

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

**ZONING BY-LAW AMENDMENT FILE Z.17.017**

**FIRSTGREEN CORP.**

**WARD 4 - VICINITY OF BATHURST STREET AND GEORGE KIRBY STREET**

- 1) That 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 October 3, 2017, be approved; and
- 2) That the following deputations be received:
  1. Mr. Bill Tam, KLM Planning Partners, representing the applicant;
  2. Resident of Maple;
  3. Ms. Traci Shatz, George Kirby Street, Maple; and
  4. Mr. Lino Pellicano, representing the applicant.

1. THAT the Public Hearing report for File Z.17.017 (Firstgreen Corp.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

- i) T. Shatz, George Kirby Street, submitted correspondence dated August 29, 2017, expressing concerns regarding the overall design of the proposed townhouse units and the potential increase in traffic and parking issues in the area.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

#### Item 4, CW(PH) Report No. 36 – Page 2

Any 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. All written comments that are received will be reviewed by the Vaughan Development Planning Department as input in the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

#### **Purpose**

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.17.017 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88 to rezone the subject lands from C4 Neighbourhood Commercial Zone and C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)", subject to site-specific Exception 9(1217), as shown on Attachment #2, to RT1 Residential Townhouse Zone, regarding a development proposal for 50 townhouse units, as shown on Attachments #3 to #5.

The proposed development will be served by privately owned and maintained (by a future condominium corporation) common elements including the internal road, 13 visitor parking spaces, walkways, mailbox and amenity areas and private waste collection and snow removal. Twenty-five (25) lay-by parking spaces are proposed along George Kirby Street and Ilan Ramon Boulevard, as shown on Attachment #3. The Owner has proposed the following site-specific zoning exceptions to the RT1 Zone standards of Zoning By-law 1-88 required to implement the development proposal:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirements</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements</b>
a.	Definition of "Lot"	Means a parcel of land fronting on a public street.	Means a parcel of land fronting on a public street, a private road, or a private amenity area.
b.	Definition of "Street Townhouse"	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which lot abuts a public street.	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which abuts a public or private street, or a private amenity area.
c.	Definition of "Street Line"	Means the dividing line between a lot and a street or the dividing line between a lot and a reserve abutting a street.	Means the dividing line between a lot and a street or a private road, or the dividing line between a lot and a reserve abutting a street or a private road.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

Item 4, CW(PH) Report No. 36 – Page 3

d.	Frontage on a Public Street	A lot must front onto a public street.	Permit a lot to front onto a private road or a private amenity area.
e.	Definition of “Unenclosed Porch”	Means a platform with or without a foundation and with at least two sides open which is uncovered or covered by either a roof, balcony, or enclosed space or room, with or without foundation.	Means a platform with or without a foundation and with at least one side open which is uncovered or covered by either a roof, balcony, or enclosed space or room, with or without foundation.
f.	Minimum Front Yard Setback (Facing Amenity Area)	4.5 m	Block 6 - 1.5 m Blocks 7 and 8 - 3 m
g.	Minimum Development Standards (All Blocks):  i. Lot Frontage ii. Lot Area iii. Rear Yard Setback iv. Lot Depth	i) 6 m / unit ii) 162 m <sup>2</sup> iii) 7.5 m iv) 27 m	i) 5.5 m / unit ii) 94 m <sup>2</sup> iii) 1 m iv) 16 m
h.	Maximum Building Height	11 m	14 m
i.	Minimum Exterior Side Yard Setback:  i. Where the exterior lot line abuts a Public Street or Private Road  ii. Abutting a non-residential use	i) 4.5 m  ii) 3.5 m	i) 3 m (Blocks 1 and 5)  ii) 2.12 m (Block 7) and 3 m (Blocks 6 and 8)
j.	Maximum Number of Townhouse Units in a Row	6 units	7 units (Blocks 6, 7 and 8, as shown on Attachment #3)

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

Item 4, CW(PH) Report No. 36 – Page 4

k.	Maximum Interior Garage Width	3.048 m	5.4 m
l.	No Encroachment Zone for Unenclosed Porches (Covered or Uncovered) Cold Cellars, Architectural Features and Balconies	1.5 m	0.6 m

Additional zoning exceptions may be identified through the detailed review of the Zoning By-law Amendment application, and will be considered in a technical report to a future Committee of the Whole meeting.

