

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, Report No. 12, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 22, 2016.

13

**ZONING BY-LAW AMENDMENT FILE Z.14.006
ARTIBUS DEVELOPMENT CORPORATION
WARD 3 - VICINITY OF WESTON ROAD AND MAJOR MACKENZIE DRIVE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning, dated March 1, 2016:

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.14.006 (Artibus Development Corporation) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from RV4 Residential Urban Village Zone Four, RV4(H) Residential Urban Village Zone Four with the Holding Symbol "(H)" and RVM1(A) Residential Urban Village Multiple Zone One, subject to Exception 9(1179), to RV4 Residential Urban Village Zone Four (subject to Exception 9(1179)), RS1 Residential Semi-Detached Zone One and RT1 Residential Townhouse Zone in the manner shown on Attachment #3, to facilitate 2 lots (4 units) for semi-detached dwellings, and 24 lots for townhouse dwellings all fronting on future public roads, as shown on Attachment #4.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On May 9, 2014, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the East Woodbridge Community Association. A Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the property in accordance with City's Notice Sign Procedures and Protocol. The recommendation of the Committee of the Whole to receive the Public Hearing report of June 3, 2014, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on June 24, 2015. As of January 1, 2016, the following comments from the public have been received by the Vaughan Development Planning Department:

Correspondence dated May 27, 2014, and June 1, 2014, was received from Ali Rastga Mohammad Zadeh on Emily Anna Street and Mustafa Keklik regarding this application, and in addition, Mr. Vince Adriano on Andes Crescent appeared before Committee of the Whole at the Public Hearing. The following concerns with the proposal were identified:

- the children use the street as a play area which will be eliminated should the north portion of Emily Anna Street and the proposed street connecting to Weston Road open to accommodate the proposed residential dwelling units and future traffic, as the existing parks are not close by; and,
- the schools can't handle the additional future students as they have portables.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, CW Report No. 12 – Page 2

The subject lands form part of Draft Plan of Subdivision File 19T-97V15, which was approved by Vaughan Council on August 25, 2003. The Owner, as a condition of draft plan approval entered into the Block 39 Developer's Group Agreement with the other participating landowners within Block 39. The Developers' Group Agreement deals with cost sharing and the provision of infrastructure associated with development such as parks and stormwater management facilities. Draft Plan of Subdivision File 19T-97V15 did not include any parkland on the subject lands (Phase 3), however, the Owner paid cash-in-lieu-of parkland for the property.

Kingsview Park and Matthew Park are located 650 m and 750 m, respectively, from the subject lands, as shown on Attachment #2, which is further than the 500 m maximum recommended in the Active Together Master Plan. Parkland and cash-in-lieu of parkland were provided to the City in accordance with the Planning Act under Plan of Subdivision File 19T-97V15 resulting in it not being possible to locate a park or playground within proximity of every unit. The York Region District (Public) School Board, York Catholic District School Board and the Conseil Scolaire de District Catholique Centre-Sud reviewed Draft Plan of Subdivision File 19T-97V15 and the current Zoning By-law Amendment Application and had no objections to the proposal. Both Boards have explained that portables are used to manage the fluctuations in student enrollment taking into consideration the school board budgets. The ultimate decision to provide a portable(s) or construct an addition to an existing building is the responsibility of the affected School Board.

The Vaughan Council resolution at the Public Hearing included the following (in part):

- "2. That a community meeting be organized by the local Ward Councillor involving interested Regional Councillors, the developer, concerned residents and appropriate City staff to address the issues raised at the June 3, 2014 Public Hearing."

The issues raised by the public at the Public Hearing included a concern on the lack of parks in the area and the maintenance of the existing noise berm/barrier on the lands that mitigates the noise generated on the Ministry of Transportation (MTO) site to the north of the subject lands, as shown on Attachment #2.

