

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 27, 2017

Item 15, Report No. 26, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 27, 2017.

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ZONING BY-LAW AMENDMENT FILE Z.16.021

R. PALMISANO

WARD 2 - VICINITY OF KIPLING AVENUE AND LANGSTAFF ROAD

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 June 20, 2017:

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.16.021 (R. Palmisano) BE APPROVED, to amend Zoning By-law 1-88, specifically the A Agricultural Zone, subject to site-specific Exception 9(1405) and the OS1 Open Space Conservation Zone on the subject land shown as Attachments #1 and #2 as follows:
 - a) Rezone Part "A" as shown on Attachment #3 from A Agricultural Zone, subject to Exception 9(1405) to R2 Residential Zone together with the site-specific exceptions to the R2 Zone identified in Table 1 of this report to facilitate the creation of a new lot for a detached dwelling;
 - b) Rezone Part "B" as shown on Attachment #3, from A Agricultural Zone, subject to Exception 9(1405) to OS1 Open Space Conservation Zone together with the site-specific exceptions to the OS1 Zone identified in Table 1 of this report; and
 - c) Permit the site-specific zoning exceptions identified in Table 1 of this report for the A Agricultural Zone, subject to Exception 9(1405).
2. That the implementing Zoning By-law shall include the following standards for the R2 Residential Zone:
 - a) the maximum floor space index (FSI) shall be 0.5; and
 - b) the maximum building height shall be 8.5 m.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy – 2031
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

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Economic Impact

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

Communications Plan

On September 9, 2016, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the West Woodbridge Homeowner's 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 the City's Notice Sign Procedures and Protocols. To date, no written comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report of October 5, 2016, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on October 19, 2016. One person appeared at the Public Hearing requesting information about the future use of the remaining lands aside from the creation of the additional one (1) residential lot on the subject lands. The content of this report elaborates on the status of these lands.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment to amend Zoning By-law 1-88, specifically the A Agricultural Zone, subject to site-specific Exception 9(1405) and the OS1 Open Space Conservation Zone on the subject land shown as Attachments #1 and #2 as follows:

- a) Rezone Part "A" as shown on Attachment #3 from A Agricultural Zone, subject to Exception 9(1405) to R2 Residential Zone together with the site-specific exceptions to the R2 Zone identified in Table 1 of this report to facilitate the creation of a new lot for a detached dwelling;
- b) Rezone Part "B" as shown on Attachment #3, from A Agricultural Zone, subject to Exception 9(1405) to OS1 Open Space Conservation Zone together with the site-specific exceptions to the OS1 Zone identified in Table 1 of this report; and
- c) Permit the site-specific zoning exceptions identified in Table 1 of this report for the A Agricultural Zone, subject to Exception 9(1405).

The following site-specific zoning exceptions are required to implement the proposal:

Table 1

	Zoning By-law 1-88 Standard	Requirements of the R2 Residential Zone	Proposed Exceptions to the R2 Residential Zone
a.	Minimum Lot Frontage	15 m	13.7 m
	Zoning By-law 1-88 Standard	Requirements of the OS1 Open Space Conservation Zone	Proposed Exceptions to the OS1 Open Space Conservation Zone
a.	Minimum Rear Yard Setback to the Existing Dwelling	15 m	2.4 m
b.	Minimum Interior Side Yard Setback to the Existing Dwelling	9 m	2.4 m

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	Zoning By-law 1-88 Standard	Requirements of the A Agricultural Zone	Proposed Exceptions to the A Agricultural Zone
a.	Maximum Lot Coverage of Existing Dwelling	5%	20%
	Zoning By-law 1-88 Standard	Requirements of the A Agricultural Zone, Exception 9(1405)	Proposed Exceptions to the A Agricultural Zone, Exception 9(1405)
a.	Minimum Lot Frontage (Gatehouse Court)	36 m	20.25 m
b.	Minimum Lot Area	2.5 ha	0.13 ha
c.	Number of Dwelling Units to be Maintained on the Lot	2 Dwelling Units	1 Dwelling Unit

One of the two identified heritage dwellings located on the subject lands, shown as Dwelling “B” on Attachment #3, also known as the “gatehouse”, will be demolished to facilitate the development of the proposed detached dwelling. The other dwelling, known as the “main” dwelling and shown as Dwelling “A” on Attachment #3, will be maintained on the remainder of the lands zoned A Agricultural Zone, subject to site-specific Exception 9(1405).

