

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 9, 2014**

**ZONING BY-LAW AMENDMENT FILE Z.13.037**

**BOSCO MASCARENHAS**

**WARD 2 - VICINITY OF PINE VALLEY DRIVE AND LANGSTAFF ROAD**

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated December 2, 2014, be approved; and
- 2) That Communication C3, from Nancy and Bud Dunlop, dated December 1, 2014, be received.

1. THAT Zoning By-law Amendment File Z.13.037 (Bosco Mascarenhas) BE APPROVED, for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone to R1 Residential Zone to facilitate the proposed severance of the subject lands into 2 lots for detached dwellings as shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1, and the additional zoning exception and development standards identified in Tables 3 and 4, respectively.

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy-2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

On December 20, 2013, a Notice of Public Hearing for the January 14, 2014 meeting was circulated to all property owners within 150 m of the subject lands. A Notice of the Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was posted on the property in accordance with the City's Sign Notification Protocol.

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##### Public Comments

On January, 9, 2013, correspondence was received from a neighbouring property owner, who also attended the Public Hearing, identifying the following concerns:

1. The neighbour does not want a repeat of what happened with the construction of a house on the lot to the north of them (8388 Pine Valley Drive) when water run-off and drainage flooded their property after the adjacent property was developed.
2. The addition of another driveway on Pine Valley Drive would create an unsafe situation due to traffic volume.
3. The existing lots within the immediate area have frontages of approximately 100 feet (30m) and the approval of two 50 foot (15 m) frontage lots would change the character of the area and reduce the space that a large lot provides.

The Vaughan Planning Department provides the following responses to the above noted comments:

1. With respect to the concern of flooding as a result of water run-off and drainage, a site servicing and grading plan to be approved by the Vaughan Development/Transportation Engineering Department as a condition of Consent (severance) will be required to ensure that post development on site grading is designed to maintain the existing grades with no changes to the existing grades, flow directions and run-off volumes with adjoining properties and regional road boundaries.
2. The Owner has proposed to pair the driveways on Pine Valley Drive, which provides one shared driveway access, as shown on Attachment #3. This driveway design has been reviewed and approved by the York Region Transportation and Community Planning Department.
3. The new lots (each 15.24 m in frontage) will comply with the minimum requirements of the proposed R2 Residential Zone (minimum 15 m frontages) respecting the minimum lot area and minimum yard setbacks. The lots are smaller than the adjacent lots to the north, south and west, but are similar in configuration and lotting pattern and permit the development of detached dwellings. There are similar smaller existing lots further to the north on Goldpark Court (zoned R2 - 15 m frontages) and south of Pine Grove Road (zoned R3 - 12 m frontages), as shown on Attachment #2. Furthermore, the lots would facilitate a built form similar to existing development in the surrounding neighbourhood on the east side of Pine Valley Drive, however, these lots back onto this arterial road.

The recommendation of the Committee of the Whole to receive the Public Hearing report of January 14, 2014, and Communication C1, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on January 28, 2014.

##### **Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.037 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone to R2 Residential Zone (minimum 15 lot frontages) to facilitate the proposed severance of the subject lands into 2 lots (each with 15.24 m frontages) for detached dwellings as shown on Attachment #3, together with the following site-specific zoning exceptions:

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Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>By-law 1-88, R2 Residential Zone Requirements</b>	<b>Proposed Exceptions to the R2 Residential Zone</b>
a.	Maximum Driveway Width	6 m	9 m (combined)
b.	Maximum Curb Cut for each property	6 m	9 m (combined)

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

##### Location

The subject lands shown on Attachments #1 and #2 are located on the west side of Pine Valley Drive and south of Langstaff Road, known municipally as 8336 Pine Valley Drive, City of Vaughan.

The 0.14 ha parcel of land has 30 m of frontage and an existing driveway access on Pine Valley Drive, is rectangular in shape, relatively flat, and contains a 1-storey brick bungalow and a frame garage both of which are proposed to be demolished. The surrounding land uses are shown on Attachment #2.

##### Planning Considerations

##### Provincial Policy Statement 2014 (PPS)

The PPS provides policy direction on matters of Provincial interest related to land use planning and development and sets the policy foundation of regulating the development and use of land. The PPS includes policies that direct new growth to urban areas, which contributes to the creation of strong and safe communities, healthy environments and long term economic growth.

The PPS promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by ensuring all forms of residential intensification, including second units and redevelopment are directed to locations where appropriate levels of infrastructure and public facilities are or will be available to support current projected needs.

