

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 21, 2017**

Item 5, Report No. 39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 21, 2017.

**5**

**SITE DEVELOPMENT FILE DA.17.013  
MONARCH CASTLEPOINT KIPLING NORTH DEVELOPMENT LIMITED &  
MONARCH CASTLEPOINT KIPLING SOUTH DEVELOPMENT LIMITED  
WARD 1 - VICINITY OF KIPLING AVENUE AND KIRBY ROAD**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager, Director of Development Planning and Senior Manager of Development Planning, dated November 7, 2017:**

**Recommendation**

The City Manager, Director of Development Planning and Senior Manager of Development Planning recommend:

1. THAT Site Development File DA.17.013 (Monarch Castlepoint Kipling North Development Limited & Monarch Castlepoint Kipling South Development Limited) BE APPROVED, to permit the development of two, 3-storey live-work townhouse blocks, each containing 6 units, for a total of 12 units, as shown on Attachments #3 to #7, subject to the following conditions:
  - a) that prior to the execution of the Site Plan Agreement:
    - i) a Zoning By-law to lift the Holding Symbol “(H)” must be enacted by Vaughan Council to bring the zoning of the subject lands into full force and effect; and
    - ii) the Development Planning Department shall approve the final site plans building elevations, landscape plan, landscape cost estimate and building signage design;
  - b) that the Site Plan Agreement include the following warning clauses to be registered on title and/or included in all Offers of Purchase and Sale or Lease for Block 168 and 174, Plan 65M-4557 and Block 59, Plan 65M-4558:
    - i) “Purchasers and/or tenants/lessees are advised that in accordance with the City of Vaughan Sign By-law 203-92, any portable or fixed building signage will require a Sign Permit issued by the Building Standards Department prior to the erection of any signs regulated by the By-law.”
    - ii) “Purchasers and/or tenants/lessees are advised that despite the inclusion of noise features in this development area and within the dwelling units, noise due to increasing road traffic on Kipling Avenue and Kleinburg Summit Way may continue to be of concern, occasionally interfering with the activities of the occupants as the sound level may exceed the noise criteria of the municipality and the Ministry of Environment and Climate Change. I, the purchaser, hereby agree to place this clause in all subsequent offers of purchase and sale when I sell the property.”
    - iii) “Purchasers and/or tenants/lessees are advised that the dwelling unit can be fitted with a central air conditioning system at the Owner’s option and

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expense, which will enable occupants to keep windows closed if road traffic noise interferes with indoor activities. If central air conditioning is installed, the location of the air conditioning unit on the lot shall be in compliance with the provisions the City of Vaughan Residential Air Conditioner By-law 50-2017.”

- iv) “Purchasers and/or tenants/lessees are advised that the parkland within the Block 55 East Plan may not be fully developed at the time of occupancy. The timing of development, phasing and programming of the parkland is at the discretion of the City.”
  - v) “Purchasers and/or tenants/lessees are advised that the live-work townhouse block abuts a park and associated walkway, and that noise and lighting should be expected from the use of the park, walkway, and associated facilities for pedestrians, active and passive public recreation, and leisure uses.”
  - vi) “Purchasers and/or tenants/lessees are advised that the townhouse block abuts or is in close proximity to a park, and that routine operations and maintenance of the park and associated facilities should be expected.”
  - vii) “Purchasers and/or tenants/lessees are advised that the townhouse block abuts a public pathway, and that routine maintenance and plowing of the pathway should be expected.”
  - viii) “Purchasers and/or tenants/lessees are advised that municipal snow plowing operations shall exclude private access paths to the main walkway within the park block.”
  - ix) “Purchasers and/or tenants/lessees are advised that the lot abuts a neighbourhood park and will require a Permit to Enter (PTE) to complete work along the frontage of the townhouse where access is required through Block 196, Plan 65M-4557.”
  - x) “Should archeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan’s Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.”
  - xi) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services”; and
- c) that the Site Plan Agreement include the following warning clause to be registered on title and/or included in all Offers of Purchase and Sale or Lease for Block 174, Plan 65M-4557 and Block 59, Plan 65M-4558:
- i) “Purchasers and/or tenants/lessees are advised that the dwelling unit is in close proximity to a future commercial use. Normal activities generated from the commercial use may at times be audible.”

