

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 19, Report No. 43, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 13, 2016.

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**ZONING BY-LAW AMENDMENT FILE Z.11.034
DRAFT PLAN OF SUBDIVISION FILE 19T-15V013
NULOOK DEVELOPMENTS INC.
WARD 1 - VICINITY OF TESTON ROAD AND DUFFERIN STREET**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning and Senior Manager of Development Planning, dated December 6, 2016:

Recommendation

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

1. THAT Zoning By-law Amendment File Z.11.034 (Nulook Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #2 and #3, from RR Rural Residential Zone (detached dwelling on a lot with a minimum 45 m frontage), subject to site-specific Exception 9(3), to R1 Residential Zone (detached dwelling on a lot with a minimum 18 m frontage) and OS2 Open Space Park Zone (buffer block) in the manner shown on Attachment #4, together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report.
2. THAT Draft Plan of Subdivision File 19T-15V013 (Nulook Developments Inc.) BE APPROVED, to facilitate a residential Draft Plan of Subdivision for 7 lots for detached dwellings as shown on Attachment #4, subject to the Conditions of Approval set out in Attachment #1.
3. THAT Vaughan Council adopt the following resolution with regard to the allocation of sewage capacity from the York Sewage Servicing/Water Supply System in accordance with the approved Servicing Capacity Distribution Protocol dated May 19, 2015:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-15V013 (Nulook Developments Inc.) be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 7 residential units (25 persons equivalent)."
4. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-15V013 (Nulook Developments Inc.) shall include the following clause:

"The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-Lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."
5. THAT the public road included in Draft Plan of Subdivision File 19T-15V013 as shown on Attachment #4, be named "Germana Place" as an extension of an existing road and street name to the north.

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Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.3: To create a City with sustainable built form

Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit

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:

- Large canopy trees to provide shade to pedestrians and dwellings, thereby creating a cooling effect;
- Upgraded building envelope with higher insulation to increase air tightness, and upgraded roof shingles;
- Low flow fixtures such as shower heads, faucets and toilets; and,
- Building materials include low volatile organic compound (VOC) paints, varnishes, stains and sealers; energy efficient appliances, windows and exhaust fans.

Economic Impact

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

Communications Plan

On April 8, 2016, a Notice of Public Hearing was circulated to all property owners within the polling area shown on Attachment #3, and to the Mackenzie Ridge Ratepayers Association. A copy of the Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Sign Procedures and Protocols. The recommendation of the Committee of the Whole to receive the Public Hearing report of May 3, 2016, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on May 17, 2016.

To date, the following written submissions have been received by the Vaughan Development Planning Department:

- i) An email correspondence from Robert Kenedy, Giorgia Crescent was received on January 21, 2016, concerning the configuration of the lots on the east side of the proposed cul-de-sac, particularly the awkwardness of Lot 4 compared to Lot 5. The preference is for 6 lots total instead of 7.

At the May 3, 2016 Public Hearing, the following concerns were received:

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- i) A concern was raised about children playing on the street and the construction access being on Germana Place. The resident (75 Germana Place) would prefer to have access from the existing driveway on Dufferin Street;
- ii) Robert Kenedy appeared and questioned the positioning of Lots 3, 4 and 5 with awkward driveways. He wanted to have a symmetrical design with the terminus of Germana Place extending to the south lot line.

The Vaughan Development Planning Department has reviewed the aforementioned concerns and provides the following response:

i) Lot Configuration & Germana Place Cul-de-Sac

Since the Public Hearing, the Owner has revised the Draft Plan of Subdivision (Attachment #4) by adjusting the lot lines to ensure they comply with the R1 Residential Zone minimum lot frontage requirement of 18 m. The lots are similar in size to those existing on Germana Place. In addition, the Owner has provided a Conceptual Site Plan, as shown on Attachment #5, which illustrates the building footprints and that the lots are developable in a manner that is compatible with the existing surrounding development. A possible servicing easement may be located between Lots 4 and 5, which will prevent the buildings from being located closer together.

The configuration of Germana Place is considered appropriate as it results in a shorter road with less asphalt surface area than if the road is extended to the south lot line.

ii) Construction Access

The Owner has indicated that they are willing to provide construction access from Dufferin Street. York Region will require that the engineering drawings include the construction access design details. A condition to this effect has been included in Attachment #1c.

