

**SUBJECT:** RECOMMENDATION REPORT  
Nest (VS) GP Inc.  
Applications for Zoning By-law Amendment and Draft Plan of  
Subdivision to permit 12 townhouses at 10165 Victoria Square  
Blvd (Ward 2)  
File Nos. ZA 19 179145, SU 19 179147

**PREPARED BY:** Marty Rokos, MCIP, RPP, ext. 2980, Senior Planner

**REVIEWED BY:** Stephen Kitagawa, MCIP, RPP, ext. 2600, Acting Manager,  
West District

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**RECOMMENDATION:**

1. That the report titled “RECOMMENDATION REPORT, Nest (VS) GP Inc., Applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit 12 townhouses at 10165 Victoria Square Blvd (Ward 2)” be received;
2. That the record of the public meeting held on June 18, 2019, regarding the applications by Nest (VS) GP Inc. regarding the Draft Plan of Subdivision and Zoning By-law Amendment Applications to permit 12 townhouses at 10165 Victoria Square Blvd (Ward 2)” be received;
3. That the application submitted by Nest (VS) GP Inc. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix ‘B’ be finalized and brought forward to a future Council meeting to be enacted without further notice;
4. That Draft Plan of Subdivision application (SU 19 179147) submitted by Nest (VS) GP Inc. be approved subject to the conditions outlined as Appendix ‘A’ and the pre-conditions outlined in Appendix ‘C’;
5. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out as Appendix ‘A’, as may be amended by the Director of Planning and Urban Design or designate;
6. That draft plan approval for Plan of Subdivision 19TM-19002 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
7. That Council assign servicing allocation for a maximum of 12 townhouse units;
8. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be

permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and

9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **EXECUTIVE SUMMARY:**

The site has an area of approximately 0.42 ha (1.04 ac). It is located on the east side of Victoria Square Boulevard, north of Major Mackenzie Drive and east of Highway 404 (the “subject lands”). This report recommends the approval of a zoning by-law amendment and draft plan of subdivision to facilitate the development of 12 three-storey townhouse units in two blocks. The Carlton Creek valleylands east of the proposed townhouses are proposed to be conveyed to the city and protected from development. A site plan application has also been submitted, which meets the criteria for staff delegation of site plan approval. Staff review of the site plan is ongoing and the owner is in the process of addressing remaining site plan matters.

### **PURPOSE:**

The purpose of this report is to provide an overview, evaluation and recommendation of the applications for zoning by-law amendment and draft plan of subdivision (the “Application”) submitted by Nest (VS) GP Inc. (the “Owner”).

### **BACKGROUND**

#### **Location and Area Context**

The lands subject to the proposed zoning by-law amendment and draft plan of subdivision are located on the east side of Victoria Square Boulevard, north of Major Mackenzie Drive and east of Highway 404 (see Figure 1). The lands have an area of approximately 0.42 ha (1.04 ac) with a frontage of approximately 80.55 m (264.3 ft) on Victoria Square Boulevard. There is a barn and an outbuilding on this parcel (see Figure 3). The rear portion of the site is traversed by the Carlton Creek along the eastern boundary. There is mature vegetation on the subject lands.

The surrounding land uses are as follows (see Figure 2):

North:	Low rise residential
East:	Carlton Creek and associated valleylands which bisects the property in a north-south direction, and further east is a low rise residential neighbourhood
South:	Victoria Square Montessori School and a valleylands with mature vegetation

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West: Low rise residential neighbourhood, Sir John. A. MacDonald Public School, and Frisby Park

**Process to Date:**

The zoning by-law amendment (ZBA) and draft plan of subdivision were submitted on January 22, 2019 and deemed complete on March 4, 2019. A site plan application was also submitted on January 22, 2019 (file SPC 19 179145). The application originally included both 10165 and 10197 Victoria Square Boulevard, however the owner has withdrawn the application for the latter. The subject lands now consist solely of 10165 Victoria Square Boulevard.

**Public Meeting**

A statutory Public Meeting was held on June 18, 2019. The comments made at the public meeting are summarized in the Options/Discussion section below.

