

COMMITTEE OF THE WHOLE JUNE 23, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.065
VENTANA HOMES INC.
WARD 1**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.065 (Ventana Homes Inc.) BE APPROVED, to amend the R1 Residential Zone standards in site-specific Exception 9(1306) of By-law 1-88, to permit the following zoning exceptions to implement the approved Plan of Subdivision File 19T-03V11 (Ventana Homes Inc.) for 83 lots for single detached dwellings (Attachment #3), as follows:
 - a) permit a maximum building height of 11.0 m, whereas the By-law requires a maximum building height of 9.5 m;
 - b) permit a minimum front yard setback to the house and garage of 6.0 m, whereas the By-law requires a minimum front yard setback of 7.5 m; and,
 - c) to permit the following:
 - i) a maximum lot coverage of 40% on all the lots within the approved Plan of Subdivision (File 19T-03V11, Ventana Homes Inc.), shown on Attachment #3, should the Owner not design and implement the negotiated environmental sustainability features in the said approved Plan of Subdivision, to the satisfaction of the Development Planning Department;

or,
 - ii) maximum lot coverages as prescribed Table 1, provided that the Owner design and implement the negotiated environmental sustainability features in the approved Plan of Subdivision (File 19T-03V11, Ventana Homes Inc.), to the satisfaction of the Vaughan Development Planning Department:

Table #1: Proposed Lot Coverage

Lot Number as Noted on the Approved Plan of Subdivision File 19T-03V11, as shown on Attachment #3	By-law 1-88 R1 Residential Zone Maximum Lot Coverage Requirement	Proposed New Maximum Lot Coverage in the R1 Residential Zone
Lots 2, 34, 41, 66, 67	35%	36%
Lots 32, 33, 39, 68	35%	37%
Lots 9, 10, 24, 65	35%	38%
Lots 8,30, 40	35%	39%
Lots 31, 54, 57, 58, 70-79	35%	40%
Lots 23, 26, 28	35%	41%
Lots 44, 49	35%	42%
Lots 7, 27, 48, 59	35%	43%
Lots 5, 6	35%	44%

Table #1: Proposed Lot Coverage

Lot Number as Noted on the Approved Plan of Subdivision File 19T-03V11, as shown on Attachment #3	By-law 1-88 R1 Residential Zone Maximum Lot Coverage Requirement	Proposed New Maximum Lot Coverage in the R1 Residential Zone
Lots 12, 42, 43, 47	35%	45%
Lots 13, 64	35%	46%
Lots 4, 50	35%	47%
Lot 11	35%	48%
Lots 16 – 20, 25, 51-53	35%	51%
Lots 29, 60-63	35%	52%
Lot 3	35%	53%

2. THAT the subdivision agreement for the Plan of Subdivision include the following provisions:
 - a) "The Owner shall design and implement the following environmental sustainability features in the approved Plan of Subdivision (File 19T-03V11) to the satisfaction of the Vaughan Development Planning Department:
 - i) rainwater harvesting (Rain Barrels) shall be utilized by all the homes;
 - ii) install permeable pavers for driveways, for a minimum 50% of the housing units to the discretion of the Owner, with the lots to be confirmed in the subdivision agreement;
 - iii) provide trees with a minimum caliper of 150mm in diameter with a minimum height of 5 m in the rear yards of Lots 69 to 81 inclusive for additional buffering;
 - iv) provide water balancing infiltration trenches;
 - v) provide habitat restoration through the use of native drought resistant plant materials (Xeriscapes) in the buffer areas along the top-of-bank and within the stormwater management pond;
 - vi) provide pre-engineered wiring within the homes for future solar panel installation by the individual homeowner at a later date;
 - vii) provide 2-stage high efficiency furnaces for energy efficiency heating; and,
 - viii) the purchase and sale agreement for all lots shall include a clause that reads "Should the purchaser install a swimming pool, any external heating system of the swimming pool shall be solar energy only"; and,
 - ix) provide energy efficient street lighting to the satisfaction of the Vaughan Engineering Department."
 - b) "THAT prior to the registration of the subdivision plan, the Owner shall address the existing drainage issues along the north property line abutting the lands to the north, to the satisfaction of the Vaughan Engineering Department."
3. THAT the Vaughan Engineering Department shall not finalize the subdivision agreement for the said approved Plan of Subdivision until such time as the conditions respecting the environmental sustainability features and drainage resolution along the north property line as noted above are included in the subdivision agreement.