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#### **Contribution to Sustainability**

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

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21<sup>st</sup> century

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- high-efficiency single flush toilets
- low-flow water efficient faucets/shower heads
- insulation with a higher effective R-value
- high-efficiency two stage furnace
- energy efficient heat recovery ventilator
- Energy Star equivalent light fixtures
- low-E Energy Star windows
- hot water drain recovery systems
- minimum top soil depths of 12 inches
- recycled crushed concrete base for driveways
- solar power and electric vehicle rough-ins

#### **Economic Impact**

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

#### **Communication Plan**

N/A

#### **Purpose**

To seek approval from the Committee of the Whole for Site Development File DA.17.013 to permit the development of two, 3-storey live-work townhouse blocks, each containing 6 units, for a total of 12 units, as shown on Attachments #3 to #7.

#### **Background - Analysis and Options**

*Synopsis:*

*The Owner is proposing to develop the subject lands with two, 3-storey live-work townhouse blocks, each containing 6 units, for a total of 12 units. The Development Planning Department supports the approval of the proposed development as it conforms to Vaughan Official Plan 2010,*

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*is consistent with the Block 55 East Plan, is a permitted use by Zoning By-law 1-88, and is compatible with the planned land uses within the surrounding area.*

#### Location

The 0.31 ha subject lands are located west of Kipling Avenue, south of Kirby Road, within the Block 55 East Plan Area, and are legally known as Block 168, Plan 65M-4557 (northerly townhouse block) and Block 174, Plan 65M-4557/Block 59, Plan 65M-4558 (southerly townhouse block), shown on Attachments #1 and #2. The subject lands are presently vacant, and the surrounding land uses are identified on Attachment #2.

#### Vaughan Official Plan 2010

The subject lands are designated "KN Low-Rise Residential II" by Chapter 11.8 - North Kleinburg-Nashville Secondary Plan of Vaughan Official Plan 2010 (VOP 2010), Volume 2. This land use was refined as "KN Low-Rise Mixed-Use II" by Council's approval of the Block 55 East Plan (Kleinburg Summit Community). The "KN Low-Rise Mixed-Use II" designation permits townhouses, stacked townhouses, and low-rise buildings consistent with Section 9.2.2.2 (Low-Rise Mixed-Use) of VOP 2010, Volume 1. Section 9.2.2.2 permits a mix of residential, commercial and small-scale retail uses intended to serve the local population. The proposed live-work townhouse development conforms to VOP 2010.

#### Zoning By-law 1-88

The subject lands are zoned RT1(H) Residential Townhouse Zone with the Holding Symbol "(H)" by Zoning By-law 1-88, subject to site-specific Exceptions 9(1413) and 9(1414), as shown on Attachment #2.

#### a) Holding Symbol "(H)"

Site-specific Exceptions 9(1413) and 9(1414) state that the removal of the Holding Symbol "(H)" from the subject lands, or a portion thereof, shall be contingent on the approval of a Site Development application for the street townhouse units. Should Vaughan Council approve the subject Site Development application, the Holding Symbol "(H)" can be removed from the subject lands. If the applications are approved, a Zoning By-law to remove the Holding Symbol "(H)" will be brought to a future Council meeting for adoption.

