



Report to: Development Services Committee

Meeting Date: February 22, 2022

SUBJECT: RECOMMENDATION REPORT
Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision submitted by SV Sisdimz Corp., 11087 Victoria Square Boulevard to facilitate the development of 26 townhouse units (Ward 2)
File No. PLAN 19 161649

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

REVIEWED BY: Stephen Lue, MCIP, RPP, ext. 2520, Acting Senior Manager, Development

RECOMMENDATION:

1. That the report titled “RECOMMENDATION REPORT, Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision submitted by SV Sisdimz Corp., 11087 Victoria Square Boulevard to facilitate the development of 26 townhouse units (Ward 2) File No. PLAN 19 161649”, be received;
2. That the Official Plan Amendment application submitted by SV Sisdimz Corp., to amend the Official Plan (Revised 1987), be approved by Council, and that the draft Official Plan Amendment, attached hereto as Appendix ‘A’, be finalized and adopted by Council;
3. That the Zoning By-law Amendment application submitted by SV Sisdimz Corp. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law, attached hereto 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 submitted by SV Sisdimz Corp. be approved subject to the conditions set out as 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 ‘C’, as may be amended by the Director of Planning and Urban Design or designate;
6. That Draft Plan approval for Plan of Subdivision 19TM-19003 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 26 townhouse dwelling 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 Owner 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 Subject Lands (the “Subject Lands”) comprise approximately 6,049 m² (1.5 ac) and are located on the east side of Victoria Square Boulevard, between Woodbine Avenue and Isabella Peach Drive. This report recommends the approval of an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to facilitate the development of 26 three-storey townhouse units. A Site Plan application has also been submitted, which meets the criteria for staff delegation. Staff review of the site plan is ongoing and the Owner is in the process of addressing the remaining site plan matters.

PURPOSE:

The purpose of this report is to provide an overview, evaluation, and recommendation of the applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision (the “Applications”) submitted by SV Sisdimz Corp. (the “Owner”).

BACKGROUND:

Location and Area Context

The approximately 0.61ha. (1.5 ac) Subject Lands are located on the east side of Victoria Square Boulevard, between Woodbine Avenue and Isabella Peach Drive (see Figure 1) and have an approximate 71 m (233 ft) frontage along Victoria Square Boulevard. A gas station, service centre, and restaurant currently occupy the Subject Lands. Figure 3 shows the surrounding land uses.

Process to Date

The Applications were deemed complete by the City on March 28, 2019. The Owner submitted a concurrent Site Plan application. The statutory Public Meeting was held on November 19, 2019, and the comments made at the Public Meeting are summarized in the Options/Discussion section of this report.

Next Steps

- Should the Applications be supported by the Development Services Committee (“DSC”), staff recommend adopting the Official Plan amendment and enacting the Zoning By-law Amendment as well as Draft Plan approval in principle at an upcoming Council meeting.
- Following clearance of Conditions of Draft Plan Approval set out as Appendix ‘C’, the Owner will be required to enter into a Subdivision Agreement with the City.
- Following Site Plan Endorsement, the Owner will enter into a Site Plan Agreement with the City and Site Plan Approval will follow (see Figure 7). 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.

- The Owner will be required to submit Draft Plan of Condominium (Common Element) and Part Lot Control applications in the future.

Proposed Development

The Owner proposes 26 three-storey townhouse dwelling units in five townhouse blocks as summarized in Table 1 and shown on Figure 7 (the “Proposed Development”). The units facing the hydro corridor to the east have typical frontages of 6 m (19.7 ft) while the rest of the units have typical frontages of 5.5 m (18.0 ft).

The interior of the site is proposed to be accessed via a private road that meets Victoria Square Boulevard at the south end of the site. Each dwelling unit is proposed to have two parking spaces. Seven dedicated visitor parking spaces are located at the centre of the Proposed Development, for a total of 59 parking spaces.