Contribution to Sustainability

The applicant has advised that the following sustainable features, but not limited to, will be designed and implemented within the subdivision design to create a healthy community:

- a) rain water harvesting (rain barrels), which shall be used by all the homes;
- b) installation of permeable pavers for driveways, for a minimum 50% of the housing units to the discretion of the Owner, with the lots to be confirmed in subdivision agreement;
- c) provide trees with a minimum caliper 150 mm in diameter with a minimum height of 5 m in the rear yards of Lots 69 to 81 inclusive for additional buffering;
- d) provide water balancing infiltration trenches;
- e) provide habitat restoration through the use of native drought resistant plant materials (Xeriscapes) in the buffer areas along the top-of-bank and within the stormwater management pond;
- f) provide pre-engineered wiring within the homes for future solar panel installation by the individual homeowner at a later date;
- g) provide 2-stage high efficiency furnaces for energy efficiency heating; and,
- h) provide energy efficient street lighting throughout the subdivision.

Economic Impact

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

Communications Plan

On November 7, 2008, a Notice of Public Meeting was circulated to all property owners within 120 m of the subject lands. The Public Meeting was held on December 1, 2008, proposing the following changes to the R1 Residential Zone standards:

- a) a maximum building height of 11.0 m, whereas the By-law requires a maximum of 9.5m;
- b) a minimum front yard setback to the house and to the garage of 4.5 m and 6.0 m, respectively, whereas the By-law requires a minimum of 7.5 m;
- c) a minimum interior side yard setback of 1.2m, whereas the By-law requires a minimum of 1.5m; and,
- d) to permit no maximum lot coverage requirements.

Comments were received from the area residents and people in attendance at the Public Meeting, in particular, the following:

- i) Mr. Kam Harbauer, 795 Woodland Acres;
- ii) Ms. Emily Fusco, 25 Mapledown Way;
- iii) a written petition strongly objecting to the proposed changes to the R1 Residential Zone standards signed by the homeowners of the Northdale Community (the residents of the existing subdivision to the north of the subject lands); and,
- iv) a written submission by Mr. Angelo Caranci, 11,000 Dufferin Street.

The following concerns were identified in Mr. Caranci's letter:

- i) the negative impact of the proposed zone standard changes on the usability and enjoyment of the said property located at 11,000 Dufferin Street;
- ii) the increased height would restrict the view and sunlight onto the said property; and,
- iii) the elimination of the lot coverage requirement would allow the entire buildable areas on the lots to be covered.

The overall consensus at the December 1, 2008 Public Meeting by the deputants was that the Owner should maintain the approved R1 Residential Zone standards in the subdivision. Furthermore, the Owner was directed by the Committee to meet with the local residents of the Northdale Community. The Committee also noted that "no coverage" is not appropriate for the subdivision and that for "estate residential" lots, the minimum 7.5 m front yard setback should be maintained.

The recommendation of the Committee of the Whole on December 1, 2008, to receive the Public Meeting report and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on December 8, 2008.

Community Meeting

In response to the Committee's suggestion, the Owner met with the local residents on April 30, 2009. The Development Planning Department attended the meeting for information gathering purposes. The following individuals attended the community meeting:

- a) Pat and Emily Fusco, 25 Mapledown Way;
- b) Marino Primozic, 17 Mapledown Way;
- c) Marilyn lafrate, on behalf of 55 Marwood Place;
- d) Henry Greenberg, 185 Hunterwood Chase; and,
- e) Frank Cordovado, 41 Mapledown Way.

At the community meeting, the Owner made a presentation on the proposed changes to the zone standards of the approved plan of subdivision, and indicated the following:

- i) the requested zoning by-law amendment to permit a maximum building height from 9.5 m to 11.0 m remain – the reason was that the architecture of the proposed dwellings would warrant a higher pitched roof in order to maintain an appropriate scale and level of aesthetics for the proposed homes;
- ii) the reduced interior side yard setbacks from 1.5 m to 1.2 m that was originally requested was no longer required;
- iii) the reduced front yard setbacks to the house and to the garage from 7.5 m to 4.5 m and 6.0 m, respectively, be required for some of the lots pending the design of the home; and,
- iv) the breakdown of the lot coverage by lots, as identified on Chart #1 in the Recommendation Section of this report.

The Owner identified that Lots 1, 14, 15, 21, 22, 35 – 38 inclusive, 45, 46, 55, 56, 69, 80, and 81, for a total of 16 lots, complies with the current maximum lot coverage of 35% under By-law 1-88.

Community Resolution

The concerns of those local residents who attended the community meeting were discussed and the following consensus was made:

- a) Building Height:

The Owner explained to the local residents that the increased maximum building height from 9.5 m to 11.0 m was necessary as the proposed homes are larger and would require a larger pitched roof that is in keeping with the scale and mass of the building design.