The Vaughan Development Planning Department is satisfied with the subdivision design and can support approval of the Draft Plan of Subdivision application.

On November 11, 2016, the Vaughan Development Planning Department mailed a non-statutory, courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the subject applications.

Purpose

To seek approval from the Committee of the Whole for the following applications on the subject lands shown on Attachments #2 and #3:

1. Zoning By-law Amendment File Z.11.034 to amend Zoning By-law 1-88, specifically to rezone the subject lands from RR Rural Residential Zone (detached dwelling on a lot with a minimum 45 m frontage), subject to site-specific Exception 9(3), to R1 Residential Zone (detached dwelling on a lot with a minimum 18 m frontage) and OS2 Open Space Park Zone (buffer block) in the manner shown on Attachment #4, together with the site-specific zoning exceptions to Zoning By-law 1-88 identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-15V013 to facilitate the proposed residential Draft Plan of Subdivision shown on Attachment #4, consisting of the following:

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Lots 1-7 (minimum 18 m frontage lots for detached dwellings)	0.768 ha
Block 8 - Buffer Block	0.041 ha
Road (future public road - Germana Place)	0.134 ha
Total Area	0.943 ha

Background - Analysis and Options

Synopsis:

The Owner is proposing to develop the subject lands for a residential plan of subdivision consisting of 7 lots for detached dwelling units, as shown on Attachment #4. The Vaughan Development Planning Department supports the approval of the Zoning By-law Amendment and Draft Plan of Subdivision applications since they implement Vaughan Official Plan 2010 (VOP 2010) and the development proposal is compatible with the surrounding existing and planned land uses.

Location

The 0.943 ha subject lands shown on Attachments #2 and #3 are located on the west side of Dufferin Street, north of Teston Road, specifically at the current terminus of Germana Place, municipally known as 10820 Dufferin Street, City of Vaughan. The surrounding land uses are shown on Attachment #3.

Official Plan

The subject lands are designated "Low Rise Residential" by City of Vaughan Official Plan 2010 (VOP 2010), and located within a "Community Area" as identified on Schedule "1" - Urban Structure of VOP 2010, which permits detached dwellings with no prescribed maximum density.

The subject lands are located within the Oak Ridges Moraine Conservation Plan Area (ORMCP) and identified as Oak Ridges Moraine Settlement Area, which permits the development to occur on the subject lands, subject to the provisions of the ORMCP. The proposal for detached dwellings on 18 m - 21.34 m lot frontages conforms to the Official Plan.

Zoning

The subject lands are zoned RR Rural Residential Zone (detached dwelling on a lot with a minimum 45 m frontage), subject to Exception 9(3), by Zoning By-law 1-88. The Owner is proposing to rezone the subject lands to R1 Residential Zone, together with the following site-specific zoning exceptions in Table 1 and OS2 Open Space Park Zone in the manner shown on Attachment #4 to permit the proposed residential development and to extend the Buffer Block along Dufferin Street:

Table 1:

	By-law Standard	Zoning By-law 1-88 R1 Residential Zone Requirements	Proposed Exceptions to the R1 Residential Zone
a.	Definition - Rear Lot Line	Means the lot line most nearly opposite the front lot line, but if the side lot lines intersect, means the point of intersection	<ul style="list-style-type: none">• Lot 4 - the rear lot line shall be the east lot line (Dufferin Street)• Lot 5 - the rear lot line shall be the west lot line