A community meeting was held in the evening between 7:30 to 9:00 pm on July 15, 2014, at Vaughan City Hall, which included one representative from both the Owner and his agent, KLM Planning, four residents, former Regional Councillor Schulte, the Local Ward 3 Councillor, and one representative each from the Development Engineering & Infrastructure Planning (DEIP), Parks Development and Development Planning Departments, to discuss the applications as directed by Vaughan Council. The parks issue is discussed above and the noise berm/barrier is discussed later in this report in the Vaughan Development Engineering and Infrastructure Planning Department's section.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.14.006 to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2, from RV4 Residential Urban Village Zone Four, RV4(H) Residential Urban Village Zone Four with the Holding Symbol "(H)" and RVM1(A) Residential Urban Village Multiple Zone One all subject to Exception 9(1179), to RV4 Residential Urban Village Zone Four (thereby removing the Holding Symbol from the RV4 Zone) and subject to Exception 9(1179), RS1 Residential Semi-Detached Zone One and RT1 Residential Townhouse Zone in the manner shown on Attachment #3, to facilitate 2 lots (4 units) for semi-detached dwellings and 24 lots for street townhouse dwellings all fronting onto future public roads as shown on Attachment #4. The proposed rezoning would facilitate a reduced lot depth from 30 m to 27 m for the lots proposed to be zoned RS1 and RT1 Zones and the remnant lands (3 m) resulting from the reduced lot depth will be used to achieve a 16 m wide right-of-way width for the proposed road east-west.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, CW Report No. 12 – Page 3

Background - Analysis and Options

Synopsis:

The Owner is proposing to amend the City's Zoning By-law 1-88, to rezone the subject lands in the manner shown on Attachment #3, which will permit a reduced lot depth(from 30 m to 27 m in order to increase the width of a proposed east-west road. The subject lands form part of Draft Plan of Subdivision File 19T-97V15, that was approved by Vaughan Council on August 25, 2003, consisting of 2 lots (4 units) for semi-detached dwellings and 24 lots for street townhouse dwellings all fronting onto future public roads. The proposal shown on Attachment #4 contemplates the same building types and number of units that were originally approved by Vaughan Council. The Vaughan Development Planning Department supports the Zoning By-law Amendment as it will facilitate future dwelling units that will be compatible with the surrounding land uses and maintains the intent of the Official Plan and the Block 39 Plan. The semi-detached and street townhouse dwellings will also be subject to the Vellore Village Architectural Design Guidelines.

Location

The subject lands shown on Attachments #1 and #2 are located on the west side of Weston Road, south of Major Mackenzie Drive, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Draft Plan of Subdivision File 19T-97V15

In August 2003, Vaughan Council draft approved Plan of Subdivision File 19T-97V15 with the condition that no Building Permit would be issued for lots fronting onto the proposed east-west road shown on Attachment #4, until the road is constructed to the satisfaction of the City. In September 2004, implementing Zoning By-law 291-2004 was approved with conditions including the requirement that the Holding Symbol "(H)" shall not be removed from the subject lands until Vaughan Council has granted servicing allocation to the subject lands and that Lot 139 on Plan 65M-3773, as shown on Attachment #3, shall be developed with the lands to the north. These two matters have been satisfactorily addressed and are discussed in the "Holding Symbol" and "Vaughan Development Engineering & Infrastructure Planning" sections of the report.

Official Plan - Land Use Designation

The subject lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 (VOP 2010), and are located within a Community Area. VOP 2010 permits semi-detached and townhouse dwellings on the subject lands. The proposal conforms to the Official Plan.

Block 39 Plan

The lotting and road pattern for the subject lands shown on Attachment #2 is consistent with the revised Block 39 Plan, which was approved by Vaughan Council on September 25, 2006.

Zoning

The subject lands are zoned RV4 Residential Urban Village Zone Four, RV4(H) Residential Urban Village Zone Four with the Holding Symbol "(H)" and RVM1(A) Residential Urban Village Multiple Zone One, as shown on Attachment #2, subject to Exception 9(1179). The Owner proposes to rezone the subject lands to RV4 Residential Urban Village Zone Four, subject to site-specific Exception 9(1179), thereby removing the Holding Symbol from the RV4 Zone, and RS1 Residential Semi-Detached Zone One and RT1 Residential Townhouse Zone, with no site-specific exceptions.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, CW Report No. 12 – Page 4

The lots for the proposed street townhouse and semi-detached dwelling units were originally draft approved with 30 m lot depths. The proposed RS1 and RT1 Zones would permit a lot depth of 27 m and slightly smaller lot areas, and thereby provide additional land to increase the road right-of-way width by 3 m for a proposed temporary 16.5 m wide east-west road, until the ultimate road right-of-way width of 23 m (which increases to a width of 26 m at the intersection of Weston Road) is constructed. The ultimate road right-of-way width is dependent on the Ministry of Transportation (MTO) lands located to the north of the subject lands as shown on Attachment #2, being developed. The proposed changes to the draft approved plan are considered minor and will be addressed as part of the finalization of the subdivision agreement. The proposed zoning will facilitate the development of townhouses and semi-detached dwelling units in keeping with the draft approved plan's lotting and street pattern.