The Vaughan Planning Department is satisfied that the proposed development meets the intent of the PPS with respect targeting intensification and redevelopment within built-up areas.

##### Places to Grow: The Growth Plan for the Greater Golden Horseshoe

The Province's Places to Grow Plan sets out policy on a wide range of issues including, managing growth, general intensification, infrastructure planning, among other policies. The inherent goal of the Growth Plan is to manage growth by directing and focusing it to a hierarchy of intensification areas including urban growth centres, major transit stations, intensification corridors, local corridors and infill sites. The proposed development of the subject lands with a low rise built form (detached dwellings) conforms to the Provincial Growth Plan as it proposes development in an infill area.

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##### York Region Official Plan

The York Region Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing on September 7, 2010, and appealed to the Ontario Municipal Board (OMB). Since that time, the YROP has been partially approved by the OMB. The subject lands are designated as “Urban Area”, which permits a wide range of residential, commercial, industrial and institutional uses. The objectives of the YROP include targeting growth to existing built up portions of urban areas, encouraging intensification, and providing for a broad range of housing types. The proposed development is consistent with the policies of the YROP.

##### City of Vaughan Official Plan

The subject lands are designated ‘Low Rise Residential’ by Vaughan Official Plan 2010 (VOP 2010), which permits single family detached dwellings and does not prescribe a maximum density requirement. VOP 2010 identifies the subject lands as being located within a Community Area and Sections 9.1.2.1, 9.1.2.2 and 10.1.2.46 state that new development will respect and reinforce the existing and planned context within which it is situated. More specifically, the built form of new developments will be designed to respect and reinforce the physical character and uses of the surrounding neighbourhood area, paying particular attention to the following elements (in part):

- the local pattern of lots, streets and blocks
- the size and configuration of lots
- the building type of nearby residential properties
- the heights and scale of nearby residential properties
- the setback of buildings from the street
- the pattern of rear and side yard setbacks

VOP 2010 states that a consent to sever land may be permitted for the purpose of creating new lots, if there is enough net developable area on both the severed and retained lots to accommodate the proposed uses, buildings and structures and accessory uses. A consent in an Urban Area, such as in this case, is permitted provided it does not disturb the existing pattern of development or perpetuate an undesirable pattern of development. VOP 2010 provides general severance policies for the City and criteria to evaluate a proposed severance, including compatibility with adjacent uses, appropriate access, availability of servicing, conservation and the financial implications of approving a consent. The policies further state that regard must be given to compatibility of the proposed lots with respect to size, shape and use with the current and future uses in the adjacent areas.

The proposal to rezone the subject lands to create 2 lots for detached dwellings is consistent and compatible with the lotting pattern in the neighbourhood area, and will facilitate a built form with a height and scale compatible with the surrounding area. Section 9.2.3.1 states that in Community Areas with existing development, the scale, massing, setback and orientation of new detached houses will respect and reinforce the scale, massing and orientation for existing detached houses in the immediate area.

The proposed lots are smaller than the adjacent lots to the immediate north and west that are zoned R1 Residential Zone and R1V Old Village Residential Zone, respectively, however are similar in configuration and lotting pattern and permit the development of detached dwellings. The proposed lots are compatible in size with the lotting pattern in the existing neighbourhood, in particular the lands on the east side of Pine Valley Drive, which are zoned R2 Residential Zone and R4 Residential Zone, and with lands further to the north and south on the west side of Pine Valley Drive, zoned R2 Residential and R3 Residential Zones, respectively, as identified earlier. The proposed lots either meet or exceed the minimum requirements of the proposed R2

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Residential Zone respecting minimum lot frontage, area and minimum yard setbacks. Certain proposed development standards including the minimum yard setbacks, building height and lot coverage are consistent with the minimum standard for other zones that exist in the neighbourhood area as shown in Table 2.