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b.	Permitted Yard Encroachments and Restrictions	Exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 m and may extend into a required front, exterior side or rear yard to a maximum of 1.8 m	<ul style="list-style-type: none"> • Exterior stairways, with or without foundations may extend into the side yards a maximum of 0.5 m, and may extend a maximum of 3.6 m into the required front (Lots 1-7) and rear (Lots 1-4) yards • Balconies; bay and box windows, or similar projections, with or without foundations; and, porches and portico with or without cold cellars, may extend into the required side yards a maximum of 0.5 m, and may extend a maximum of 1.8 m into the required front (Lots 1-7) and rear (Lots 1-4) yards
c.	Minimum Soft Landscape Area	<ul style="list-style-type: none"> • A minimum of sixty percent (60%) of the required Minimum Landscape Front or Exterior Yard shall be composed of soft landscaping • Where the area of the rear yard of a lot is greater than 135 m², a minimum of sixty percent (60%) of that portion of the rear yard in excess of 135 m² shall be composed of soft landscaping 	<ul style="list-style-type: none"> • A minimum of fifty percent (50%) of the required Minimum Landscape Front or Exterior Yard shall be composed of soft landscaping • For Lots 1-4 only, where the area of a rear yard of a lot is greater than 135 m², a minimum of forty percent (40%) of that portion of the rear yard in excess of 135m² shall be composed of soft landscaping
d.	Dimension of Driveway	The Lot Frontage for Lots 12 m and greater shall be comprised of a minimum 50% Landscaped Front or Exterior Side Yard	The Lot Frontage for Lots 12m and greater shall be comprised of a minimum 40% Landscaped Front or Exterior Side Yard
e.	Maximum Building Height	9.5 m	10.5 m (Lots 1 and 7) 11 m (Lots 2-6)

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f.	Maximum Lot Coverage	35%	38.5% (Lot 2) 40% (Lot 3)
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The Vaughan Development Planning Department can support the proposed site-specific zoning exceptions to the R1 Residential Zone for the following reasons:

a) Rear Yard Definition

City of Vaughan Zoning By-law 1-88 defines the rear lot line as the lot line most nearly opposite the front lot line. Due to the configuration of Lots 4 and 5, the east lot line for Lot 4 and the west lot line for Lot 5 would represent the rear lot lines for each lot, respectively. This zoning exception is a technical amendment.

b) Yard Encroachments and Minimum Landscape Area

The Owner proposes to increase the permitted encroachments into the minimum required yards for stairways, balconies and bay or box windows and decrease the minimum landscape requirements in order to provide variety to the house designs. These zoning exceptions are minor in nature and will not impact the adjacent properties.

c) Maximum Building Height

The Owner proposes to increase the maximum permitted building height by 1 m to 1.5 m in order to accommodate a two-storey built form, but with higher ceiling heights similar to those approved for the subdivision to the north along Georgia Crescent, Hunterwood Chase, Celeste Drive and Antonini Court (File 19T-03V11). The proposed 10.5 m building height for Lots 1 and 7 would provide a transition between the existing dwellings on Germana Place and the proposed development. The proposed building height will have minimal impact on the adjacent dwellings.

d) Maximum Lot Coverage

The proposed increased lot coverage applies only to two lots and is consistent with those approved for Plan of Subdivision (File 19T-03V11) to the north, site-specific Exception 9(1306), which permits a maximum lot coverage ranging from 36% to 53%.

The proposed development has been designed to respect and reinforce the existing physical character of the community including the size and configuration of lots, building type of nearby residential properties and the pattern of rear and side yard setbacks. The proposed zoning would result in dwellings with a scale, massing, and setbacks similar and compatible to other built and approved detached dwellings in the immediate area.

Walkway

The Public Hearing report identified that opportunities for providing a walkway connection from the extension of Germana Place to Dufferin Street would be considered through the technical review of the applications. However, there are constraints in the area such as topography, the need for additional retaining walls, low pedestrian/cycling volumes and possible maintenance issues. Accordingly, the Vaughan Parks Development and Development Engineering and Infrastructure Planning Departments have determined that a walkway connection is not practical in this instance, and further consideration of a walkway has been dismissed.

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Application History

Official Plan and Zoning By-law Amendment Files OP.11.009 and Z.11.034 were submitted for the subject lands in 2011. The Owner originally proposed 37 townhouse units served by a private common element condominium road with access to Dufferin Street as shown on Attachment #6. Vaughan Council considered the applications at a Public Hearing on October 25, 2011. The Owner subsequently revised the proposal for 14 semi-detached dwelling units on the north side of the private road and 18 townhouse units on the south side, as shown on Attachment #7. Vaughan Council considered the revised applications at a Public Hearing on January 15, 2013. The Owner has since revised the proposal a third time to facilitate the current development proposal for 7 lots for detached dwellings as shown on Attachment #4, which is more in keeping with the neighbourhood, and is the subject of this report.