#### b) Permitted Uses

The RT1 Residential Townhouse Zone of the subject lands permits the proposed live-work townhouse use. Site-specific Exceptions 9(1413) and 9(1414) of Zoning By-law 1-88 permit home occupations, which includes business and professional offices, personal service shops, and retail stores, to operate on the ground floor of each street townhouse unit. The home occupation use is subject to further requirements, including:

- a maximum of one home occupation use is permitted per townhouse unit
- the home occupation is restricted to the ground floor
- the only permitted use on the ground floor shall be the home occupation, save and except for vehicular parking and pedestrian access relating to the residential component located above the ground floor
- each home occupation is permitted to have a maximum of 3 employees. At least one of these employees must be the resident of the townhouse unit

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- with respect to business and professional offices, the office of a physician, dentist or regulated health professional, shall only be used for consultation and emergency treatment, and not as a clinic or hospital
- with respect to personal service shops, a body-rub parlor is not permitted as a home occupation or accessory use to a home occupation
- the parking space requirement for the home occupation is one parking space, which must be provided in addition to the standard residential requirement (2 spaces per residential unit)

The proposed development complies with the use provisions and the development standards of Zoning By-law 1-88, as amended.

#### Site Plan Review

##### a) Related Development Applications

The subject Site Development application would allow the proposed development to proceed with the approved form of development established by the related Draft Plan of Subdivision Files 19T-13V008 (Monarch Castlepoint Kipling South Development Limited) and 19T-13V009 (Monarch Castlepoint Kipling North Development Limited), which were registered as Plan 65M-4558 and Plan 65M-4557, respectively, on May 24, 2017.

The Owner of the subject lands is seeking Site Development approval of one live-work townhouse block for Block 168, Plan 65M-4557 (northerly townhouse block), and one live-work townhouse block for Block 174, Plan 65M-4557/Block 59, Plan 65M-4558 (southerly townhouse block). Together, Block 174, Plan 65M-4557 and Block 59, Plan 65M-4558 would form one whole block that would be developed with one live-work townhouse block containing 6 units.

##### b) Site Plans

The site plans, shown on Attachments #3 and #4, each contain a townhouse block consisting of 6 units, which are 3-storeys in height, and have frontage on Kleinburg Summit Way. The front of the proposed townhouse units (facing Kleinburg Summit Way) contains the primary home occupation entrance, which is accessible by a public sidewalk, and serviced by 33 lay-by parking spaces within the Kleinburg Summit Way right-of-way, shown on Attachment #2. The rear elevation of each townhouse unit (facing Laneway V45) contains the residential entrance and a secondary entrance to the home occupation. The rear of the townhouse units also contains either a single or double car garage, for a total of 3 to 4 parking spaces per unit, which serve both the residential and home occupation uses.

The Owner has not labeled the location of the air conditioner (AC) units for each of the townhouse units on the site plans, however, the Owner has indicated that they will be located in the rear yard in accordance with the City's Residential AC Unit By-law #50-2017. Given the visibility of the rear elevations of the townhouse units, the Owner will be required to provide screening and landscaping around the AC units, to the satisfaction of the Development Planning Department.

##### c) Elevation Plans

The typical building elevations, shown on Attachment #7, consist of stone, brick and stucco. The front elevation of the townhouse blocks include large windows, wall sconces

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and building signage to articulate the home occupation component of the townhouse units. To date, signage details have not been provided by the Owner. In order to maintain a consistent appearance across all of the live-work units, the Owner will be required to provide a signage plan for approval to the satisfaction of the Development Planning Department, prior to the execution of the Site Plan Agreement.

The proposed development is subject to the Council approved Architectural Design Guidelines for the Kleinburg Summit Community, prepared by John G. Williams Architect Ltd. The subject site plans and elevations, shown on Attachments #3, #4 and #7, have been prepared in accordance with these guidelines and have been stamped by the Control Architect.

#### d) Landscape Plans

The proposed landscape plans, shown on Attachments #5 and #6, use a mix of trees, shrubs, street furniture and unit pavers to animate the Kleinburg Summit Way streetscape. Unit pavers are used in the front yards to create wide pedestrian pathways from the public sidewalk to each unit. The front yards also incorporate a variety of plantings, which includes deciduous trees, coniferous trees and shrubs, as well as benches, to create a comfortable pedestrian environment. The corner end-units are upgraded with the use of masonry columns and 1.2 m high decorative metal fencing to frame the exterior side yards, which abut Kleinburg Summit Way, Faust Ridge and Lacrosse Trail.