The following table compares the zoning standards for the 2 proposed lots with the general residential zone standards of Zoning By-law 1-88 for zone categories that currently exist in the surrounding neighbourhood area:

Table 2

Zoning By-law 1-88 Standard	R1V Old Village Residential Zone	R1 Residential Zone 9(192)	R2 Residential Zone	R3 Residential Zone	R4 Residential Zone	Proposed Lots
Minimum Lot Frontage	30 m	18 m (exist 30 m)	15 m	12 m	9 m	<b>15.24 m</b>
Minimum Lot Area	845 m <sup>2</sup> * (exist 2500 m <sup>2</sup> )	540 m <sup>2</sup> * (exist 2656 m <sup>2</sup> )	450 m <sup>2</sup>	360 m <sup>2</sup>	270 m <sup>2</sup>	<b>696.77 m<sup>2</sup></b>
Minimum Front Yard	9.0 m	7.5 m * (exist 15 m)	4.5 m	4.5 m	4.5m	<b>8.5 m after road widening</b>
Minimum Rear Yard	7.5 m	7.5 m * (exist 15 m)	7.5 m	7.5 m	7.5 m	<b>8.5 m</b>
Minimum Interior side Yard	1.5 m	1.5 m * (exist 4.5 m)	1.2 m	1.2 m	1.2 m	<b>2.2 m</b>
Maximum Lot Coverage	20%	35% * (exist 30%)	40%	40%	45%	<b>30%</b>
Maximum Building Height	9.5 m	9.5 m	9.5 m	9.5 m	9.5 m	<b>9.5 m</b>

\* Denotes existing lots in the area

A general severance policy in VOP 2010 states that both the retained and severed lot should front on an existing assumed public highway or street and lots proposing direct access on arterial roads shall be discouraged as an additional point of entrance may conflict to the smooth flow of traffic. The proposed lots will front and have access onto Pine Valley Drive, which is the only opportunity for access. Pine Valley Drive is identified as a Major Arterial road within a Community Area and is under the jurisdiction of York Region. VOP 2010 further states that direct access of individual lots on arterial roads will be considered in instances where other feasible alternatives for access do not exist or where it is required to support planning objectives such as higher densities and increased access to transit. The subject lands currently have one existing access on Pine Valley Drive, which is proposed to be redesigned and relocated to provide paired driveway to serve the proposed lots and maintain a single point of access on Pine Valley Drive.

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York Region has approved the access design shown on Attachment #3, which restricts additional points of conflict that could impact traffic.

Currently, only the subject lands and the two lots to the immediate north have existing access driveways to Pine Valley Drive. The most northern parcel, which is zoned R1 Residential Zone, has been developed with a new detached dwelling. The properties to the immediate south are developed with newer detached dwellings and have existing access from the internal subdivision road (Hayhoe Avenue), as shown on Attachment #2. The Vaughan Planning Department is of the opinion that the proposed lots are compatible with the existing pattern of development in the area.

In consideration of the above, the proposal to rezone the subject lands to facilitate the creation of 2 lots for detached dwellings conforms to the Official Plan.

Zoning

The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88, which permits residential lots for detached dwellings, with a minimum lot frontage of 100 m and a lot area of 10 ha. The subject lands are currently legal non-conforming as the existing lot frontage (30 m) and lot area (1,396 m<sup>2</sup>) do not comply with Zoning By-law 1-88. To facilitate the future creation of 2 residential lots, the Owner is proposing to rezone the subject lands from A Agricultural Zone to R2 Residential Zone together with the site-specific exceptions identified earlier in Table 1 of this report.

The two proposed lots comply with the minimum requirements of the R2 Residential Zone, except for the maximum driveway width and curb cut of 6 m as identified in Table 1. However, given that the abutting and adjacent lots to the west and north are zoned R1 Residential Zone, and to ensure a more compatible development with the surrounding area, the Vaughan Planning Department recommends that the subject lands be rezoned R1 Residential Zone with the following additional site-specific zoning exception to the R1 Zone shown on Table 3 and with development standards noted below in Table 4 to implement the proposal shown on Attachment #3.

Table 3

<b>Zoning By-law 1-88 Standard</b>	<b>By-law 1-88, R1 Residential Zone Requirements</b>	<b>Proposed Exceptions to the R1 Residential Zone</b>
Minimum Lot Frontage	18 m	15.24 m

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Table 4

<b>Development Standards</b>	<b>Proposed Site-Specific Development Standards for the Subject Lands (R1 Residential Zone)</b>
Minimum Lot Area	696.7 m <sup>2</sup>
Minimum Front Yard	8.5 m (from the road widening)
Minimum Rear Yard	8.5 m
Minimum Interior Side Yard	2.3 m along North Lot line (Future North Lot)  2.2 m along South Lot line (Future South Lot)

The proposed lots comply with the R1 Residential Zone requirements, with the exception of lot frontage and maximum driveway width. Zoning the lands R1 Residential Zone with the proposed site-specific zoning standards shown in Tables 3 and 4 will provide for a built form that is more compatible with the existing lots in the vicinity of the subject lands by providing minimum standards (e.g. yards and lot areas) that exceed the minimum R1 Residential Zone requirements of Zoning By-law 1-88.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the application and provides the following comments:

a) Servicing and Storm Water Management

Services to the proposed development will be provided through the existing infrastructure located on Pine Valley Drive as follows:

- i. A new storm service will be provided from the existing 800 mm storm sewer located on Pine Valley Drive.
- ii. A new sanitary service will be provided for the south lot from the existing 200 mm sanitary sewer located on Pine Valley Drive and use the existing sanitary service for the north lot.
- iii. A new water service will be provided for the south lot from the existing 400 mm watermain located on Pine Valley Drive and use of the existing water service for the north lot.