Subdivision Design

The proposed Draft Plan of Subdivision shown on Attachment #4 consists of 7 lots with a minimum lot frontage of 18 m for detached dwelling units served by a 18.5 m wide public road which extends south from the current terminus of the existing Germana Place.

Germana Place is a public road that currently ends in a cul-de-sac which abuts the properties municipally known as 75, 78, 83 and 86 Germana Place. The extension of Germana Place will result in two remnant parcels (portions of the cul-de-sac bulb) on each side of the road. The Owner will be required to prepare a Reference Plan showing the remnant parts of the cul-de-sac that will be transferred into the ownership of each respective abutting property owner at no cost to each owner or to the City. A condition of approval in this regard is included in Attachment #1.

Block 8 of the proposed Draft Plan of Subdivision, will be zoned OS2 Open Space Park Zone to extend the existing Open Space Zone landscaped buffer block along Dufferin Street.

The Vaughan Development Planning Department has no objection to the approval of the proposed Draft Plan of Subdivision as shown on Attachment #4, subject to the Conditions of Approval in Attachment #1a).

Street Name

The proposed road in the Draft Plan of Subdivision will be named Germana Place, as it is an extension of the existing Germana Place road to the immediate north. A recommendation is included in the recommendation to this report.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Vaughan DEIP Department has reviewed the proposed Draft Plan of Subdivision and supporting documents and provides the following comments:

i) Lot Grading

The proposed grading of the site and lot grading of the individual lots shall meet the City's current lot grading criteria.

ii) Water Servicing

Water will be supplied to the site from the existing 300 mm watermain on Germana Place. Based on the water pressure and flow test results included in the Functional Servicing Report the proposed 150 mm watermain shall be upsized to 200 mm.

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iii) Sanitary Servicing

Sanitary servicing will be provided by extending the existing 200 mm sanitary sewer on Germana Place.

iv) Stormwater Management

The subject lands are located within the Don River watershed and is tributary to the east branch located south and west of the subject lands. The existing stormwater management pond and existing storm sewer on Germana Place were not sized to accommodate the development proposal.

Storm service connections will be provided for each lot to drain the foundation weeping tile. These service connections will discharge to the proposed 200 mm storm sewer on Germana Place.

The Owner has proposed an underground detention tank and oil grit separator (OGS) within the municipal right-of-way (ROW) as part of the stormwater management scheme to service the subject development, in lieu of a traditional stormwater management facility as required by the City. The proposed infrastructure requires enhanced inspections and regular cleaning and maintenance to ensure its optimal functionality. Accordingly, the Owner shall pay for the additional expenses to be incurred by the City. A condition to this effect has been included in the Conditions of Approval in Attachment #1a).

The Owner has proposed the following two options for a storm sewer outlet:

- The first option is a storm sewer easement along the property line, between Lots 4 and 5. The width of this storm sewer easement is not identified. However, the City requires a minimum 6 m wide easement, with no structures or fences permitted within the easement. Accordingly, revisions to the Draft Plan of Subdivision may be required to accommodate a 6 m storm sewer easement on one lot or no fence shall be permitted between Lots 4 and 5. In addition, the storm sewer outlet is proposed along the existing fire station driveway to the immediate south. Accordingly, approval from the appropriate City department(s) (Vaughan Fire & Rescue Service and/or Facility Maintenance Services) is required for this option.
- The second option is a 5 m wide storm sewer easement between Lots 2 and 3. The minimum required width of the storm sewer easement is 6 m, with no structures including fences located on the easement. Accordingly, revisions to the Draft Plan of Subdivision may be required to accommodate the storm sewer easement on one lot or no fence shall be permitted between Lots 2 and 3.

The final servicing option will be determined through the detailed design at the subdivision approval stage, which is consistent with approvals granted to other developments in Vaughan.