The majority of the local residents who attended the community meeting currently reside on the southern limits of the Northdale Community. Their concern was that the increased height would block sunlight on their properties. The Owner explained that the separation distances between the existing homes and the proposed homes would not

warrant any concerns of blocked sunlight. The minimum proposed setback from the proposed homes to the shared property line with the existing residences to the north is approximately 11.0 m. The Owner noted that the current minimum rear setback in the R1 Residential Zone is 7.5 m, which the proposed homes on the subject lands already exceed. The local residents concurred that the building height would not be cause for concern.

b) Front Yard Setback:

The Owner explained that the decrease in the minimum front yard setback from 7.5 m to 6.0 m to the garage and 4.5 m to the home would apply to Lots 2 to 68, inclusive, as shown on Attachment #3. The local residents were concerned that the reduced garage setback of 6.0 m to allow for the parking of one car on the driveway would generate more cars being parked on the road, particularly on Hunterwood Chase. The Owner assured the local residents that the proposed homes along Hunterwood Chase have garages that can accommodate three cars in the garage and an additional three cars on the driveway. The local residents concurred with the Owner that on-street parking along Hunterwood Chase would not be a concern as the proposed homes can accommodate sufficient off-street parking.

c) Lot Coverage:

The Owner, as directed by the Development Planning Department, undertook the exercise of siting the proposed homes on the lots, to generate maximum lot coverage information on the individual lots (Attachment #4), to which the local residents had no objection. The Owner's constraints for the exercise were the following:

- a) factoring the lot coverage on those lots that have already been sold; and,
- b) that the proposed maximum lot coverages are the result of some of the lots having unique configurations.

The Owner advised that the current purchasers of the homes provided their consent on the zoning changes affecting their homes. The Owner had provided written proof of the amending purchase and sale agreements.

Purpose

The Owner has submitted a Zoning By-law Amendment File Z.08.065 (Ventana Homes Inc.) to amend the R1 Residential Zone standards in site-specific Exception 9(1306) of By-law 1-88 to facilitate the development of the subject lands shown on Attachment #2 for 83 residential units in an approved Plan of Subdivision (File 19T-03V11, Ventana Homes Inc.) shown on Attachment #3, as follows:

- a) to permit a maximum building height of 11.0 m, whereas the By-law requires a maximum of 9.5 m;
- b) to permit a minimum front yard setback to the house and to the garage of 4.5 m and 6.0 m, respectively, whereas the By-law requires 7.5 m; and,
- c) to permit the maximum lot coverage shown on Chart #1 in the Recommendation section of this report.

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2 are located on the west side of Dufferin Street, north of Teston Road, municipally known as 10980, 10960 and 10944 Dufferin Street, in Part of Lots 26 and 27, Concession 3, City of Vaughan. The subject lands are comprised of approximately 14.857 ha of developable land. The surrounding land uses are shown on Attachment #2.

On June 3, 2008, the Committee of the Whole approved Zoning By-law Amendment File Z.03.058 and Draft Plan of Subdivision File 19T-03V11 (Ventana Homes Inc.) comprised of 81 residential lots and 2 residential blocks, shown on Attachment #2, with 18.3 m to 22.6 m frontages and lot areas of 567 m² to 904 m². The approved Zoning By-law (By-law 171-2008) rezoned the developable tablelands from A Agricultural Zone to R1 Residential Zone and OS2 Open Space Park Zone, as shown on Attachment #5.

On October 30, 2008, the Owner submitted a Zoning By-law Amendment Application to provide additional zoning exceptions respecting building height, front yard setback, and lot coverage (Attachment #4). The natural features on the subject lands, including the delineation of the top-of-bank, the identified significant vegetation, and the ecological buffer remains unchanged.

Official Plan

The subject lands are designated "Executive Residential" within the "North Maple Residential Area" and "Open Space" by OPA #332, as amended by OPA #535 (Maple Valley Plan), and further amended by OPA #681. The development proposal complies with the Official Plan.

Zoning By-law

The subject lands are zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(1306). The proposed amendments to the R1 Residential Zone standards are as follows:

- a) to permit a maximum lot coverage shown on Chart #1 in the Recommendation section of this report;
- b) to permit a maximum building height of 11.0 m, whereas the By-law requires a maximum building height of 9.5 m; and,
- c) to permit a minimum front yard setback to the house and to the garage of 4.5 m and 6.0 m, respectively, whereas the By-law requires a minimum front yard setback of 7.5 m.

a) Lot Coverage:

The subject lands are situated within the Oak Ridges Moraine. The increased proposed maximum lot coverage would impact on the extent of impervious surfacing on the lands. The Development Planning Department is prepared to approve a maximum lot coverage of 40% (from permitted 35%) on all the lots within the approved Plan of Subdivision (File 19T-03V11, Ventana Homes Inc.) shown on Attachment #3, however, through discussions with the Vaughan Development Planning Department and the Vaughan Engineering Department, the Owner has agreed to provide the following additional environmental sustainability features, which would ensure infiltration on the site is maintained and enhanced:

- i) rainwater harvesting (Rain Barrels) shall be utilized by all the homes;
- ii) install permeable pavers for driveways, for a minimum 50% of the housing units to the discretion of the Owner, with the lots to be confirmed in the subdivision agreement;
- iii) provide trees with a minimum caliper of 150 mm in diameter with a minimum height of 5 m in the rear yards of Lots 69 to 81 inclusive for additional buffering;
- iv) provide water balancing infiltration trenches;
- v) provide habitat restoration through the use of native drought resistant plant materials (Xeriscapes) in the buffer areas along the top-of-bank and within the stormwater management pond;
- vi) provide pre-engineered wiring within the homes for future solar panel installation by the individual homeowner at a later date;
- vii) provide 2-stage high efficiency furnaces for energy efficiency heating;

- viii) the purchase and sale agreement for all lots shall include a clause that reads “Should the purchaser install a swimming pool, the swimming pool shall be heated by solar panel only”; and,
- ix) the Owner shall provide energy efficient street lighting to the satisfaction of the Vaughan Engineering Department.

These features, which are similar with the measures noted in the Toronto and Region Conservation Authority’s “Low Impact Development Stormwater Management Manual”, will be required to be implemented by the Owner and the home purchasers and represent the environmental initiatives that are above the current standards of subdivision design. The Owner advises that the requested increased lot coverage accommodates the building designs that fit within the proposed building setback requirements of the R1 Residential Zone, save the front yard setbacks, which will be discussed later in this report.

Should the Committee concur, the implementing subdivision agreement for the approved Draft Plan of Subdivision 19T-03V11 (Ventana Homes Inc.) will be amended with the condition that the Owner implements additional environmental features into the subdivision design. A condition on this matter has been included in the recommendation section of this report.

b) Building Height:

The Owner has requested an increase in building height from 9.5 m to 11.0 m as the architecture and the size of the proposed dwellings would warrant a higher pitched roof in order to maintain an appropriate scale and level of aesthetics for the proposed homes. The Development Planning Department has no objections to the increased building height, as it is suitable for the development and compatible with the existing residences to the north, given the separation distances.

c) Front Yard Setback:

The Development Planning Department has reviewed the requested front yard setback amendment from the required 7.5 m minimum in accordance with By-law 1-88 to a minimum 4.5m to the house and a minimum 6.0 m to the garage. The Owner has indicated that this by-law provision would affect only Lots 2 to 68, inclusive, on the approved plan of subdivision as shown on Attachment #3. Development Planning Staff have reviewed this matter and can support a reduction of the front yard setback of both the house and garage to 6 m. The proposed 4.5 m setback to the house is considered to be too close to the street and would be out of character with the 7.5 m setback for the existing homes to the north and 7.5 m setback that will be provided for the future homes to be developed in the subdivision to the south. A minimum 6 m front yard setback to both the house and garage will be identified in the recommendation of this report.

Toronto and Region Conservation Authority

The subject lands are partially located within the Toronto and Region Conservation Authority’s (TRCA) Regulated Area under Ontario Regulation 166/06 (Development, Interface and Wetlands and Alterations to Shorelines and Watercourses). The said Ontario Regulation requires the Owner to obtain Permits from the TRCA for site grading on the property as well as for construction of the stormwater management facility, which have been received by TRCA and are currently under review. The TRCA requires the Owner to provide details of the water infiltration measures proposed for the subdivision as part of the associated Ontario Regulation 166/06 Permit application. The TRCA will require that a satisfactory water balance be provided prior to the release of the TRCA Permit.

The TRCA has reviewed the proposed zoning by-law amendment application and has indicated in a letter dated June 10, 2009, that they have no objection to the application.

Vaughan Engineering

Through discussions with the Owner during the review of this Zoning By-law Amendment application, the Vaughan Engineering and Development Planning Departments were made aware of the existing drainage conditions along the north property line of the subject lands abutting the lands to the north (Northdale Community). The existing conditions include standing water around the existing soak-a-way catchbasins after a significant rain event; the Vaughan Engineering Department advises that this situation is expected until the rainwater is able to infiltrate into the surrounding soils.

The Vaughan Engineering Department endeavours to work with the Owner of the subject lands to resolve the existing shared drainage conditions with the properties along the north prior to the registration of the subdivision plan for the approved Draft Plan of Subdivision 19T-03V11 (Ventana Homes Inc.). A condition on this matter has been included in the recommendation of this report.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York Transportation Services Department advised in a memorandum dated December 2, 2008, that they have no objection to the approval of the zoning by-law amendment application.

Conclusion

The Development Planning Department has reviewed the proposed Zoning By-law Amendment File Z.08.065 in accordance with the Official Plan policies, By-law 1-88, and the comments from City Departments, external public agencies and the local residents, and the surrounding area context. The Development Planning Department is satisfied that the proposed amendment to the R1 Residential Zone standards in site-specific Exception 9(1306) of By-law 1-88 respecting building height of 11 m and front yard setback of 6 m is appropriate and compatible with the surrounding area. Respecting lot coverage, the Development Planning Department is prepared to support a maximum 40% lot coverage on the subject lands. However, the Owner has agreed to implement and incorporate additional environmental features into the approved Draft Plan of Subdivision File 19T-03V11 (Ventana Homes Inc.), in which case the Development Planning Department can support the maximum lot coverages as summarized in Table #1 in the Recommendation section, and subject to the conditions and recommendations of this report.