#### e) Future Development Applications

In order to facilitate the creation of the individual lots for each live-work townhouse unit, the Owner will be required to submit a future Part Lot Control Exemption application for the subject lands.

The Development Planning Department is generally satisfied with the proposed live-work townhouse development as shown on Attachments #3 to #7, and must approve the final site plans, elevation plans, landscape plans, and landscape cost estimate prior to the execution of the Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

#### Development Engineering Department

The Development Engineering Department has reviewed the Site Development application for the proposed live-work townhouse development, and has confirmed that the proposed development conforms to the approved grading, servicing and stormwater management plans for the related Draft Plans of Subdivision (Files 19T-13V008 and 19T-13V009). Accordingly, the Development Engineering Department has no objection to the approval of the subject Site Development application. The Development Engineering Department advises that the Owner is required to submit Lot Grading Permit applications directly to the Inspections and Grading Division of the Development Engineering Department upon approval of the noted Site Development application.

The Owner has provided addendums to the noise reports that were previously submitted in support of the related Draft Plans of Subdivision (Files 19T-13V008 and 19T-13V009). The Development Engineering Department advises that the Owner shall satisfy all requirements with respect to noise attenuation and carry out all the recommendations identified by the reports. The Development Engineering Department has requested specific warning clauses to be registered on title and included in all Offers of Purchase and Sale or Lease for the subject lands. These warning clauses are included in the recommendation of this report.

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##### Parks Development Department

The Parks Development Department has advised they have no objection to the proposed live-work townhouse development, subject to the specific warning clauses, identified in the recommendation of this report, being included in all Offers of Purchase and Sale or Lease.

The Parks Development Department advises that the live-work townhouse dwellings about a public park. Should the Purchasers or Lessees undertake works on the lot or within the dwelling, that necessitate encroachment or access through the public park, the Purchasers or Lessees will be required to obtain a permit to enter (PTE) from the City in order to complete such work. The PTE will help the City mitigate risks of potential damage caused to public property.

##### Office of the City Solicitor, Real Estate Department

The Real Estate Department has confirmed that the parkland dedication requirement for the subject lands was satisfied as part of the approval of the Block 55 Block Plan (File BL.55.2013).

##### Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the subject application and advised that the subject lands are cleared of any concern for archaeological resources, and the standard clauses identified in the recommendation of this report be included in the implementing Site Plan Agreement.

##### Environmental Services – Solid Waste Management

The Environmental Services, Solid Waste Management Department has no objection to the proposed development, however, advises that the future owners of the townhouse units must comply with the City's Municipal Collection Service Requirements with respect to the home occupation component.

##### Canada Post

Canada Post has no objection to the proposed development, as provisions for mail delivery have been incorporated into the related Draft Plans of Subdivision (Files 19T-13V008 and 19T-13V009).

##### Utilities

Enbridge Gas, Alectra Utilities Corporation and Rogers Communications Inc. have no objection to the approval of the proposed development, subject to their respective standard conditions of approval which will be included in the Site Plan Agreement.

##### **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):

- Attract investment and create jobs
- Continue to cultivate an environmentally sustainable City

##### **Regional Implications**

The York Region Community Planning and Development Services Department has reviewed the

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proposed development and advised they have no comment or objection to the Site Development application.

#### **Conclusion**

The Development Planning Department is satisfied that the proposed development shown on Attachments #3 to #7, conforms to VOP 2010 and the Block 55 East Plan, is a permitted use by Zoning By-law 1-88, implements an approved form of development by the related Draft Plans of Subdivision (Files 19T-13V008 and 19-13V009) and is appropriate and compatible with the permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development File DA.17.013, subject to the recommendations in this report.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan - Block 168, Plan 65M-4557
4. Site Plan - Block 174, Plan 65M-4557 and Block 59, Plan 65M-4558
5. Landscape Plan - Block 168, Plan 65M-4557
6. Landscape Plan - Block 174, Plan 65M-4557 and Block 59, Plan 65M-4558
7. Typical 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.)