Table 1: Proposed Townhouse Blocks

Townhouse block	Number of Units	Typical frontage (m)
1	5	5.5
2	4	5.5
3	7	5.5
4	6	6.0
5	4	6.0
Total	26	

The Owner proposes a shared 248 m² (2,669 ft²) outdoor amenity space next to the visitor parking spaces. The units on the west side of the Proposed Development fronts Victoria Square Boulevard where it curves to the west, away from the Subject Lands, towards the intersection with Woodbine Avenue. A private sidewalk connects the municipal sidewalk to the proposed townhouses. Internal pedestrian access is proposed at the main driveway at the south end of the Subject Lands and between Blocks 1 and 2 (see Figure 7).

The Subject Lands sit at a higher elevation than the abutting existing townhouses to the south. A partially tiered retaining wall with a maximum height of 2.2 m will line the south property line. A landscape buffer visually screens the south private road from the townhouses to the south and includes coniferous trees, deciduous shrubs, and perennial grasses. The Owner proposes landscape of deciduous and coniferous trees throughout the Subject Lands (see Figure 10).

The Owner proposes to extend an existing municipal storm sewer that terminates on the abutting property to the south through the Subject Lands to continue to future development to the north. Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks (“MECP”) will be required, including a servicing and access easement.

The Draft Plan of Subdivision consists of a single development block that makes up the entire Subject Lands (see Figure 11). The property lines of the townhouse units will be established through a future Part Lot Control application. Future Common Elements Condominium and Part Lot Control Exemption applications will create the Parcels of Tied Lands (“POTLs”).

2014 Official Plan (“2014 OP”)

The 2014 OP designates the Subject Lands “Mixed Use Low Rise” (as partially approved on November 24, 2017 and further updated on April 9, 2018). Section 9.10.4 of the 2014 OP states that until a revised secondary plan is approved for the Highway 404 North lands, the provisions of the 1987 Official Plan and the Highway 404 North Planning District Secondary Plan (OPA 149) shall apply (see below).

1987 Official Plan (the “1987 OP”)

The 1987 OP designates the Subject Lands “Commercial – Community Amenity Area”. Lands within this designation are intended to develop as a multi-use centre with a diverse range of retail, service, community, institutional, and recreational uses as well as office and medium to high density housing at appropriate locations. Residential uses may be permitted subject to a specific development proposal and rezoning. Development is to be concentrated at an intersection of an arterial road with a collector or arterial road. Victoria Square Boulevard is classified as a collector road and Woodbine Avenue is classified as a Regional arterial road.

Highway 404 North Planning Area Secondary Plan (“OPA 149”)

OPA 149 designates the Subject Lands “Commercial – Community Amenity Area”. The Secondary Plan states that in determining the uses for lands in the “Community Amenity Area” designation, priority shall be given to the convenience retail and service needs of residents and workers within the Planning District, and to the compatibility and scale of uses relative to adjacent low density residential developments. OPA 149 provides for a wide range of non-residential uses, including retail premises under 1,000 m² of GFA, offices, banks and financial institutions, and restaurants.

A policy specific to lands east of Victoria Square Boulevard prohibits new residential uses. Where dwelling units are permitted, they are required to be incorporated into mixed use developments above ground-related commercial uses. The Owner proposes to amend the policies of the “Commercial – Community Amenity Area” designation to permit residential uses on the Subject Lands, including on the ground floor. OPA 149 does not provide for the proposed residential use.

On July 26, 2019, York Region advised that the proposed Official Plan Amendment is a local matter and exempt from Regional approval. Following adoption of the said Amendment, notice of Council’s decision will be provided to York Region.

Zoning By-law 304-87

By-law 304-87 zones the Subject Lands “Highway Commercial Two (“HC2”) Zone”. The HC2 Zone permits an automobile service station, fast food restaurant, take-out restaurant,

and vegetable or fruit stand. The Owner proposes to incorporate the Subject Lands into By-law 177-96 (the New Urban Area By-law) and rezone it to a residential zone with site-specific exceptions to implement the Proposed Development. Staff determined that a “Residential Three (R3*705) Exception Zone” would be appropriate to permit townhouse dwellings, one accessory dwelling unit in a townhouse dwelling, home occupations, and home child care. The proposed zone standards are summarized in Table 2.