Background - Analysis and Options

Location

The subject lands are located southeast of Kipling Avenue and Langstaff Road, and are municipally known as 8399 Kipling Avenue, shown as “Subject Lands” on Attachments #1 and #2.

The 2.5 ha property is irregular in shape with approximately 36 m of frontage on Gate House Court. The property currently contains two dwellings, which are shown as Existing Dwellings “A” and “B” on Attachment #3, and natural heritage features. Both dwellings are included within the Vaughan Inventory of Heritage Dwellings, but are not designated under Part IV of the *Ontario Heritage Act*.

Previous Planning Application – Zoning By-law Amendment File Z.12.026

On June 24, 2014, Vaughan Council approved Zoning By-law Amendment File Z.12.026 to rezone the lands immediately west of the subject lands from A Agricultural Zone to R2 Residential Zone to facilitate the creation of 3 residential lots (19, 25 and 31 Gate House Court), as shown on Attachments #2 to #4. The Owner originally requested a Zoning By-law amendment in order to rezone the abutting lands to create 4 residential lots, which included the lot subject to this application. However during the review of the proposal, the application was revised to eliminate the 4th lot as a result of concerns raised by the Toronto and Region Conservation Authority (TRCA). Since the time of the previous approval, the Owner has been in dialogue with the TRCA to determine how to create an additional lot while addressing the TRCA’s concerns.

Vaughan Official Plan 2010 – Kipling Avenue Corridor Secondary Plan

The subject lands are designated “Low-Rise Residential A” (area fronting Gate House Court) and

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“Natural Areas” (remainder of property) by the Kipling Avenue Corridor Secondary Plan, which forms part of Volume 2, Section 11.5 of the Vaughan Official Plan 2010 (VOP 2010), The “Low-Rise Residential A” designation permits only detached dwelling units with a minimum 4.5 m front yard setback for lands fronting on Gate House Court, a minimum building height of 4 m (1 storey), a maximum building height of 8.5 m (2 storeys), and a maximum density (Floor Space Index) of 0.5 times the area of the lot, in order to maintain the character of the existing residential court.

The Kipling Avenue Corridor Secondary Plan (KACSP) identifies 8399 Kipling Avenue (the subject lands) as a Listed Heritage Property that contributes to the Woodbridge Heritage Conservation District (HCD) character, even though the property is not included within the Woodbridge HCD.

Map 11.5.M of the KACSP also identifies Projected New Unit Counts and Density for various blocks within the KACSP. A portion of the subject lands is located within Block “Q”, which has a projected number of 7 residential units. The proposed additional lot, resulting in a total of 5 lots, would be less than the projected number of units for this block. However, due to the existing physical and environmental site constraints, accommodating future lots that are consistent and compatible with the existing surrounding built form would not be achievable.

The proposal to rezone a portion of the subject lands to create one new lot for a detached dwelling, while maintaining the existing heritage dwelling (Dwelling “A” on Attachment #3) conforms to the Official Plan.

Zoning

The subject lands are zoned A Agricultural Zone, subject to site-specific Exception 9(1405) and OS1 Open Space Conservation Zone by Zoning By-law 1-88, as shown on Attachment #2.

Part “A” – Future Residential Lot

To facilitate the creation of one new residential lot, a portion of the subject lands (Part “A” on Attachment #3) must be rezoned from A Agricultural Zone, subject to site-specific Exception 9(1405) to R2 Residential Zone (with the site-specific exceptions noted in Table 1) in the manner shown on Attachment #4.

The proposed R2 Residential Zone is consistent with the existing residential lots on Gate House Court and the proposed lot complies with all of the development standards of the R2 Residential Zone, except for the minimum lot frontage requirement of 15 m. The Owner is requesting to create a lot with a lot frontage of 13.72 m (as shown on Attachment #4 and noted in Table 1). The Low-Rise Residential policies of the KACSP, permit a maximum building height of 8.5 m and a maximum density of 0.5 FSI for residential uses. The Owner proposes to include these development standards into the implementing Zoning By-law in order to conform with the Official Plan. A condition of approval is included in the recommendation of this report. The Development Planning Department considers the proposed lot frontage, building height and density as appropriate, which would result in a lot and future development that is compatible with the existing residential lots on Gate House Court.

