

## **350 Vaughan Road – City-initiated Zoning By-law Amendment – Final Report**

**Date:** March 30, 2021

**To:** Toronto and East York Community Council

**From:** Director, Community Planning, Toronto and East York District

**Ward:** 12 - Toronto-St. Paul's

**Planning File Number:** 20 232925 STE 12 OZ

### **SUMMARY**

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This report recommends amending the Site-Specific Zoning By-law at 350 Vaughan Road to permit construction of the approved 9-dwelling development in two phases. The first phase includes the western three detached houses, and the second phase includes the eastern six detached and semi-detached houses. The amendment to phase the development does not alter the approved built form and massing.

See Attachment 1 of this report for a site plan outlining the development phases.

The Zoning By-law Amendment is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and conforms with the Official Plan.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 108-2017 for the lands at 350 Vaughan Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 3 to the March 30, 2021 report from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 109-2017 for the lands at 350 Vaughan Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 4 to the March 30, 2021 report from the Director, Community Planning, Toronto and East York District.
3. City Council authorizes the City Solicitor to make stylistic and technical changes to the Draft Zoning By-law Amendments attached as Attachment 3 and 4 to this report as may be required.
4. Before introducing the necessary Bills to City Council for enactment, the owner be required to enter into an Amending Agreement pursuant to Section 37 of the *Planning*

*Act*, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with the Agreement to be registered on title to the lands at 350 Vaughan Road in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense, including:

- a) A temporary decorative fence along the Vaughan Road and Cherrywood Avenue frontages of the phase two lands, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with Transportation Services and the Ward Councillor.
- b) The required lane widening be conveyed in two phases corresponding with the two development phases, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with Transportation Services.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year, or in future years.

## **DECISION HISTORY**

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On February 3, 2016, City Council considered and adopted the redevelopment of 350 Vaughan Road in the form of seven 3-storey detached houses and two 3-storey semi-detached dwellings (Application Number: 13 241049 STE 21 OZ). The decision of City Council and the Final Report from the Director, Community Planning, Toronto and East York District dated December 16, 2015 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.4>

On January 12, 2021, Toronto and East York Community Council directed the Director, Community Planning, Toronto and East York District, in consultation with appropriate staff, to report to a future meeting of Toronto and East York Community Council with amendments to the by-laws for 350 Vaughan Road to permit the development to proceed in two phases, and to bring forward any required zoning by-law amendment to a statutory public meeting under the *Planning Act*. The decision of Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE22.28>

## **SITE AND SURROUNDING AREA**

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The subject site is irregular in shape, and 1,136 square metres in size. The site has a frontage of 38.13 metres on Vaughan Road and a frontage of 27.46 metres on Cherrywood Avenue. The subject site is 1.5 metres higher than the public lane to the south and is currently vacant. The site was previously an autobody repair garage, taxi depot, and before that a service station.

Two-storey detached and semi-detached dwellings surround the site to the north, east, south, and west.

## **ISSUE BACKGROUND**

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Environmental remediation is required on the eastern portion of the site, as a result of soil contamination. To proceed with construction, the approved development will need to be phased and therefore the widening of the public lane will be phased as well.

Land conveyance to the City must meet the Council-approved Conveyance Policy, which can be found here:

<https://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-74422.pdf>

To ensure that the eastern portion of the site is properly screened until the second phase is constructed, it is recommended that the owner install a temporary decorative screen along the Vaughan Road and Cherrywood Avenue street frontages.

### **Statutory Public Meeting Comments**

In making their decision with regard to this Zoning By-law Amendment, City Council members have an opportunity to consider this report prior to and at the statutory public meeting held by the Toronto and East York Community Council. Oral submissions made at the meeting will be broadcast live and recorded for review.

## **PLANNING POLICY FRAMEWORK**

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### ***Planning Act***

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) ("PPS"), which came into effect on May 1, 2020, provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") came into effect on August 28, 2020. The Growth Plan continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act*. Policies not expressly linked to a MCR can be applied as part of the review process for development proposals, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan, take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **Toronto Official Plan**

This Zoning By-law Amendment has been reviewed against the policies of the City of Toronto Official Plan. Land Use Map 17 of the Official Plan designates the subject site as *Neighbourhoods*, which are made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

See Attachment 2 of this report for an Official Plan Land Use Map.