Attachments

1. Context Location Map
2. Location Map
3. Approved Plan of Subdivision 19T-03V11
4. Proposed Zoning (Maximum Lot Coverage)
5. Approved Zone Schedule - By-law 171-2008

Report prepared by:

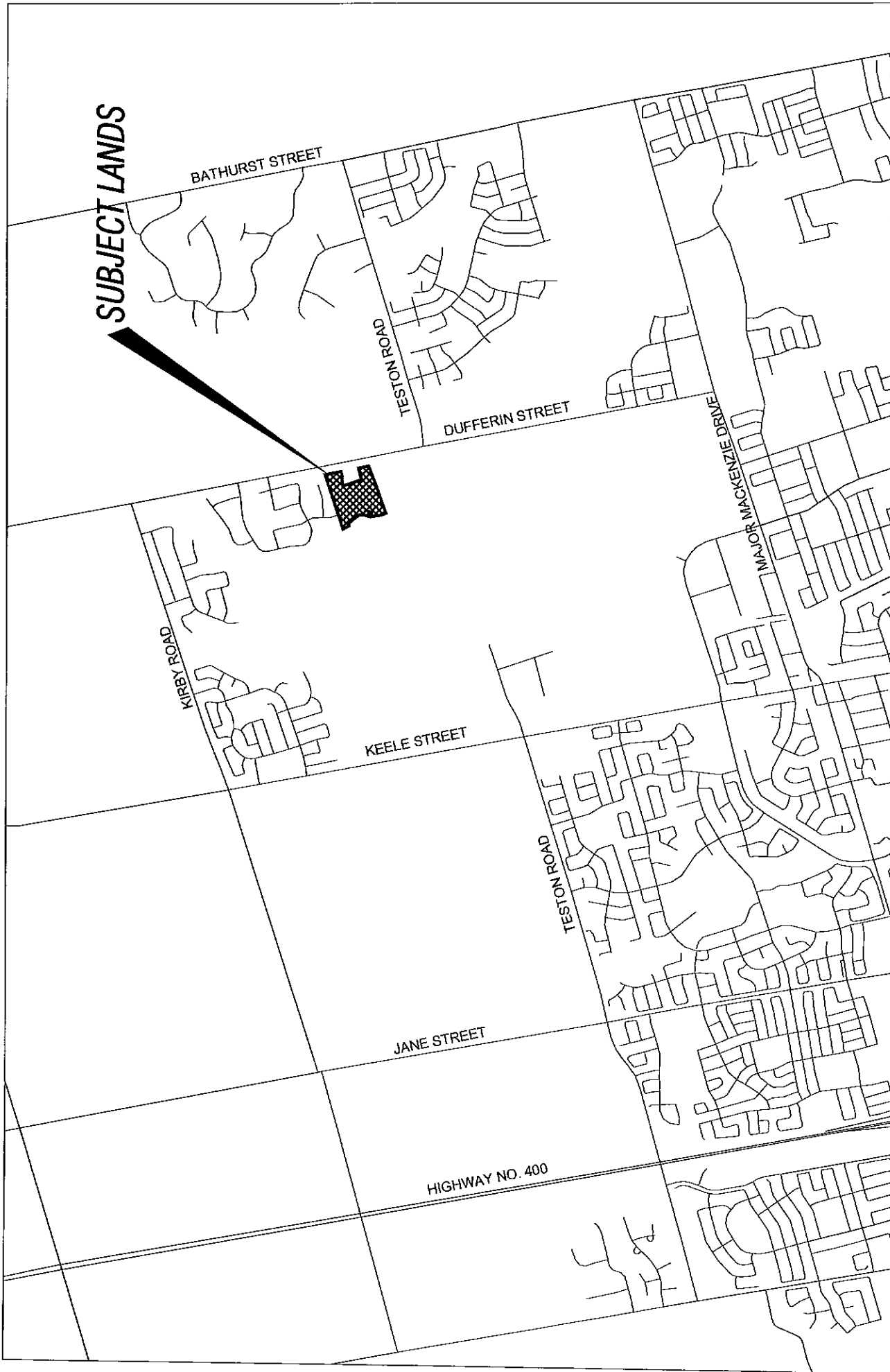
Stephen Lue, Planner, ext. 8210
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Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG



SUBJECT LANDS

Context Location Map

Location:
Part of Lots 26 & 27, Concession 3
APPLICANT:
VENTANA HOMES INC.
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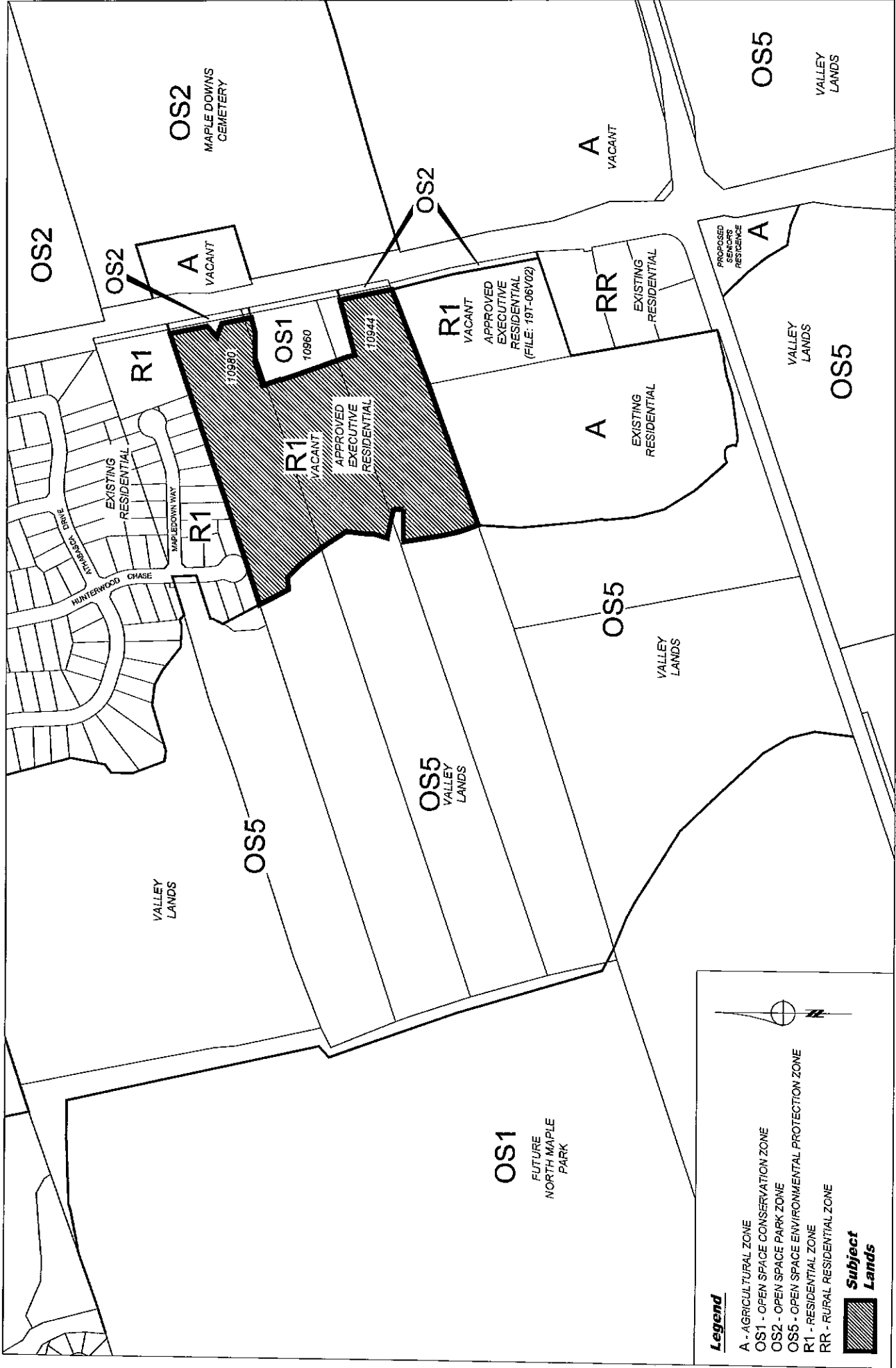


The City Above Toronto
Development Planning Department

Attachment

1

FILE:
Z.08.065
RELATED FILES:
19T-03V11, Z.03.058, OP.06.007
Date:
June 19, 2009



OS2
 MAPLE DOWNS
 CEMETERY

A
 VACANT

OS5
 VALLEY
 LANDS

OS2

OS2

A
 VACANT

OS2

OS1
 10960

OS1
 10944

R1
 VACANT
 APPROVED
 EXECUTIVE
 RESIDENTIAL
 (FILE: 19T-06V02)