Table 2: Proposed Zoning Standards

Zone/Parking Standard	Parent R3 Zone	Proposed R3*705 Exception Zone
Maximum number of townhouse dwelling units	n/a	26
Minimum front yard setback (Victoria Square Blvd frontage)	4.5 m	1.5 m
Minimum rear yard setback	7.5 m	6 m
Minimum width of a townhouse dwelling	5.5 m per interior unit 6.7 m per end unit	5.5 m

OPTIONS/ DISCUSSION:

Provincial Policy Conformity

The Proposed Development conforms to the applicable provincial policy framework, including the Growth Plan for the Greater Golden Horseshoe and the Provincial Planning Statement as well as the land use designation and policies of the Regional Official Plan.

Statutory Public Meeting

The statutory Public Meeting was held on November 19, 2019. No written submissions were received from the public at the Public Meeting. John Castro of Empire Communities, consultant for the adjacent landowner to the south, requested that the Owner enter into a cost sharing agreement with his client for the construction of the required community servicing infrastructure.

Committee members made several comments about the proposed applications, including:

- Viability of the commercial units (which were initially proposed facing Victoria Square Boulevard, but were later removed from the plans) resulting from the setback from Victoria Square Boulevard and a lack of adequate on-site and adjacent on-street visitor parking;
- Potential incorporation of municipal surplus lands abutting Victoria Square Boulevard into the Proposed Development;
- Opportunities and implications of providing for additional land use intensification and permissions for the Subject Lands under the 2014 OP;
- Concerns about a deficiency in outdoor amenity space to serve residents of the Proposed Development; and
- Potential remediation required for the Subject Lands resulting from the previous use as a motor vehicle service station.

Proposed development concept plan is satisfactory

Staff have considered the above comments and have discussed them with the Owner. Staff responses to the comments raised are set out below.

Residential use is appropriate at this location

The Subject Lands are located at the south end of the “Commercial – Community Amenity Area” designation, away from the intersection with Woodbine Avenue where development in the “Community Amenity Area” designation is to be concentrated. Victoria Square Boulevard curves to the west at the Subject Lands, resulting in a wide boulevard separating the municipal sidewalk from the development site and any potential commercial uses. The Subject Lands are farther from Woodbine Avenue and less accessible from Victoria Square Boulevard than the remainder of the parcels within this designation. It is the opinion of staff that a residential use on the Subject Lands would not inhibit the planned function of the “Community Amenity Area” designation.

Municipal surplus lands cannot be incorporated into the development

The Subject Lands described at the Public Meeting as municipal surplus lands in the Victoria Square Boulevard right-of-way are located where the roadway curves to the west. This is a portion of the former Woodbine Avenue right of way. The presence of utilities in the right of way, including a Bell duct and power lines, prevents this part of the right of way from being incorporated into the Subject Lands.

Proposed density conforms to applicable policies

While the policies of the 1987 OP and OPA 14 provide for higher density development such as mid-rise buildings, higher densities are not required. Medium density development such as townhouses is provided for at appropriate locations. The Proposed Development is compatible with the residential neighbourhood to the south and provide an appropriate transition to future mixed use development where Victoria Square Boulevard meets Woodbine Avenue.

Adequate outdoor amenity space is available to residents

A 248 m² (2,670 ft²) outdoor shared amenity space at the centre of the Proposed Development provides passive outdoor recreation space. Additionally, the future 0.5 ha (1.2 ac.) municipal park at 10977 Victoria Square Boulevard is approximately 140 m from the Subject Lands. William Cantley Park, which includes a playground, splash pad, and basketball courts, is also within walking distance at approximately 400 m from the Subject Lands. Staff are of the opinion that adequate outdoor amenity space will be available to the residents.

Record of Site Condition will be required

The Subject Lands are currently used as a gas station, which operates with two gasoline tanks, one diesel tank, and one waste oil tank, all underground. Soil and groundwater samples were taken as part of the Phase II Environmental Site Assessment (“ESA”) process, and found evidence of soil and groundwater impacts exceeding MECP standards. The Phase II ESA recommends further investigation, followed by a site decommissioning and remediation program. Because of the contamination of the Subject Lands, the Site Plan

will not be endorsed until a Record of Site Condition (“RSC”) is submitted to confirm that the Subject Lands comply with MECP standards.