**Next Steps**

- If the zoning and draft plan of subdivision applications are approved, staff recommend enacting the Zoning By-law Amendment at an upcoming Council meeting.
- Following site plan endorsement, the owner will enter into a site plan agreement with the City and site plan approval will follow (see Figure 6). Delegation By-law 2002-202 states that the Director of Planning and Urban Design is delegated authority to approve a site plan for townhouses. Site plan comments are noted in the Options/Discussion section of this report and will need to be addressed to the satisfaction of the Director of Planning and Urban Design before site plan endorsement.
- Applications for common element condominium and part lot control will need to be submitted in the future.

**Proposed Development:**

The owner proposes to create a 0.33 ha (0.82 ac) development block (Block 1) at 10165 Victoria Square Boulevard (corresponding to part of the table land portion of the site) and a 0.25 ha (0.62 ac) open space block (Block 2) for the valleylands and associated environmental buffers to the east (See Figure 6). All existing structures on the subject property are proposed to be demolished. 12 three-storey townhouses served by a private road with two connections to Victoria Square Boulevard are proposed for Block 1. The townhouse units will be 6.0 to 6.39 metres in width. They include rear yards ranging in depth from 6.67 to 11.38 m, with the exception that the northerly end unit of Block 1 has a rear yard depth of 3.65 m. Further outdoor amenity space is available in Frisby Park, which is directly across the street to the west. Each townhouse will have two parking spaces, one in a garage and one in the driveway. Three parallel visitor parking spaces are proposed on the west side of the private roadway.

Table 1 below summarizes the proposed draft plan of subdivision.

**TABLE 1**

Block	Land Use	Units	Area in hectares (acres)
1	Residential	12	0.333 (0.823)
2	Open Space		0.248 (0.613)
<b>Total</b>		<b>12</b>	<b>0.581 (1.435)</b>

Block 2 of the proposed draft plan of subdivision includes the valleylands associated with Carlton Creek to the east and a buffer area comprised of the greater of the meander belt and floodplain plus a 10 m (32.8 ft) buffer. These lands are proposed to be conveyed to the City for long term protection and naturalization.

The zoning by-law amendment is proposed to rezone the subject lands to protect the valleylands and permit the development of the 12 townhouses (See Appendix 'B'). Proposed site specific development standards include lot frontage, interior side yards, townhouse width, front and rear yards, height, number of units, and visitor parking.

**Official Plan:**

The front (west) portion of the property is designated "Residential Low Rise" in the Official Plan (as partially approved on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018), which provides for low rise built forms including single and semi-detached dwellings, townhouses (excluding back to back townhouse) and small multiplex buildings with up to 6 units.

The balance of the lands are designated "Greenway" to protect valleylands, stream corridors, woodlands, wetlands, agricultural lands, certain naturalized stormwater management facilities and enhancement lands to support ecological linkages to the City's Natural Heritage Network.

Section 3.1.1.3b) of the 2014 Official Plan indicates that refinements to the "Greenway" boundaries may be considered as part of an application pursuant to the Planning Act, without an amendment to the Official Plan, where supported by a subwatershed study, master environmental servicing plan and environmental impact study or equivalent study (See Figure 4). The applicant has submitted a Natural Heritage Evaluation and Meander Belt Width study in support of the application. The Toronto and Region Conservation Authority has updated the floodplain modelling in the area and has no objections to the proposed ZBA and draft plan of subdivision applications.

The proposed residential and open space uses are provided for by the Official Plan.

**Zoning By-law:**

The subject lands are zoned "Rural Residential (RR1) Zone" under By-law 304-87, as amended, which only permits one single detached dwelling, home occupation and private home day care.

The owner proposes to incorporate the subject lands into By-law 177-96, as amended, within appropriate zoning designations to accommodate the proposed development. The

proposed new zone categories are “Residential Two (R2\*666) Zone” and “Open Space One (OS1) Zone”

The OS1 Zone is proposed on the valleylands (Block 2) and permits facilities for the control of flooding and erosion, playgrounds, trails, pedestrian bridges, and related accessory buildings and structures.. Table 2 below summarizes the proposed site specific R2 Zone.