In consideration of the above, the Vaughan Development Planning Department is satisfied that the proposed rezoning of the subject lands maintains the intent of the Official Plan and the Council Approved Block 39 Plan. In addition, the future development of the semi-detached and townhouse dwellings will be subject to the Vellore Village Architectural Design Guidelines.

Holding Symbol "(H)"

A portion of the subject lands (identified as Lot 139 on Attachment #3) is zoned RV4(H) Residential Urban Village Zone Four with the Holding Symbol "(H)" and is subject to Exception 9(1179). The condition for removing the Holding Symbol "(H)" requires that this lot be developed in conjunction with the adjacent MTO lands to the north. This lot forms part of Registered Plan 65M-3773 and has a frontage of 15 m, which can accommodate a semi-detached unit in accordance with the requirements of Zoning By-law 1-88. Accordingly, the lot can be developed independent of the lands to the north. Through this application the Owner is proposing to remove the Holding Symbol "(H)". The Vaughan Development Planning Department can support the removal of the Holding Symbol "(H)". This lot will remain subject to Exception 9(1179).

Vaughan Development Engineering & Infrastructure Planning Department

The Vaughan Development Engineering & Infrastructure Planning (DEIP) Department has reviewed the proposal and provides the following comments:

a) Road Network

The Owner proposes to complete the development of the lands by reducing the depth of the residential blocks (from 30 m to 27 m) and constructing a temporary 16.5 m road cross section until the ultimate 23 m wide right-of-way, with tapering to 26 m at Weston Road, can be completed as part of the lands to be developed to the north (existing MTO site) and in accordance with the Block 39 Plan. The future municipal road will connect to Emily Anna Street to Weston Road. Should the lands to the north develop that owner should be required to develop the remainder of the road and undertake any improvements/maintenance on the entire road.

A cross section of the proposed temporary and ultimate road right-of-way has been provided and is acceptable in the interim, subject to the Owner satisfying all final requirements of the City and York Region. It is noted that tapering to a 26 m right-of-way at Weston Road is not achievable in the temporary road design, and either additional lands will be required on the north side as part of any future development or a narrowing of the boulevard(s) would be required, should the full 26 m right-of-way be required, to the satisfaction of the City and York Region.

b) Municipal Servicing

The servicing scheme for the subject lands was approved as part of the development of Draft Plan of Subdivision File 19T-97V15 (Phase 2). Storm and sanitary sewers downstream of the

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, CW Report No. 12 – Page 5

development were sized to accommodate this development. A functional servicing report/brief shall be provided to detail the connection to the existing storm, sanitary and water services. As the lot depths and right-of-way width are proposed to be altered, servicing design shall be provided for the temporary and ultimate conditions, to the satisfaction of the City.

c) Environmental Site Assessment

The following environmental conditions shall be included in the subdivision agreement. The conditions must be completed to the satisfaction of the City, prior to registration of the subdivision and/or issuance of a Building Permit.

- 1) The City shall require the Owner's environmental consultant to complete a well survey report (including a municipal water service check) and obtain formal acceptance from York Region to apply Table 3 Non-potable groundwater standards to ensure there are no risks to drinking water wells in the vicinity of the site due to the elevated salt concentrations in the groundwater. The application of Ministry of Environment and Climate Change (MOECC) Table 3 standards would result in cobalt meeting the applicable standards however, sodium and chloride exceedances would still remain.
- 2) In light of the detection of elevated concentrations of Trichloroethylene, the City shall require the Owner to undertake an additional 2 rounds of consecutive quarterly groundwater sampling events for Volatile Organic Compounds (VOCs) to ensure no potential for volatiles remain in groundwater and no requirements for vapour intrusion barriers would be required for the proposed residential buildings.
- 3) The City shall require the Owner's environmental consultant to prepare a Risk Evaluation report, signed and stamped by a Qualified Person-Risk Assessment (QPRA), which addresses exposure pathways and concentrations of salt ground water impacts from a toxicology standpoint to confirm that the groundwater salt impacts do not pose a concern for future users and occupants of the Subject Property. The Risk Evaluation report shall also include a Risk Management Plan that outlines the protocol and measures to be taken for future workers on the Subject Property due to activities that may cause exposure to salt impacted groundwater. The Risk Evaluation and Risk Management reports shall be to the City's satisfaction and shall be peer reviewed by the City's peer review consultant with costs paid for by the Owner. The Owner is required to provide the City with a cheque in the amount of \$4,000 to cover the costs of the peer review services with any remaining unused amount returned to the proponent upon the satisfactory submission of the applicable ESA documentation. Reliance on the Risk Evaluation and Risk Management reports shall be extended by the environmental consultant to the City and the City's peer reviewer.
- 4) As part of the subdivision agreement, the City shall require the Owner to include appropriate warning statements in all Purchase and Sale Agreements to notify future Owners of the site of the elevated salt concentrations in the groundwater and to indemnify the City for any future concerns related to the elevated salt concentrations.

