting land	Means a parcel of land fronting onto a private common element condominium road
d.	Definition of Street (Section 2.0)	Means a street under the jurisdiction of the Regional Municipality of York or assumed by the City	Means a public or private common element condominium road
e.	Definition of Parallel Visitor Parking Space (Section 2.0)	No definition	Means a rectangular area measuring at least 2.5 m by 6m
f.	Definition of Portico	No definition	A covered and unenclosed platform with at least two open sides, which is covered by either a roof, balcony or

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement of Zoning By-law 1-88	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
			enclosed space or room, with or without a foundation
g.	Maximum Driveway Width (Section 3.8.g)	7.5 m	10.5 m
h.	Frontage on a Public Street (Section 3.21)	A building or structure shall front upon an improved public street	Permit a townhouse dwelling situated on a freehold lot to front onto a private common element condominium road
i.	Permitted Uses (Section 4.9)	Street Townhouse Dwellings	Permit the following additional uses: <ul style="list-style-type: none"> • Back-to-Back Townhouse Dwelling • Stormwater Management Pond
j.	Permitted Yard Encroachments for Exterior Stairs (Section 3.14.b)	Exterior stairs shall be permitted in the rear yard only at a maximum height of half a storey	Exterior stairs shall be permitted at a maximum height of one storey
k.	Permitted yard Encroachments (Section 3.14.c)	Exterior stairs, porches, balconies which are uncovered and unexcavated and a bay window or similar projection which is constructed on footings may extend into an interior yard to a maximum distance of 0.3 m and may extend into a front, exterior or rear yard to a maximum of 1.8 m	Add covered porches as an additional encroachment
l.	Permitted Yard Encroachments and Restrictions for Porches and Exterior Stairs (Section 4.22.2i)	The following encroachments are permitted into the front, exterior and interior yards for a lot abutting a greenway, buffer block or stormwater	Exterior stairways, porches (covered and unenclosed) and porticos may encroach: <ol style="list-style-type: none"> a) into the required exterior yard a distance of 0.5m,

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement of Zoning By-law 1-88	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
		management pond: a) an unenclosed porch (covered or uncovered) to a maximum of 2.5 m and steps may encroach an additional 0.5 m	where the minimum exterior yard is 1.2 m b) into the rear or front yard, a distance of 2.4 m
m.	Encroachment Zone (Section 4.22.2.ii)	A 1.5 m no encroachment zone shall be maintained inside the property line within the front, exterior and interior yards	A 1.2 m encroachment no zone shall be maintained in the front, exterior and interior yards
n.	Maximum Building Height	11 m	13 m
o.	Minimum Lot Area	180 m ² per unit	<ul style="list-style-type: none"> • 125 m² per unit for Blocks 1 to 6 • 90 m² per unit for Blocks 7 to 12 • 150 m² per unit for Blocks 13 to 22
p.	Minimum Lot Depth	27m	<ul style="list-style-type: none"> • 20.9 m for Blocks 1 to 6 • 14.15 m for Blocks 7 to 12 • 25 m for Blocks 14 and 15
q.	Minimum Rear Yard	7.5m	<ul style="list-style-type: none"> • 4.5 m for Blocks 1 to 6 • 0 m for Blocks 7 to 12 • 6.5 m for Block 13
r.	Interior Side Yard Setback abutting a Walkway or Greenway	3.5 m	1.2 m between Blocks 14 and 15
s.	Exterior Side Yard	4.5 m and 6 m to an attached garage	1.2 m for all Blocks
t.	Exterior Side Yard Abutting A Site Triangle	3 m	1.3 m for all Blocks

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirement of Zoning By-law 1-88	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement
u.	Maximum Number of Units for Townhouse Row	A maximum of 6 units in a row	A maximum of 8 units in a row for Block 20 and a maximum of 10 back-to-back units for Blocks 7 to 12
v.	Maximum Interior Garage Width	3.048 m	3.05 m for all Blocks
x.	Minimum Number of Visitor Parking Spaces	No requirement	0.24 spaces per dwelling unit

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

Following a preliminary review of the Applications, 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, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), the Greenbelt Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan'), and the policies of the York Region Official Plan 2010 ('YROP') ▪ The Applications will be reviewed in consideration of VOP 2010, particularly those related to built form and density, Area Specific Plan, Section 12.13 – Block 40/47 (Volume 2) and OPA 600
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 identified in Table 1 and zoning exceptions identified in Table 2, will be reviewed in consideration of land use, access, built form, building height and density, lot coverage, setbacks, landscaping, private amenity areas, setbacks and protection of natural features, compatibility with surrounding land uses, the Block 40/47 Urban Design Guidelines, and the City-wide urban design guidelines

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	Draft Plan of Subdivision	<ul style="list-style-type: none"> Should the Applications be approved, the required conditions will be included in a future comprehensive report to the Committee of the Whole to address site access, road alignments, widening of Teston Road and connections, servicing, grading, environmental, noise, and other municipal, regional, and public agency and utility requirements
d.	Studies and Reports	<ul style="list-style-type: none"> The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.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
e.	Allocation and Servicing	<ul style="list-style-type: none"> 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 lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council
f.	Public Agency/Municipal Review	<ul style="list-style-type: none"> The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority, external public agencies and utilities, and the Public, Separate, the York Catholic District School Board, the York Region District School Board and French School Boards
g.	Sustainable Development	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program. The Development achieves a Bronze score of 33
h.	Parkland Dedication	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
i.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> The Applications may be subject to and reviewed in consideration of the City's bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits.