RR
 EXISTING
 RESIDENTIAL

PROPOSED
 SENIORS
 RESIDENCE

VALLEY
 LANDS

OS5

R1

R1
 VACANT
 APPROVED
 EXECUTIVE
 RESIDENTIAL

A
 EXISTING
 RESIDENTIAL

EXISTING
 RESIDENTIAL

R1

OS5
 VALLEY
 LANDS

HUNTERWOOD
 CHASE

VALLEY
 LANDS

OS5

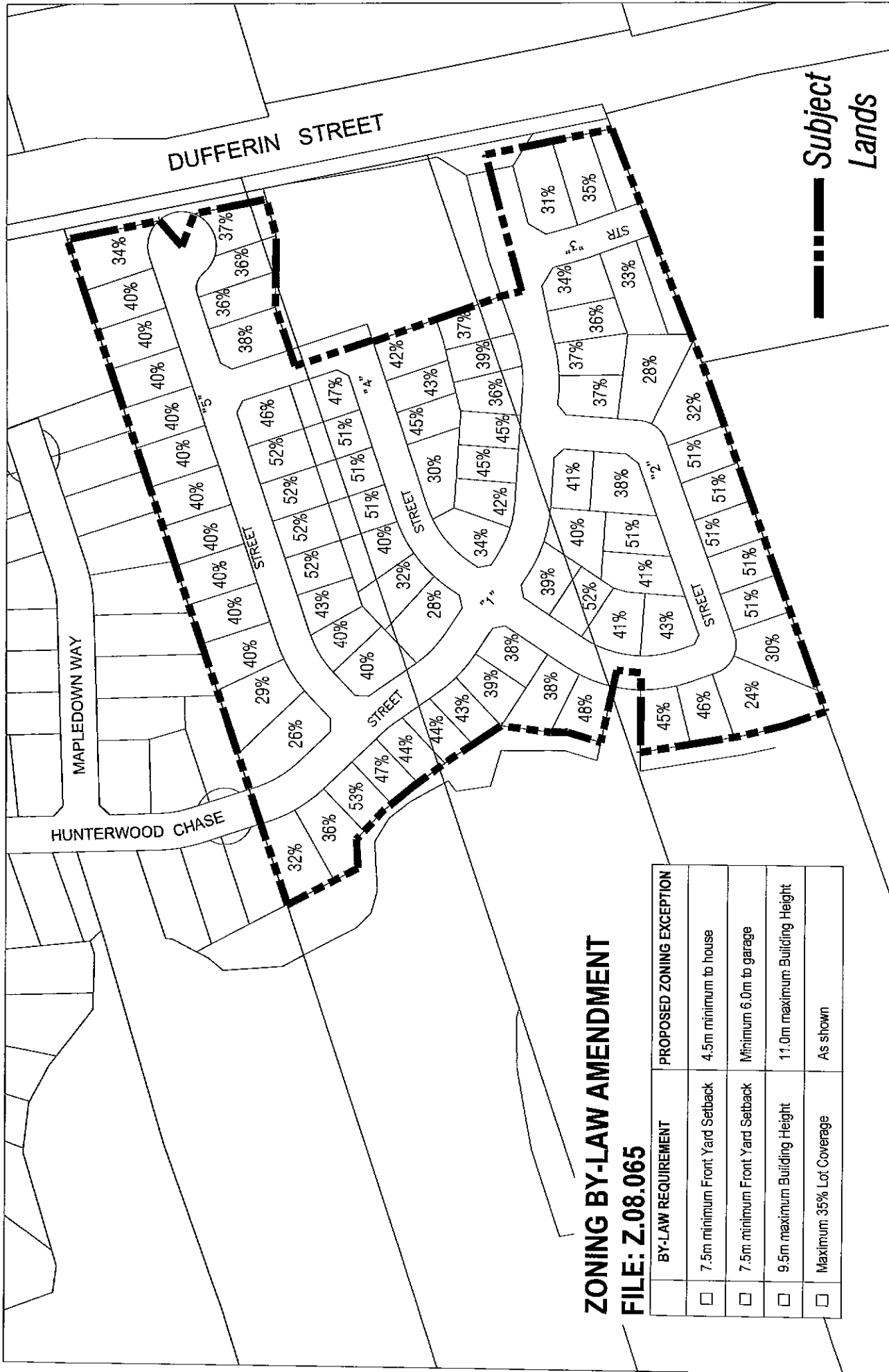
OS5
 VALLEY
 LANDS

OS1
 FUTURE
 NORTH MAPLE
 PARK



- A - AGRICULTURAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- OS5 - OPEN SPACE ENVIRONMENTAL PROTECTION ZONE
- R1 - RESIDENTIAL ZONE
- RR - RURAL RESIDENTIAL ZONE





Subject Lands

ZONING BY-LAW AMENDMENT

FILE: Z.08.065

BY-LAW REQUIREMENT	PROPOSED ZONING EXCEPTION
<input type="checkbox"/> 7.5m minimum Front Yard Setback	4.5m minimum to house
<input type="checkbox"/> 7.5m minimum Front Yard Setback	Minimum 6.0m to garage
<input type="checkbox"/> 9.5m maximum Building Height	11.0m maximum Building Height
<input type="checkbox"/> Maximum 35% Lot Coverage	As shown

**Proposed Zoning
(Maximum Lot Coverage)**

Location:
Part of Lots 26 & 27, Concession 3

APPLICANT:
VENTANA HOMES INC.