A condition of approval is included in the Conditions of Approval in Attachment #1a) to facilitate either option.

v) Servicing Capacity Allocation

On May 19, 2015, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City. Therefore, the following resolution to allocate capacity to the subject developments may be recommended for Council approval:

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“THAT Draft Plan File 19T-15V013 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 7 residential units (25 persons equivalent).”

vi) Environmental Noise

The Owner has submitted a noise report titled “Germana Place Environmental Noise Impact Study”, prepared by Aercoustics, dated December 3, 2015. The noise report concluded that with the recommended noise control measures the predicted noise impact will be in compliance with the Ministry of Environment and Climate Change (MOECC) limits.

The Vaughan Development Engineering and Infrastructure Planning Department has no objections to the development proposal, subject to the Conditions of Approval in Attachment #1a).

Vaughan Development Planning Department

The Vaughan Development Planning Department, Urban Design and Cultural Heritage Division has no objection to the development proposal. The Division has advised that an archaeological assessment will not be required, however, standard clauses with respect to archaeological resources or human remains being located during construction are included as conditions in Attachment #1a).

A condition of approval is included in Attachment #1a) requiring the Owner to be consistent with the Urban Design and Architectural Design Guidelines for the area. The Owner must also execute a Developer’s Group Agreement for cost-sharing and must be in good standing. The Owner must satisfy all requirements of the Block 27 Developers Group Agreement and is required to satisfy all obligations, financial and otherwise to the satisfaction of the Block 27 Trustee and the City of Vaughan.

Office of the City Solicitor, Real Estate Department

The Office of the City Solicitor, Real Estate Department, has advised that the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City’s Cash-in-Lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. This condition is included in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The TRCA has no objection to the approval of the proposed Draft Plan of Subdivision, subject to their Conditions of Approval in Attachment #1c).

Hydro One

Hydro One has no objection to the applications. Hydro advises that the Owner must contact the Hydro subdivision group for proposals affecting ‘Low Voltage Distribution Facilities’. This requirement is included in the Conditions of Approval in Attachment #1d).

PowerStream

PowerStream has no objection to the applications. The Owner is required to contact Powerstream to discuss all aspects of the proposal. This requirement is included in the Conditions of Approval in Attachment #1e).

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Bell Canada

Bell has advised that they have no objection to the proposal and have no conditions of approval for the Draft Plan of Subdivision.

Enbridge Gas Distribution

Enbridge Gas Distribution has no objection to the applications. The Owner is required to contact Enbridge's Customer Connections Department for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to tree planting, Silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowance or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner. In the event that an easement(s) is required to service this development, the Owner will provide the easement(s) to Enbridge Gas Distribution at no cost. This requirement is included in Enbridge Gas Distribution's Conditions of Approval in Attachment #1f).

Canada Post

Canada Post has no objections to the proposal subject to the Owner installing mail facilities and equipment to the satisfaction of Canada Post, which are subject to the Conditions of Approval in Attachment #1g).

School Boards

The York Region District School Board and York Catholic District School Board have advised that they have no objection to the proposal and have no conditions of approval for the Draft Plan of Subdivision.

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

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

- Improve municipal road network
- Continue to develop transit, cycling and pedestrian options to get around the City
- Re-establish the urban tree canopy

Regional Implications

York Region has no objection to the approval of the Draft Plan of Subdivision subject to the attached Schedule of Pre-Conditions and Schedule of Conditions in Attachment #1b).

Conclusion

Zoning By-law Amendment File Z.11.034 and Draft Plan of Subdivision File 19T-15V013, if approved, would facilitate the development of the subject lands with 7 lots for detached dwelling units. The proposed Draft Plan of Subdivision conforms to York Region and City of Vaughan approved Official Plan policies.

The Vaughan Development Planning Department is satisfied that the proposed Draft Plan of Subdivision shown on Attachment #4, and the proposed zoning and site-specific exceptions will result in a residential development that is appropriate and compatible with the existing and permitted uses in the surrounding area. The Vaughan Development Planning Department can

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support the approval of the Zoning By-law Amendment and the Draft Plan of Subdivision applications, subject to the recommendations in this report, and the Conditions of Approval set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Subdivision File 19T-15V013 and Proposed Zoning
5. Conceptual Site Plan
6. Conceptual Site Plan (Public Hearing October 25, 2011)
7. Conceptual Site Plan (Public Hearing January 15, 2013)

Report prepared by:

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Christina Napoli, Senior Planner, ext. 8483

(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.)