

## Committee of the Whole (Public Meeting) Report

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**DATE:** Tuesday, January 18, 2022

**WARD:** 1

**TITLE:** TESTON SANDS INC.

**ZONING BY-LAW AMENDMENT FILE Z.21.046**

**DRAFT PLAN OF SUBDIVISION AMENDMENT FILE 19T-17V009**

**1600 TESTON ROAD**

**VICINITY OF DUFFERIN STREET AND TESTON ROAD**

**FROM:**

Haiqing Xu, 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 applications to rezone portions of the subject lands to permit revisions to the previously approved 90 lot Draft Plan of Subdivision for a revised stormwater management regime from a pond to underground storage tanks as shown on Attachment 2, and to request additional zone exceptions for building height, setbacks, and encroachments.

### **Report Highlights**

- The Owner proposes to rezone portions of the subject lands to permit revisions to the previously approved Draft Plan of Subdivision for a revised stormwater management regime from a pond to underground storage tanks necessitating changes to the zoning by-law and conditions of draft approval.
- Additional zone exceptions for building height, setbacks and encroachments are also proposed. The draft plan of subdivision continues to propose 90 single detached lots.
- This report identifies preliminary issues to be considered in a technical 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 Zoning By-law Amendment and Draft Plan of Subdivision Amendment Files, Z.21.046 and 19T-17V009 (Teston Sands 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: 1600 Teston Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: September 17, 2021

### ***Previous Approvals from the Ontario Land Tribunal ("OLT") were granted to implement the development of the Subject Lands for a residential subdivision***

- Council on June 19, 2018, approved Official Plan and Zoning By-law Amendment Files OP.17.010 and Z.17.026 and Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) ('Original Applications') to facilitate the development of a residential subdivision for a total of 87 residential units, a stormwater management pond, and opens space buffers.
- MacKenzie Ridge Ratepayers Association appealed the City of Vaughan's adoption of the Original Applications for the Subject Lands to the Local Planning Appeal Tribunal now known as the Ontario Land Tribunal ('OLT') as File PL180665.
- The OLT issued an oral decision on June 26, 2019 based on a settlement agreement between the parties and a memorandum of that decision was issued on January 3, 2020.
- The OLT approved the Minutes of Settlement allowing the Original Applications, but withheld the Order pending receipt of York Region revised conditions of Draft Plan Approval for the subdivision.
- The OLT issued the Order on March 16, 2020 replacing the York Region's Draft Plan of Subdivision conditions.
- Draft Plan of Subdivision File 19T-17V009 proposed the development of the Subject Lands for 90 single detached lots, and Blocks for, Natural Heritage, Vegetation Protection Zone, Walkway/Stormwater Management Access, Open Space, Sound Attenuation, Road Widening, and 0.3 m Reserves, subject to the OLT approved Conditions of Draft Plan Approval corresponding to the Draft Plan of Subdivision prepared by Lucas & Associates Consultants, dated January 29, 2019.
- Council adopted By-law 080-2020 implementing the OLT approved Official Plan Amendment in accordance with the OLT Order. At the Owner's request, By-law 081-2020 to implement the OLT approved Zoning By-law was removed from the Council agenda to allow for further discussions regarding the implementing zoning for the development. The OLT approved implementing Zoning was not included as a site-specific exception to Zoning By-law 1-88.

- Although the City has not assigned an exception number to Zoning By-law 1-88, the Zoning is in effect by the OLT Order, dated January 3, 2020.

**Zoning By-law Amendment and revisions to the previously approved Draft Plan of Subdivision Amendment Applications have been submitted**

Teston Sands Inc. (the ‘Owner’) has submitted the following applications (‘Applications’) for the Subject Lands to permit the revisions to the stormwater management regime from a pond to underground storage tanks as shown on Attachment 2:

1. Zoning By-law Amendment File Z.21.046 to amend the OLT approved Zoning By-law for the Subject Lands from “RD1 Residential Detached Zone One”, “RD3 Residential Detached Zone Three RD3(H)” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1(H) Open Space Conservation Zone” with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” to “RD1 Residential Detached Zone One”, “RD3 Residential Detached Zone Three”, “RD3(H) Residential Detached Zone Three” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1(H) Open Space Conservation Zone” with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone”, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Draft Plan of Subdivision Amendment File 19T-17009 (the ‘Draft Plan”), to facilitate revisions to the OLT approved residential plan of subdivision consisting of the following and as shown on Attachment 2:

Lots/ Blocks	Land Use	Area (ha)	Units
Lots 1-15, 20-24, 30-90	Detached Residential (Frontages 12 m)	3.43	79
Lot 21	Detached Residential (Frontage 17 m)	0.05	1
Lots 25 & 29	Detached Residential (Frontage 18 m)	0.12	2
Lots 16-20, 26-28	Detached Residential (Frontage 20 m)	0.48	8
Block 99	Natural Heritage	5.63	
Block 96	Vegetation Protection Zone	0.38	
Blocks 91 & 100	Walkways	0.04	
Block 93	Stormwater Management Block	0.17	
Block 96	Lands Retained By Owner	1.24	
Blocks 92 & 95	Sound Attenuation Block	0.02	
Blocks 94, 101-109	0.3 m Reserves	0.01	
Block 97	Roads	1.84	
<b>TOTAL</b>		<b>13.69</b>	<b>90</b>