The post development site grading is designed to maintain the existing grades with no changes to the existing grades, flow directions and run-off volumes with adjoining properties and regional road boundaries. The Owner shall submit a detailed servicing and grading plan as part of the Consent application process to the satisfaction of the Vaughan Development/Transportation Engineering Department.

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b) Environmental Noise Impact

The Vaughan Development/Engineering Department has accepted the conclusions and recommendations of the Noise Brief prepared by Aeroustics Engineering Limited, dated June 25, 2014, which indicated that the outdoor and interior sound levels are acceptable and comply with the Ministry of the Environment (MOE) noise guidelines.

c) Traffic/Transportation

The Transportation Section of the Vaughan Development/Transportation Engineering Department has reviewed the proposed site plan and has no objection or comments.

d) Public Works

Comments from the Vaughan Public Works Department have been obtained, which are as follows:

- i. York Region approval is required for works undertaken in the Pine Valley Drive right-of-way;
- ii. The Owner will be responsible for the maintenance of the proposed storm sewer system located on the private lot; and,
- iii. The Owner must request the installation of new City services through the Public Works Department.

e) Environmental

The Vaughan Development/Transportation Engineering Department has reviewed the application and has indicated that no further environmental site assessment reports are required at this time.

f) Engineering Planning Studies and Services

In accordance with the City's Servicing Capacity Distribution Protocol as endorsed by Vaughan Council on October 29, 2013, there is sufficient servicing capacity available to support continued urban growth in the City over the next three years. Accordingly, allocation of servicing capacity will be granted to this application at the Consent application stage.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has advised that cash-in lieu of parkland will be collected at the Consent application stage.

Canada Post

Canada Post has reviewed the Zoning By-law Amendment application and has no objection to the proposed development as mail will continue to be delivered door to door, until it is converted to a Community Mailbox system in the future. The Owner is required to affix a mail box at or around the front door and ensure the municipal address is visible from the sidewalk/street.

**Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the initiatives set forth in the Vaughan Vision 2020/Strategic Plan, particularly "Manage Growth & Economic Well Being".

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.



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#### **Regional Implications**

The Zoning By-law Amendment application and conceptual site plan shown on Attachment #3 were circulated to the York Region Transportation and Community Planning Department for review and approval. York Region has advised that they have no objection to the approval of the application and provided the following comments:

- i. York Region is protecting for a 36 m right-of-way for this section of Pine Valley Drive and the Owner is required to convey 18 metres from the centre line of construction, along the entire frontage of the site adjacent to Pine Valley Drive to the Regional Municipality of York, free of all costs and encumbrances.
- ii. York Region has also indicated that as a condition of Consent, the land being conveyed to York Region must be environmentally clean and free of all contaminants and hazardous substances to their satisfaction.
- iii. The Owner shall address any conditions identified through the processing of the Consent application to the satisfaction of York Region.

#### **Conclusion**

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.13.037 in consideration of the policies of the Provincial Policy Statement and Places to Grow, the Region of York Official Plan, Vaughan Official Plan, the requirements of Zoning By-law 1-88, comments received from City Departments, external public agencies, neighbouring landowners and the area context. The Vaughan Planning Department is satisfied that Zoning By-law Amendment File Z.13.037 will facilitate the creation of 2 residential lots for detached dwellings that are compatible with the surrounding area. The Vaughan Planning Department also recommends that the lands be zoned R1 Residential Zone (rather than R2 Zone) with the zoning exception to the R1 Zone identified in Table 3 and the recommended development standards in Table 4 to implement a zone and facilitate a built form that is more consistent with existing built form on lots in the immediate vicinity of the subject lands. The zoning exceptions identified in Table 1 of this report will also be applied to the two lots. Accordingly, the Vaughan Planning Department can support the approval of Zoning By-law Amendment File Z.13.037, subject to the recommendations in this report.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Development Concept Plan

#### **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.)