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ As of the date of this report the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act, 2020</i>; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act, 2020</i> propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land ▪ Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)
j.	Required Applications	<ul style="list-style-type: none"> ▪ Should the Applications be approved, the Owner will be required to submit a Site Development and Draft Plan of Condominium Applications to be reviewed in a future comprehensive report(s) ▪ The Subject Lands are proposed to be developed as a common element condominium
k.	Block 40/47	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the Block 40/47 Block Plan Area ▪ The Owner, a non-participating landowner in the Block 40/47 Block Plan process, may be required to enter into and satisfy all obligations, financial or otherwise, of the Block 40/47 Developers' Group Agreement to the satisfaction of the Block 40/47 Trustee and the City of Vaughan ▪ The Block 40/47 Plan may be required to be updated to reflect the Development, should the Applications be approved by Vaughan Council

	MATTERS TO BE REVIEWED	COMMENT(S)
i.	Other Agreements May be Required	<ul style="list-style-type: none"> ▪ Should the Applications be approved, the Owner may be required to enter into a development agreement with the City of Vaughan Development Engineering Department for the installation of any proposed service connections and agree to pay for design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the Development ▪ Additional agreements with the City of Vaughan regarding discharging groundwater, excavation, shoring, encroachments, and payment of associated fees may also be required
m.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none"> ▪ The Subject Lands contain natural features, including a valley corridor with a tributary of the Humber River Watershed and a Provincially Significant Wetland (PSW) of the Humber River Wetland Complex. The Subject Lands are also identified as being located within a Wellhead Protection Area (WHPA-Q) and a Highly Vulnerable Aquifer Area ▪ The Subject Lands are regulated by the TRCA. The development limits for the Subject Lands were confirmed by the TRCA via formal correspondence dated August 31, 2018. The Development is setback more than 30 m from the Provincially significant wetland and a 10 m buffer area has been applied with compensation areas to protect the adjacent environmental features. TRCA approval is required for the Development ▪ In accordance with Section 3.2.3.10 of VOP 2010, natural features shall be conveyed into public ownership (City or TRCA) for long-term protection and enhancement
n.	Access and Easements	<ul style="list-style-type: none"> ▪ The Owner is proposing access to the Development from Teston Road via private condominium road that terminates in a cul-de-sac. The feasibility of the private road design will be evaluated through the development application process and will be considered as part of a comprehensive report in a future Committee of the Whole Meeting

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ Teston Road is identified as a Regional Road by YROP 2010 with a planned right-of-way of up to 36 m. York Region shall review the location and design of the proposed access from Teston Road and shall identify any required road widenings, conveyances, access requirements and site triangles ▪ York Region has identified the need for an easement to provide access to the lands to the west, municipally known as 3979 Teston Road, should they redevelop. Easements and/or agreements may be required to facilitate this connection
o.	Amenity Areas	<ul style="list-style-type: none"> ▪ The proposed private and common amenity areas will be reviewed to the satisfaction of the City
p.	Stormwater Management Pond	<ul style="list-style-type: none"> ▪ A private stormwater management (SWM) pond is proposed for the Development. TRCA has expressed concern with the location of the SWM pond due to the pond's proximity to natural features and a lack of information within the Environmental Impact Study (EIS) to support the location ▪ The appropriate location and design of the stormwater management pond shall be reviewed in consultation with the TRCA ▪ The appropriateness of the proposed zoning category ("RT1 Residential Townhouse Zone"), of the SWM pond will be reviewed in consultation with the TRCA
q.	Tree Protection	<ul style="list-style-type: none"> ▪ The Owner will be required to provide a detailed tree preservation study to the satisfaction of the City and may be required to enter into any Tree Protection Agreement in accordance with the Tree By-law 052-2018 and the City's Tree Protection Protocol
r.	Cultural Heritage	<ul style="list-style-type: none"> ▪ The Subject Lands are identified as having high archaeological potential and as a Property of Architectural and Historical Significance in the Vaughan Heritage Inventory, as the James Calhoun log cabin once resided on the property. A Cultural Heritage Impact and Archaeological Assessment was submitted in support of the Applications and must be reviewed to the satisfaction of the City

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been 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. The Owner has requested exemption from Regional approval for Official Plan Amendment File OP.21.005. At the time of the preparation of this report, exemption from Regional approval has not been granted.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the 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 Rebecca Roach, Planner, Development Planning Department, ext. 8626.

Attachments

1. Context and Location Map
2. Approved Block 40/47 Block Plan
3. Draft Plan of Subdivision File 19T-21V002
4. Site Plan and Proposed Zoning
5. Landscape Plan
6. Building Elevation: Dual Frontage Townhouse (Blocks 1-6)
7. Building Elevation: Back-to-Back Townhouse (Blocks 7-12)
8. Building Elevation: Conventional Townhouse (Blocks 13-22)

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