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

a) Date the Notice of Public Meeting was circulated: December 23, 2021

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

b) Circulation Area: To all property owners within 150 metres of the Subject Lands, to the MacKenzie Ridge Ratepayers Association, to property owners within an expanded notification area and to anyone on file with the Office of the City Clerk having requested notice.

c) The following is a summary of written comments received as of January 4, 2022. The comments are organized by theme as follows:

- impact of this development on water pressure within the existing subdivisions to the north

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 technical report to the Committee of the Whole.

**Previous Reports/Authority**

The following are links to previous reports regarding the Subject Lands for files OP.17.010, Z.17.026 and 19T-17V009:

[January 30, 2018, Committee of the Whole \(Public Hearing\) \(Item 1, Report No. 3\)](#)

[June 19, 2018, Committee of the Whole \(Item 35, Report No. 21\)](#)

[March 4, 2019, Committee of the Whole \(Closed Session\) \(Item 1, Report No. 10\)](#)

[March 4, 2019, Special Council Minutes, Minute No. 51](#)

**Analysis and Options**

***The Applications conform with Vaughan Official Plan 2010***

**Official Plan Designation:**

- "Community Area" on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 ('VOP 2010')
- "Low-Rise Residential" on Schedule 13 – Land Use by VOP 2010
- This designation permits single detached, semi-detached and townhouse dwellings at a maximum building height of 3-storeys.

- The site-specific policy 13.20 of Volume 2 of VOP 2010 recognizes the southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment (“IEA”) and that a portion of the Subject Lands may be subject to the Holding “(H)” provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land uses designations (“Low-Rise Residential”) identified in the Official Plan shall prevail, without the need for further amendment. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA.
- The Applications conform to VOP 2010.

***Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law***

On October 20, 2021 Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law (“By-law 1-21”). A notice of passing was circulated on October 25, 2021 in accordance with the *Planning Act*. The last date for filing an appeal to the OLT in respect of By-law 1-21 was November 15, 2021. By-law 1-21 is currently under appeal and when in force, will replace Zoning By-law 1-88, as amended.

***Amendments to Zoning By-law 1-88 are required to facilitate the revised Draft Plan***

The Owner submitted the Applications to amend the in-effect zoning approved by the OLT (which amended By-law 1-88) to implement revisions requested to the Draft Plan previously draft approved by the OLT. The intention is to recognize the OLT approved Zoning By-law Amendment, as may be further amended by the application in an Exception to By-law 1-21.

Zoning:

- “RD1 Residential Zone One”, “RD3 Residential Detached Zone Three”, “RD3 (H) Residential Detached Zone Three” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1 (H) Open Space Conservation Zone” with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” by Zoning By-law 1-88 as approved by OLT, dated January 3, 2020
- The Owner proposes to amend the “RD1 Residential Zone One”, “RD3 Residential Detached Zone Three”, “RD3 (H) Residential Detached Zone Three with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1 (H) Open Space Conservation Zone with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” zoning on the Subject Lands.
- These zones are proposed to change to “RD1 Residential Detached Zone One”, “RD3 Residential Detached Zone Three”, “RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1(H) Open Space Conservation Zone with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” with site-specific zoning exceptions shown on Attachment 1 to facilitate changes to the Draft Plan previously approved by the OLT, to facilitate a change to the stormwater management for the Subject Lands by removing the stormwater management pond and replacing it with underground

stormwater storage tank on the east side of proposed Street A as shown on Attachment 2 and making adjustments to the zone boundaries to accommodate these changes in the Draft Plan along with site-specific exceptions (Attachment 2).

- Attachment 3 shows the OLT approved Draft Plan with the OLT approved zoning.
- Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report to a future Committee of the Whole meeting.

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.

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements</b>	<b>Proposed Exceptions to the RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements</b>
a.	Minimum Lot Frontage	RD1 - 18 m RD3 – 12 m	17 m* for Lot 21
b.	Minimum Exterior Side Yard	3 m abutting public lane, site triangle 3.5 m abutting greenway or buffer block	2.4 m*
c.	Minimum Interior Side Yard	RD1- 1.2 m RD3 – 1.2 m 3.5 on a lot abutting a walkway, greenway, buffer block or stormwater management pond	1.2 m* on a lot abutting a non-residential use including a walkway, Greenway, buffer block or stormwater management pond
d.	Minimum Rear Yard	7.5 m	6 m *
e.	Maximum Building Height	11 m	13 m *
f.	Accessory Buildings or Structures Minimum Setback Requirements	Limited to rear yards with setback 0.6 m	Front and side yard setback requirements shall be as indicated by the applicable zone for Lots 1 to 90 Minimum rear yard setbacks shall be 0.6 m*