These conditions will be included in the Subdivision Agreement and must be satisfied prior to final approval.

It is noted that the ground water table was measured at depths within the ranges of 2.9 to 4.4 m below ground surface. Due to the presence of elevated salt concentrations in the groundwater,

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, CW Report No. 12 – Page 6

the Owner's consulting engineer should ensure that appropriate measures are considered for the design of utility services and building foundations to address potential concerns for corrosion issues (e.g., Utilization of PVC piping for storm/sanitary sewers instead of concrete).

The environmental Site Assessment (ESA) documents submitted (to date) in support of the application are acceptable.

d) Environmental Noise Impact

In accordance with the submitted Noise Report, a number of acoustic abatement measures will be implemented in the Plan, including warning clauses that will be included in any agreement(s). Acoustic barriers will be utilized along Weston Road and along the north property line where the future right-of-way abuts the existing MTO lands. Central air conditioning, forced air ventilation systems with the future provision of central air conditioning, window glazing and non-sensitive spaces being positioned to the front of the units are some other recommendations of the report. A final Noise Report shall be submitted at the final design stage.

e) Sewage and Water Allocation

Draft Plan of Subdivision File 19T-97V15 (Phase 3) was allocated sewage and water capacity by Vaughan Council's resolution on October 29, 2013, for this phase of development, therefore, the allocation is unrestricted.

Ministry of Transportation of Ontario

The Ministry of Transportation Ontario was circulated the application on April 29, 2014, and Development Planning staff has tried several times to contact the MTO including in January 2016 to solicit any feedback, however the MTO has not provided any comments, to date. Staff note that when the related Subdivision File 19T-97V15 was approved in 2003, the MTO had no concerns with the redevelopment of these lands.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to develop transit, cycling and pedestrian options to get around the City

Regional Implications

The York Region Transportation and Community Planning Department reviewed the documents submitted in support of the application and approved the extension of Emily Anna Street and a direct access onto Weston Road for the proposed development. However, the access to Weston Road shall be restricted to right-in/right-out movement only for the following reasons:

- A full move access can be achieved through the Maria Antonia Road and Weston Road intersection
- Weston Road is part of the Region's Transit Priority Network (widen to six lanes) and any interruption to through traffic will result in congestion implications
- A full move access will result in operational and safety issues at Weston Road

York Region recommends that the access onto Weston Road be restricted to right-in/right-out movements only by extending the existing raised median south on Weston Road. This requirement will be included in the subdivision agreement.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016

Item 13, CW Report No. 12 – Page 7

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.14.006 to amend Zoning By-law 1-88, to rezone the subject lands to RV4 Residential Urban Village Zone Four, subject to site-specific Exception 9(1179), and RS1 Residential Semi-Detached Zone One and RT1 Residential Townhouse Zone in the manner shown in Attachment #3. The proposed rezoning would permit a lot depth of 27 m for the RS1 and RT1 Zones in the manner shown on Attachment #3. The application would facilitate the development of the lands with semi-detached and street townhouse dwellings fronting onto future public roads in draft approved Plan of Subdivision File 19T-97V15, as shown on Attachment #4. The proposal maintains the intent of the Official Plan and the Block 39 Plan. The future development of the semi-detached and street townhouse dwellings will also be subject to the Vellore Village Architectural Design Guidelines. Accordingly, the Vaughan Development Planning Department can support the approval of the Zoning By-law Amendment Application, in accordance with the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning
4. Proposed Concept (Street Townhouse and Semi-Detached Dwellings)

Report prepared by:

Judy Jeffers, Planner, ext. 8645
Carmela Marrelli, Senior Planner, ext. 8791

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)