Part “B” – Retained Lands

The proposed lands to be retained as shown on Attachment #3, are currently zoned A Agricultural Zone and OS1 Open Space Conservation Zone. The portion of the lands that are currently zoned OS1 Open Space Conservation Zone will remain as zoned and will not be impacted by the proposal to create an additional residential lot to the west. However, the portion of the subject

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lands that are zoned A Agricultural Zone do not meet the minimum lot area and frontage requirements of the A Agricultural Zone. The lands are not considered to be a working agricultural lot, and are used for residential purposes only.

In consultation with the Owner and Toronto and Region Conservation Authority, a portion of the subject lands, as shown on Attachment #3, is proposed to be rezoned from A Agricultural Zone to OS1 Open Space Conservation Zone in order to further protect the existing valley lands. There are no minimum lot area or lot frontage requirements for the OS1 Zone, however the existing dwelling to be maintained does not meet the minimum required rear yard and interior side yard setbacks to the proposed OS1 Zone boundary. The Development Planning Department recognizes that this is an existing dwelling and there is no development proposed within the OS1 Zone.

The subject lands currently contain two existing residential dwellings, as permitted in site-specific Exception 9(1405). The Owner is proposing to maintain only Dwelling “A” on the remaining portion of the subject lands, and to demolish Dwelling “B”, which is consistent with Zoning By-law 1-88 which permits no more than one (1) detached dwelling on any lot in a Residential Zone. Therefore, the Vaughan Planning Department has no objection to Dwelling “A” being maintained on the reconfigured lot in the manner shown on Attachment #3.

The proposed Zoning By-law Amendment would facilitate the creation of a new residential lot, include additional lands in the OS1 Open Space Conservation Zone, and reflect the existing site conditions of the A Agricultural Zone. The Development Planning Department can support the Zoning By-law Amendment since the additional residential lot would be consistent and compatible with the surrounding neighbourhood.

Consent Application

The Owner has submitted Consent Application File B002/16 to facilitate the creation of the new residential lot which has been held in abeyance pending approval of this application by Vaughan Council. Should Vaughan Council approve this application, the Owner must successfully obtain approval of the Consent Application from the Committee of Adjustment and the Committee's decision must be final and binding and the Owner must satisfy all conditions imposed by the Committee.

Urban Design and Cultural Heritage Division – Development Planning Department

The Urban Design and Cultural Heritage Section of the Development Planning Department has reviewed the subject application and is aware of the Consent Application that is required to create the future residential lot, and have provided the following comments.

Archaeology

The subject lands lie in an area of high archaeological potential. Therefore, the Owner is advised of the following clauses will be included as a condition of the Consent Application, should the Committee of Adjustment approve the application:

- a) Should archaeological resources be found on the property during development activities (construction, topsoil removal etc.), all work must cease and the Owner shall contact both the Ontario Ministry of Tourism, Culture and Sport, and the City of Vaughan's Development Planning and Heritage staff shall be notified immediately.
- b) In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services.

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Heritage Status

The Owner submitted a Cultural Heritage Impact Assessment (CHIA) in support of the application. Cultural Heritage staff reviewed the CHIA and requested further information and clarification regarding the possible retention or restoration of heritage attributes, the impact of the removal of sections of the stone walls upon the cultural heritage landscape, and the impact of the loss of the gatehouse on the main dwelling to remain on the property, which was addressed in an addendum report. Within the initial CHIA and the addendum, the author confirmed the cultural heritage value of the stone walls that currently surrounds either side of the existing gatehouse

Cultural Heritage staff have accepted both the CHIA and the addendum to the report, and have no further objection to the Zoning By-law Amendment Application. The Owner is advised that during the review of the Consent Application, Cultural Heritage staff will be recommending conditions of approval to ensure that the development of the subject lands meets the Cultural Heritage Policies outlined in Section 6 of VOP 2010, including:

- a) The stone walls are identified as part of the cultural heritage landscape for the retained property known municipally as 8399 Kipling, and that the existing main dwelling is to remain on the retained lands. The walls shall be relocated on either side of the existing driveway to the main property to continue and reaffirm its role as an entry point to the greater property and main dwelling. This shall be undertaken by a mason with heritage experience to ensure the walls are properly documented and relocated;
- b) A plaque shall be erected (at a location to be determined) to commemorate the role and function of the gatehouse and the history of the property as a unique heritage site; and
- c) A demolition plan that includes how the stone walls will be protected during the demolition process must be submitted to and approved by Cultural Heritage staff prior to the issuance of the demolition permit.