	Zoning By-law 1-88 Standard	RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements	Proposed Exceptions to the RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements
g.	Definition of Porch	Encroachments permitted into minimum - front yard, exterior yard, interior yards abutting greenway, walkway buffer block or stormwater management pond unenclosed porch – 2.5 m	-means a structure abutting the main wall of the building that is covered by a roof, balcony or enclosed space or room and is open to the air on at least one side, with or without a foundation*
h.	Definition of Chimney or Fireplace Enclosure	Chimney may encroach 1.8 m – front yard 1.8 m rear yard 1.8 m exterior side yard 0.0 m interior side yard	- means a chimney or fireplace enclosure may encroach a maximum of 0.6 m into any yard*
i.	Holding Symbol		The Holding Symbol “(H)” shall: i) remain on Lots 1-7 and Block 94 until York Region completes the Teston Road Extension IEA, road alignment and design  ii) remain on Lots 48 to 56, Lots 1 to 9 and Block 96 until Teston Road has been completed and approved by York Region and the temporary stormwater management pond is completed to the satisfaction of approval authorities

Note: \* asterisk identifies new exceptions from this Application not previously included in the OLT approved zoning

**The Draft Plan is revised to facilitate changes to the OLT draft approved plan**  
Attachment 2 shows revisions to the Draft Plan previously approved by the OLT, consisting of the following:

- removal of the stormwater management pond
- the addition of an underground stormwater management storage tank and outfall area

- removal of the pedestrian walkway Block 90, linking Street “D” to the previous pond
- realignment of Street “A” adjacent to Block 93 for the underground storage tank
- enlargement of Block 96 with the removal of the south portion of the Block 98 OS5 Buffer Block from the area adjacent to Block 96
- lot and block renumbering resulting from these changes

The proposed Landscape Plan (Attachment 4) shows the landscape treatment of the OS5 Buffer (Block 98), the 10 m OS1 Buffer (Block 91), the landscape treatment for the former pond area and the stormwater outfall area (Block 96). Proposed chain-link and acoustic fencing is also shown.

***Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail***

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies and the OLT Order	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the ‘PPS’), 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’), VOP 2010 and the OLT Order for the Subject Lands.</li> </ul>
b.	Appropriateness of Amendments to Zoning By-law	<ul style="list-style-type: none"> <li>▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses.</li> <li>▪ The Application is to amend By-law 1-88. The OLT approved amendments to By-law 1-88 to zone the Subject Lands for a residential subdivision based on the zoning by-law in effect at the time of the OLT hearing.</li> </ul>
c.	Draft Plan of Subdivision	<ul style="list-style-type: none"> <li>▪ Should the Applications be approved, any required conditions or revised conditions will be included to address site access, road alignments and connections, servicing and grading, operation and maintenance cost for the proposed underground stormwater management system, in place of the previously approved stormwater management pond, environmental, noise, and other municipal, regional and public agency and utility requirements, including the possible staking of lands to be taken into public ownership including any lands required for as a vegetation protection zone.</li> <li>▪ The Draft Plan of Subdivision shall be provided to Development Planning in GEO referenced format.</li> </ul>



	MATTERS TO BE REVIEWED	COMMENTS
d.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner submitted studies and reports in support of the Applications available on the city’s website at <a href="https://maps.vaughan.ca/planit/">https://maps.vaughan.ca/planit/</a> (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.</li> <li>▪ Additional studies such as Architectural Guidelines and an updated Landscape Cost Estimate must be submitted to the satisfaction of the City of Vaughan.</li> </ul>
e.	Allocation and Servicing	<p>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.</p>
f.	Urban Design Guidelines	<ul style="list-style-type: none"> <li>▪ The Draft Plan will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines.</li> </ul>
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> <li>▪ The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority, external public agencies and utilities.</li> <li>▪ The southern portion of the Subject Lands may be affected by the recommendations of the York Region led Teston Road Individual Environmental Assessment (“IEA”).</li> <li>▪ <a href="#">Teston Road IEA Study   York Region</a> link to IEA information</li> </ul>
h.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the City of Vaughan’s Policies and Sustainability Metrics Program. The Development shall achieve a minimum Bronze score of 21.</li> </ul>
i.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
j.	Cultural Heritage	<ul style="list-style-type: none"> <li>▪ The Owner shall submit a Cultural Heritage Impact Assessment for the revised Draft Plan of Subdivision to be reviewed by the Vaughan Cultural Heritage Section in consideration of the existing buildings on the Subject Lands.</li> </ul>

## **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. York Region has no further comments on these applications and Region's previous comments continue to apply. 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. 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 Laura Janotta, Planner, Development Planning Department, ext. 8634.

## **Attachments**

1. Context and Location Map
2. Proposed Zoning and Revised Draft Plan of Subdivision Amendment  
File 19T-17V009
3. OLT Approved Draft Plan of Subdivision File 19T-17V009 and OLT Approved  
Zoning
4. Landscape Plan for Draft Plan of Subdivision Amendment File 19T-17V009

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