N:\DPT\1 ATTACHMENTS\Z\Z.08.065.dwg



The City Above Toronto

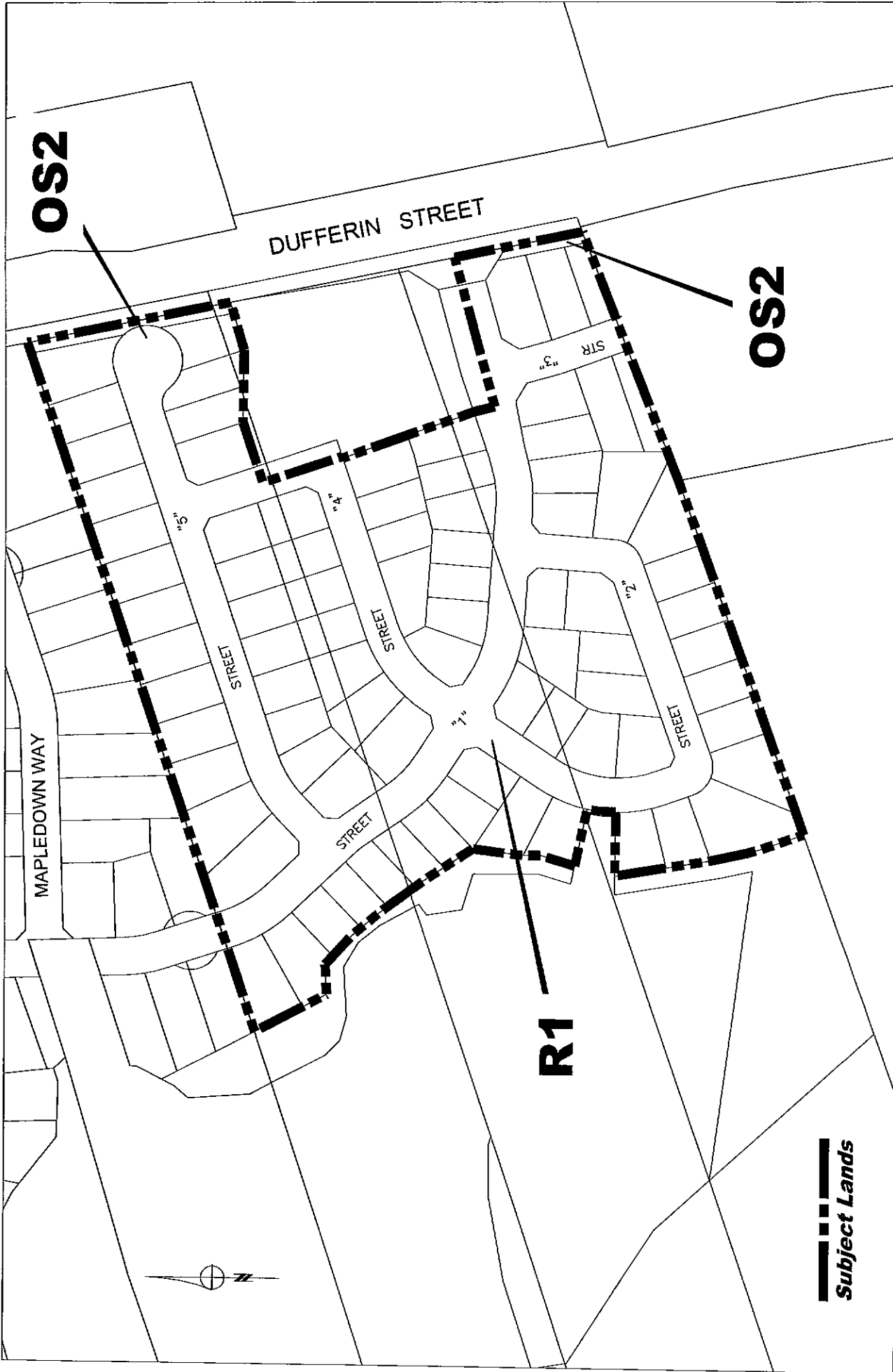
Development Planning Department

Attachment

4

FILE:
Z.08.065
RELATED FILES:
191-03V11, Z.08.058, OP.06.007

Date:
June 19, 2009



OS2

DUFFERIN STREET

OS2

R1

Subject Lands

**Approved Zoning Schedule -
By-Law 171-2008**

Location:
Part of Lots 26 & 27, Concession 3

APPLICANT:
VENTANA HOMES INC.

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The City Above Toronto

Development Planning Department

Attachment

5

FILE:
Z.08.065
RELATED FILES:
197-03V11, Z.03.058, OP.06.007

Date:
June 19, 2009