



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Rick Cefaratti, Senior Planner, West District

Date: September 30, 2020

Re: Gemterra (Woodbine) Inc. 9064-9110 Woodbine Avenue, Technical Amendment to Schedule 'A' of By-law 2019-82, File No. ZA 17 153653 (Ward 2)

RECOMMENDATION:

- 1) That the memorandum entitled “Gemterra (Woodbine) Inc., 9064 to 9110 Woodbine Avenue, Technical Amendment to Schedule ‘A’ of By-law 2019-82, File No. ZA 17 153653, dated September 30, 2020 be received;
- 2) That Schedule ‘A’ to By-law 2019-82, be repealed and replaced with a revised Schedule ‘A’ attached hereto; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

The 0.95 ha (2.35 ac.) subject lands are located on the west side of Woodbine Avenue within the Buttonville Heritage Conservation District (Figure 1). A heritage dwelling (“Buttonville Mill House”) is located on the southerly portion of the subject lands. The remainder of the lands is proposed to be developed with 33 townhouses accessed from a common element condominium road driveway, with the valleylands and associated environmental buffers to be conveyed to the City.

On June 25, 2019, Council enacted By-law 2019-82, a By-law to amend Zoning By-laws 19-94 and 177-96, both as amended, to provide for the proposed development (see Attachment 1). The By-law deleted portions of the subject lands from the designated area of By-law 19-94, and amended By-law 177-96 to incorporate such lands into the designated area of that By-law. These By-law amendments rezoned the subject lands from Residential Medium Density Two – RMD1 and Open Space (O2) under By-law 19-94 to Residential Two*625 (R2) under By-law 177-96 and Open Space (O3) under By-law 19-94.

COMMENT:

This technical amendment proposes to correct a mapping error in the zoning by-law where certain small portions of the lands were inadvertently zoned incorrectly. Through the Building Department’s review of a building permit application, it was brought to Planning staff’s attention that By-law 2018-92 inadvertently rezoned certain small portions of the lands from an RMD1 Zone under By-law 19-94 to an O3 Zone under By-law 19-94, whereas the intent of the By-law amendment was to rezone all of the rear yards to Residential Two*625 (R2) under By-law 177-96 (see Attachment 2 – Site Plan).

The Planning and Urban Design Department endorsed the associated Site Plan application for the proposed townhouse development on July 15, 2020 and the Building Department has confirmed that building permit applications for the proposed townhouse development are currently under review.

This mapping error will not prevent the issuance of a building permit for the affected townhouse units. However, the associated decks and steps for Units 23 and 24 of Block 4 are not permitted, and any future accessory structures cannot be located within the portion of the rear yards of the affected lots highlighted in yellow on the Site Plan (Attachment 2) unless the zoning schedule errors are corrected through this technical amendment.

Staff note that an associated Subdivision agreement has been executed by the Owner and that the remaining lands within the Open Space (O2) and (O3) Zones will be conveyed to the City. In addition, the Site Plan agreement is under review and will be finalized shortly. Staff continue to work with Gemterra to register the associated Draft Plan of Subdivision as well as finalize the Site Plan Agreement and Site Plan approval.

CONCLUSION:

To correct a technical error in By-law 2019-82 which would inadvertently prohibit the construction of the decks and associated steps for Units 23 and 24 located within Block 4 of the proposed development and prohibit future accessory structures in the areas indicated in yellow on the site plan (Attachment 2), staff support the technical amendment of By-law 2019-92 by replacing the current Schedule ‘A’ to By-law 2019-82 with the new Schedule ‘A’ as shown on Attachment 3.

ATTACHMENTS:

Figure 1: Location map

Attachment 1: By-law 2019-82

Attachment 2: Site Plan

Attachment 3: Revised Schedule ‘A’ to By-law 2019-82