**TABLE 2**

<b>Zone Standard</b>	<b>Parent R2 Zone</b>	<b>Proposed R2 Exception Zone</b>
Permitted uses	Single detached dwellings Semi-detached dwellings Duplex dwellings Triplex dwellings Fourplex dwellings Townhouse dwellings Home occupations Home child care	Permitted uses limited to: Townhouse dwellings One accessory dwelling unit within a townhouse dwelling Home occupations Home child care
Minimum lot frontage	5.5 m per interior unit 6.7 m per end unit	75 m for entire subject lands Minimum 6.0 m townhouse unit width All lands in this zone shall be deemed to be one lot
Minimum rear yard	7.5 m	The two northerly units: 0.8 m The three southerly units: 5.5 m All other units: 7.5 m
Minimum front yard	4.5 m	15 m
Maximum front yard	n/a	22 m
Maximum height	11.0 m	13.5 m
Maximum number of dwellings	n/a	12

**OPTIONS/ DISCUSSION:****Statutory Public Meeting:**

A statutory public meeting was held on June 18, 2019. Four written submissions have been received regarding the proposal, as well as two verbal comments at the public meeting. In addition, Committee members made comments about the applications.

Written submissions included the following comments:

- Opposition to more residential development on Victoria Square Boulevard
- Lack of commercial space in the Victoria Square hamlet and desire for more commercial units in the area, e.g. a grocery store
- Traffic concerns
- Loss of green space and walking trails near the creek
- Concern that development may cause flooding and affect well water supply on abutting properties
- Loss of privacy and sunshine

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The following comment was made by residents at the public meeting:

- The architecture does not match the character of the community

Committee members made the following comments at the public meeting:

- Asked staff to work with the applicant to improve the design of the proposal to better fit with the character of the area
- Driveways should be long enough to fit most cars
- Planting in the valley should be spread out across both sides of the watercourse

These comments are responded to in the following subsections.

### **2014 Official Plan provides for Low Rise Residential Uses**

As described in the Proposal section of this report, the owner is proposing 12 townhouse units on the subject lands.

As discussed previously, the “Residential Low Rise” designation of the 2014 Official Plan provides for townhouse dwellings. The surrounding area was designed to be a diverse community with a range of housing types, including detached, semi-detached, townhouse, and apartment style dwellings. Heights are typically two to three storeys, with apartment buildings being up to four storeys.

In considering an application for infill development, section 8.3.2.5 of the Official Plan outlines the following criteria to be considered. These criteria include lot frontages and areas being consistent with the size of existing lots on both sides of the street, retaining and enhancing existing trees and vegetation through street tree planting and on-site landscaping, and sizing driveways to minimize tree loss.

The proposed townhouses are a minimum of 6 m wide and between 11.5 and 15.1 m deep. The rear yards are at least 6.67 m deep, with the exception of the yard of the northerly townhouse unit, which is 3.65 m deep because of the floodplain boundary (see Figure 6). For this unit, outdoor space is provided through a combination of patios, balconies, and rooftop amenity space. The size of outdoor spaces is consistent with the existing townhouses along Victoria Square Boulevard. The area is characterized by a mix of townhouses, single detached, and semi-detached dwelling units. Staff consider the proposed built form to be compatible with the surrounding neighbourhood.

### **The proposed development will have no impact on flooding or on nearby wells**

The applications included a geotechnical report, hydrogeological assessment, and functional servicing report. Engineering staff have reviewed these reports and have provided technical comments but have no major concerns, and the proposed development will not affect the water supply or flooding of the adjacent properties. The TRCA has accepted the floodplain modelling and have no objections to the proposed townhouse dwellings.

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**Opportunities for retail and commercial space in Cathedral Town Community**

A comment was made about the lack of commercial space in the Victoria Square area, specifically a grocery store. The Official Plan policies of the Cathedral area permit commercial or mixed use development at several nearby locations, including:

- Cathedral High Street and surrounding the cathedral;
- North side of Major Mackenzie Drive East;
- Victoria Square Boulevard at Vetmar Road;
- Limited retail permitted in the hamlet of Victoria Square; and
- Limited retail permitted in the employment lands on Elgin Mills Road at Woodbine Avenue.

The zoning in some of the commercial properties in the surrounding area permit a small grocery store. A large format grocery store is permitted on the north side of Major Mackenzie Drive, east of Highway 404.