**Background - Analysis and Options**

Location	<ul style="list-style-type: none"><li>▪ The subject lands are located on the southeast corner of Ilan Ramon Boulevard and George Kirby Street, and are known municipally as 9370 Bathurst Street, shown as “Subject Lands” on Attachments #1 and #2.</li><li>▪ On October 20, 2016, the Vaughan Committee of Adjustment approved Consent Application B026/16 permitting the creation of the 1.1 ha subject lands.</li><li>▪ The lands were previously subject to Official Plan Amendment File OP.11.013, Zoning By-law Amendment File Z.11.044 and Site Development File DA.12.079 (“FCHT Holdings Corporation”) which permitted a 12-storey (230 unit) mixed-use residential/commercial apartment building. The proposal was approved by the Ontario Municipal Board on December 5, 2013.</li></ul>
Official Plan Designation	<ul style="list-style-type: none"><li>▪ The subject lands are designated “Mid-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), with a maximum permitted building height of 12-storeys and maximum floor space index (FSI) of 3.5 times the area of the lot.</li><li>▪ The “Mid-Rise Mixed-Use” designation permits residential units, home occupation, community facilities, retail, office and hotel uses in a mid-rise building form. Townhouses, stacked townhouses and low-rise buildings are also permitted, provided that the lands are located within 70 m of lands designated “Low-Rise Residential” in VOP 2010 or on streets that are not arterial streets or major collector streets.</li><li>▪ Section 9.2.1.2 in VOP 2010 states that “any variations from the policies in Subsection 9.2.3, shall, to the satisfaction of the</li></ul>

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

Item 4, CW(PH) Report No. 36 – Page 5

	<p>City, be minor and shall respond to unique conditions or context of a site, and will not require an amendment to the Official Plan provided that they are supported through an Urban Design Brief.”</p> <ul style="list-style-type: none"><li>▪ Section 9.2.3.2 of VOP 2010 provides the following development criteria for townhouse dwellings: that one block of townhouses shall consist of no more than six attached residential dwellings; that townhouse dwellings shall generally front onto a public street; and, that blocks of townhouses that are not separated by a public street shall have a minimum facing distance of 18 m.</li><li>▪ The proposed development does not meet the development criteria of Section 9.2.3.2 as a minimum of seven residential units in a row are proposed for Blocks 6, 7 and 8, as shown on Attachment #3; Blocks 6, 7 and 8 either front onto, or are accessed by, a private common element condominium road; and the minimum facing distance between townhouse blocks ranges from 11.70 m to 15.32 m.</li><li>▪ Townhouses are permitted on the subject lands, as the lands are located within 70 m of lands designated “Low-Rise Residential” in VOP 2010, specifically the existing street townhouse dwellings on the north side of George Kirby Street, as shown on Attachment #2.</li><li>▪ The development proposal conforms to the building height, density and permitted uses of VOP 2010, but is not consistent with the development criteria prescribed by Section 9.2.3.2. Staff will continue to work with the Owner to address this policy requirement through the submission of an Urban Design Brief as required by Section 9.2.1.2.</li></ul>
Zoning	<ul style="list-style-type: none"><li>▪ The subject lands are zoned C4 Neighbourhood Commercial Zone and C4(H) Neighbourhood Commercial Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, as shown on Attachment #2, and are subject to site-specific Exception 9(1217), which permits a 12-storey apartment building with a total of 250 units on the subject lands.</li><li>▪ The current zoning of the subject site does not permit the proposed townhouse development. The Owner has submitted a Zoning By-law Amendment application to rezone the subject lands to a RT1 Residential Townhouse Zone, together with the site-specific zoning exceptions to the RT1 Zone identified in Table 1 of this report.</li></ul>
Surrounding Land Uses	<ul style="list-style-type: none"><li>▪ Shown on Attachment #2.</li></ul>

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

# CITY OF VAUGHAN

## EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

Item 4, CW(PH) Report No. 36 – Page 6

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with City Official Plan Policies	<ul style="list-style-type: none"> <li>▪ The application will be reviewed in consideration of the VOP 2010 policies, particularly respecting development criteria for townhouse dwellings (Section 9.2.3.2).</li> <li>▪ The appropriateness of the proposed variations to the development criteria for townhouses of Section 9.2.3.2 of VOP 2010 will be reviewed in consideration of the proposed development.</li> </ul>
b.	Appropriateness of Proposed Zoning Exceptions	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposed rezoning of the subject lands to a RT1 Residential Townhouse Zone, together with the site-specific zoning exceptions identified in Table 1 of this report, will be reviewed in consideration of the existing and planned surrounding land uses. Particular consideration will be given to land use, built form compatibility, site organization, front, rear and interior side yard setbacks, and pedestrian and vehicular connections.</li> </ul>
c.	Low-Rise Residential Urban Design Guidelines	<ul style="list-style-type: none"> <li>▪ The proposed development will be reviewed in consideration of, and have regard for, the Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods.</li> </ul>
d.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> <li>▪ The proposed development must conform with the approved Block 11 “The Valleys of Thornhill” Architectural Design Guidelines, prepared by John G. Williams Ltd., and the approved Block 11 Urban Design Guidelines and Landscape Masterplan, prepared by Paul Cosburn Associates Ltd.</li> </ul>
e.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner has submitted the following studies and reports in support of the application, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> <li>- Functional Servicing and Stormwater Management Report</li> <li>- Noise and Vibration Report</li> <li>- Tree Inventory and Preservation Plan</li> </ul> </li> <li>▪ As noted above, the Owner must submit an Urban Design Brief in accordance with Section 9.2.1.2 of VOP 2010. Additional study/report requirements may be identified through the processing of the application.</li> </ul>