Cost Sharing for Services

As stated at the Public Meeting, the Owner proposes to connect to existing servicing infrastructure constructed by the abutting landowner to the south. The Owner has been instructed to make arrangements to provide financial contributions for the construction of the existing servicing infrastructure. Confirmation is required to be provided to the City before the Site Plan is endorsed.

Zoning by-law will permit appropriate uses and development standards

The draft zoning by-law permits a maximum of 26 townhouse dwellings. The minimum 1.5 m front yard setback accommodates front steps of each townhouse unit, which are accessed from the private sidewalk along the west property line. The 6 m rear yard setback will consist of the rear amenity spaces for Blocks 4 and 5 and a retaining wall. The minimum townhouse dwelling width of 5.5 m provides adequate space for two vehicles to be parked inside a garage. The maximum 12 m height is consistent with the maximum height for townhouse dwellings in the R3 parent zone.

Staff are generally satisfied with the site plan

The site design reinforces the pedestrian oriented character of the neighbourhood. Blocks 1 and 2 overlook the portion of Victoria Square Boulevard that curves to the west. Parking is located behind the townhouse blocks facing the street. Two pedestrian walkways to the interior of the Proposed Development ensure that residents can easily access the surrounding community (see Figure 7). The landscape screening at the south property line will visually screen the existing properties to the south from the Proposed Development (see Figure 10). Site plan issues to be resolved are summarized in the Site Plan Endorsement subsection below.

Transportation

Transportation Engineering staff have worked with the Owner to ensure that the Proposed Development is designed to be functional and safe from a traffic perspective and support the driveway location at the south end.. Staff have asked that the parallel visitor parking space be relocated to ensure safe vehicle manoeuvring (see Figure 7). Staff requested further technical information, but have no other concerns from a traffic standpoint. The surrounding area is planned to encourage a balanced transportation mix, including active transportation and public transit. The future reconstruction of Victoria Square Boulevard will include urbanization and multi use paths on both sides. York Region Transit route 24 provides bus service in the area and YRT has advised that future service is planned for Victoria Square Boulevard.

Parkland Dedication

No public parkland is being provided on the Subject Lands. Parkland dedication requirements will be satisfied through the payment of cash-in-lieu of parkland, required at Site Plan Approval and will be based on an appraisal should the Applications be approved.

Site Plan Endorsement

The following matters must be addressed as part of the ongoing site plan process:

- a) Confirmation of the easement for the municipal storm sewer through the site and that the owner of the adjacent property to the north is satisfied with the installation of a municipal storm sewer and plug on their property.
- b) Revisions to the engineering plans to provide additional technical information including, but not limited to, overland flow routes, retaining wall details, and catch basin elevations.
- c) Submission of detailed Engineering Cost Estimates and a RSC.
- d) Resolve any issues resulting from the review of technical studies including the ESA, Transportation Impact and Access Review, and Arborist Report. These matters will be addressed in the Site Plan Agreement.
- e) Confirm any outstanding financial obligations, including but not limited to cash in lieu of parkland dedication, development charges, and tree replacement/compensation. These matters will be addressed in the Site Plan Agreement.
- f) Review with staff sustainability opportunities as well as matters with regard to senior's accommodation.

CONCLUSION:

Staff are generally satisfied with the Proposed Development. The proposed townhouses are compatible and complimentary within the surrounding area context. Staff, therefore, recommend that the Applications be approved subject to the Official Plan Amendment attached as Appendix 'A', Zoning By-law Amendment attached as Appendix 'B', and Draft Plan Approval conditions outlined in Appendix 'C'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications have been reviewed in the context of the Strategic Priorities of Safe and Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various City departments and external agencies and no concerns are outstanding.

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
Figure 4: Official Plan (2014) Land Use
Figure 5: Official Plan (Revised 1987) Land Use
Figure 6: Highway 404 North Secondary Plan Land Use
Figure 7: Proposed Site Plan
Figure 8: Proposed Elevations – Front Loaded Townhouses
Figure 9: Proposed Elevations – Rear Loaded Townhouses
Figure 10: Proposed Landscape Plan
Figure 11: Proposed Draft Plan of Subdivision

APPENDICES:

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

AGENT:

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