**Staff are satisfied with the conceptual design of the townhouses**

The proposed townhouses are 3 storeys in height and the proposed maximum height is 13.5 m (see Figure 7). The height is generally consistent with other three storey townhouses along Victoria Square Boulevard. The proposed north unit is smaller and has less depth than the rest of the townhouse units, providing a transition to the abutting property to the north. The roofline slopes downwards at this unit, further reducing its visual scale. Due to the property's downward slope towards the creek the east side of the townhouses will be designed with walk out basements. Although this will result in the east (rear) elevations appearing taller than the other elevations, the east side does not directly face other residential units and will have no negative impacts on the surrounding area.

The proposed townhouses are designed with a variety of materials and colours. The front elevations include front porches projecting in front of single car garages. Some units include second floor balconies facing the street, and both blocks have been visually divided into smaller sections through the massing and materials, increasing the distinctiveness of each unit. To ensure that the proposed units complement existing buildings in the area, Urban Design staff are working with the applicant to present a more unified architectural concept, strengthen the cornice treatment, and provide masonry/concrete construction instead of pre-finished metal panels. These details will be finalized to staff's satisfaction as part of the site plan review process.

**Valleylands will be protected and enhanced and existing valleyland trails will not be affected:**

Block 2 on the proposed draft plan of subdivision will be conveyed to the City to protect and enhance the valleylands (see Figure 5). The existing trail on the east side of Carlton Creek is unaffected by this proposal. Existing trees and vegetation are proposed to be preserved where possible. Dense shrub and tree plantings with diverse species are proposed by the owner in the buffer and in the natural valleyland feature. TRCA staff have no objections to the approval of the ZBA and draft plan of subdivision applications and their remaining technical comments are being addressed through the site plan review process.

The TRCA is satisfied with the proposed development limits on the draft plan of subdivision.

**Transportation and Engineering:**

The Transportation Impact Study has been reviewed by Transportation Engineering staff, who have worked with the owner to ensure that the site is designed to be functional and safe from a traffic perspective. Staff have no concerns from a traffic standpoint. The Cathedral area has been planned to encourage a balanced transportation mix, including active transportation and public transit. This includes sidewalks and bike lanes throughout the community, existing multi use paths on Woodbine Avenue, planned multi use paths on Victoria Square Boulevard, and future cycling infrastructure on Elgin Mills Road. York Region Transit routes 80 and 24 provide bus service in the area.

The proposed townhouses have not been designed with individual driveways from Victoria Square Boulevard. Instead a single private driveway has been incorporated into the design to minimize access points from the street. In addition to the three proposed visitor parking spaces, on street parking will also be available on Victoria Square Boulevard after it is reconstructed and urbanized.

**Parkland Dedication and Public Art:**

No public parkland is being provided on the subject lands. Parkland dedication requirements will be satisfied through cash in lieu of parkland. The cash in lieu of parkland payment will be required at site plan approval and will be based on an appraisal.

The proposed zoning by-law includes a Section 37 public art contribution of \$1425.00 per unit.

**CONCLUSION:**

It is the opinion of staff that the proposed zoning by-law amendment and draft plan of subdivision applications are appropriate and acceptable. Staff are generally satisfied with the proposed site plan. The townhouses are compatible and complimentary with surrounding development and provide a good transition to surrounding development. It is therefore recommended that the proposed applications be approved subject to the draft plan approval conditions attached as Appendix 'A', the draft zoning by-law attached as Appendix 'B', and the pre-conditions attached as Appendix 'C'.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**



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The proposed applications have been reviewed in the context of the City's Strategic Priority of Safe Sustainable and Complete Community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications were circulated to various City departments and external agencies and no concerns were identified.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1: Location map  
Figure 2: Area Context/Zoning  
Figure 3: Aerial Photo 2019  
Figure 4: Official Plan Section 3.1.1  
Figure 5: Proposed Draft Plan of Subdivision  
Figure 6: Proposed Site Plan  
Figure 7: Proposed Elevations

**APPENDICES:**

Appendix 'A': Recommended Conditions of Draft Plan Approval  
Appendix 'B': Draft Zoning By-law Amendment  
Appendix 'C': Recommended Pre-Conditions

**AGENT:**

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