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

Item 4, CW(PH) Report No. 36 – Page 7

f.	Related Site Development File DA.17.041	<ul style="list-style-type: none"> <li>▪ The Owner has submitted related Site Development File DA.17.041 to permit the proposed townhouse development, should the subject Zoning By-law Amendment application be approved.</li> <li>▪ The related Site Development Application will be reviewed in consideration of, but not limited to, the following matters: <ul style="list-style-type: none"> <li>- pedestrian and barrier free accessibility;</li> <li>- proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private road;</li> <li>- appropriateness of the proposed lay-by parking spaces on Ilan Ramon Boulevard and George Kirby Street;</li> <li>- appropriateness of the location of the proposed access driveway onto Ilan Ramon Boulevard;</li> <li>- appropriate site design and building materials, orientation of units and upgraded building elevations for units facing Ilan Ramon Boulevard and visible flankage elevations, landscaping, amenity area, snow storage, stormwater management, and servicing and grading;</li> <li>- the relationship between the facing distance of each townhouse block in order to maximize daylight, enhance landscaping and ensure privacy;</li> <li>- the number of units for each townhouse block, specifically Blocks 6, 7 and 8, as shown on Attachment #3;</li> <li>- accessibility and location of the proposed residential visitor parking spaces; and,</li> <li>- the relationship of the proposed built form, building setbacks and design with the immediate commercial land uses to the east and south, with attention to appropriate landscaping and noise attenuation.</li> </ul> </li> <li>▪ All issues identified through the review of the related Site Development file will be addressed together with the subject Zoning By-law Amendment application in a comprehensive technical report to a future Committee of the Whole Meeting.</li> </ul>
g.	Draft Plan of Condominium and Part Lot Control Application	<ul style="list-style-type: none"> <li>▪ A Draft Plan of Condominium Application is required to create the condominium tenure for the common elements (i.e. private road, internal sidewalk, visitor parking, and common landscaped amenity areas), which will be managed through a future Condominium Corporation, if the subject application is approved.</li> <li>▪ A Part Lot Control Application is required to create each individual freehold lot.</li> </ul>

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

Item 4, CW(PH) Report No. 36 – Page 8

h.	Block 11 Plan and Developers Group Agreement	<ul style="list-style-type: none"> <li>▪ The development proposed will be reviewed in consideration of the approved Block 11 Plan and the surrounding and existing planned land uses and any Block Plan conditions respecting infrastructure, to the satisfaction of the City.</li> <li>▪ The Owner will be required to satisfy all obligations financial or otherwise of the Block 11 Developers Group Agreement to the satisfaction of the Block 11 Trustee and the City of Vaughan. Should the application be approved, the Owner will be required to amend the approved Block Plan.</li> </ul>
i.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the application is approved.</li> </ul>
j.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu of Parkland Policy, should the application be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.</li> </ul>
k.	Allocation and Servicing	<ul style="list-style-type: none"> <li>▪ The availability of water and sanitary servicing capacity for the proposed development must be identified and allocated by Vaughan Council, if the proposed development is approved. If servicing capacity is unavailable, the entirety of 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.</li> </ul>
l.	Access Easements	<ul style="list-style-type: none"> <li>▪ The Owner is proposing to gain access for the development through an existing driveway that is located on the abutting commercial plaza located to the east and south of the subject lands. An easement required from the adjacent landowner in favour of the subject lands in order to establish this proposed access. The Owner will be required to file a Consent Application with the Committee of Adjustment to create the easement, should the application be approved.</li> </ul>

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

The applicability of this application to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.



## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

Item 4, CW(PH) Report No. 36 – Page 9

#### **Regional Implications**

The application has been circulated to the York Region Community Planning and Development Services Department for review and comment. 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 application will be considered in the technical review of the application, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Conceptual Site Plan and Zoning
4. Conceptual Landscape Plan
5. Typical Front and Rear Elevations
6. Typical Side Elevations

#### **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.)