Development Engineering and Infrastructure Planning (DEIP) Department

The DEIP Department has reviewed the subject application, which includes a preliminary site grading plan prepared by Riepma Consultants Inc, dated April 2016, and offers the following comments:

- a) Development and Transportation

The proposed lot will be connected to the existing sanitary sewer, watermain, and existing storm sewer, each located on Gate House Court. The proposed lot will maintain access from Gate House Court, via Kipling Avenue.

In accordance with the City's Servicing Capacity Allocation Strategy Annual Distribution and Update, as approved by Vaughan Council on December 13, 2016, there is unrestricted servicing allocation capacity available for the proposed residential lot. While unrestricted servicing allocation capacity is available at this time, it is appropriate to defer allocation to the proposed residential lot until the related Consent Application B002/16 has been considered by the Committee of Adjustment.

A detailed Lot Grading Plan for the proposed detached dwelling will be required for review as part of the Building Permit and/or Consent Application stage to the satisfaction of the DEIP Department. Individual grading plans are subject to the standards set forth in the City of Vaughan Lot Grading Criteria Guide.

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b) Environmental

The Environmental Engineering Section has reviewed the associated Site Screening Questionnaire (SSQ) and the proposed lot creation plan. The SSQ has been deemed as being satisfactory and no further environmental documents are required at this time.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the application and have advised that the subject lands are located within the TRCA's regulated area, as defined and established by Ontario Regulation 166/06.

The subject lands are partially situated within the Humber River valley corridor, a significant component of the Natural Heritage Network in the City of Vaughan. The northern, eastern and southern portions of the site consist of a steep, heavily vegetated valley slope. The site is also partially located within the Regulatory flood plain, which is at the base of the vegetated slope.

As discussed earlier in this report, the TRCA previously did not support the creation of an additional lot on the subject lands as part of Zoning By-law Amendment File Z.12.026, and recommended deferral of the subject application until such time that it could be demonstrated that:

- a) The existing driveway to the retained residence (Dwelling "A") at 8399 Kipling Avenue could be located outside of the Natural System; and
- b) That the Owner and the City review opportunities to rezone the retained lands so that it reflects the limits of the on-site valley corridor.

Although the existing driveway leading to the dwelling located at 8399 Kipling Avenue can be relocated further west and beyond the long term stable top of bank, it is still situated within the Natural System (i.e. within the 10 metre buffer) which would preclude any future intensification of the remaining tableland as there would be no safe access outside of the Natural System. The TRCA has no concerns with the existing use and location of the driveway for the retained detached dwelling, but recommends relocation of the driveway to the west and away from the long-term stable top-of slope (which was staked and accurately delineated previously by TRCA staff). The Owner has agreed to relocate the driveway as shown on Attachment #3, in order to address TRCA's concerns.

The Owner has also agreed to rezone a portion of the subject property from A Agricultural to OS1 Open Space Conservation to recognize the limits of the Natural System, being the associated Humber River valley corridor. The proposed zoning boundary follows the topographic "top-of-bank" line of the valley corridor, based on survey information provided by the Owner.

As the proposal has been revised to rezone a portion of the retained lands into the OS1 Open Space Conservation Zone, and further, it has been demonstrated that the existing driveway can be relocated to the west and away from the long term stable top-of-slope, the TRCA has no objection to the approval of Zoning By-law Amendment File Z.16.021 and the related Consent Application B002/16.

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

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

- Continue to ensure the safety and well-being of citizens
- Continue to cultivate and environmentally sustainable City

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Regional Implications

The subject lands are not located adjacent to a Regional Road. The York Region Community Planning and Development Services Department has reviewed the subject application and has no objection.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.16.021 in consideration of the policies of VOP 2010, the requirements of Zoning By-law 1-88, comments received from City Departments, external public agencies, and the area context. The Zoning By-law Amendment application will facilitate the creation of a residential lot for a detached dwelling within an R2 Residential Zone category, will zone additional lands as OS1 Open Space Conservation Zone in order to further protect the abutting valley lands, and recognize the existing site conditions of the A Agricultural Zoned lands. The Zoning By-law Amendment will contribute to the maintenance of a dwelling with heritage value (the “main” house) in the A Agricultural Zone on the remainder of the subject lands. The Development Planning Department can support the approval of Zoning By-law Amendment File Z.16.021, subject to the recommendation of this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan & Zoning
4. Lot Creation Detail

Report prepared by:

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(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.)