### **Zoning**

On February 3, 2016, the City Council approved two Site-Specific Zoning By-laws, Zoning By-law 108-2017 and Zoning By-law 109-2017, amending both City-wide Zoning By-law 569-2013 and former City of York Zoning By-law 1-83, for seven 3-storey detached houses and two 3-storey semi-detached dwellings at the site.

### **Site Plan Control**

The development is not subject to Site Plan Control.

## **Consent to Sever and Draft Plan of Condominium**

The property owner has indicated an intention to sever the site, and create a Common Elements Condominium for a shared driveway, services and walkways. The consent to sever application was submitted on March 11, 2021 and is currently under review. A Common Elements Condominium application has not been submitted to date.

## **COMMUNITY CONSULTATION**

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City Planning staff held a virtual community consultation meeting on January 26, 2021 on Cisco Webex Meetings, which was attended by approximately 5 members of the public. At the meeting, City staff presented the proposed development phases, and City staff and the property owner's team held a question and answer period.

The attendees asked questions, and expressed comments and concerns, including that:

- the density of the approved-development is not appropriate;
- the phasing of the development will prolong construction which is unacceptable; and
- safety for children and pedestrians around the site should be considered, particularly in the lane as a result of heavy machinery and the blind spots in the lane.

A member of the public inquired, by email, about whether the contamination of the soil at the site had leached into the soil on adjacent properties, and if there is any danger of the contamination spreading during soil excavation.

The owner responded with a letter from BluMetric Environmental, an environmental remediation consultant stating that whether contamination is limited to 350 Vaughan Road is unknown, and that prior to the development of the contaminated parts of the site, a RSC must be obtained from the Ontario Government, confirming that the site meets provincial standards.

## **COMMENTS/CONSIDERATIONS**

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City Planning staff recommend approval of the Zoning By-law Amendment.

### **Provincial Policy Statement and Provincial Plans**

The Zoning By-law Amendment has been reviewed and evaluated against the PPS and the Growth Plan. The phased development of the site is consistent with the PPS and conforms with the Growth Plan.

### **Provincial Policy Statement (2020)**

City Council's decisions are required to be consistent with the PPS. Relevant policies to this Zoning By-law Amendment include the following:

Policy 1.1.1 states that healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns; and accommodating an appropriate range and mix of residential uses.

Policy 1.1.3.2 states that land use patterns within *settlement areas* shall be based on densities and a mix of land uses which: efficiently use land and resources; and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available.

Policy 1.1.3.7 states Planning authorities should establish and implement phasing policies to ensure: the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

Policy 1.4.3 directs Planning authorities to provide for a range of housing types and densities to meet projected needs of current and future residents by: permitting and facilitating: all forms of housing required to meet the social, health and well-being requirements of current and future residents; and all types of *residential intensification*, including residential units, and *redevelopment*.

The phased development of the site is consistent with the above noted PPS policies as it promotes and accommodates the efficient development of land for residential use.

### **Growth Plan (2020)**

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform with the Growth Plan. The key Growth Plan policies applicable to this Zoning By-law Amendment are the following:

Policy 2.2.1.3 c) and d) directs municipalities to undertake integrated planning to manage forecasted growth which will: provide direction for an urban form that will optimize *infrastructure*, to support the achievement of complete communities through a more compact built form, and support environmental and agricultural protection.

Policy 2.2.1.4 c) and e) state that applying the policies of the Growth Plan will support the achievement of complete communities that: provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and provide for a more compact built form and a vibrant public realm.

The phased development of the site conforms with the above noted policies by supporting the achievement of a complete community that provides a range of housing options to accommodate people at different stages of life, and to accommodate the needs of different household sizes and incomes. The phased development of the site provides for a more compact built form while supporting environmental protection.

## **Official Plan**

This Zoning By-law Amendment has been reviewed against the Official Plan policies. The key Official Plan policies applicable to this Zoning By-law Amendment are the following:

Policy 3.4.25 requires that prior to development occurring on known or potentially contaminated sites, potential adverse impacts will be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented.

Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- patterns of streets, blocks and lanes, parks and public building sites;
- prevailing size and configuration of lots;
- prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- prevailing building type(s);
- prevailing location, design and elevations relative to the grade of driveways and garages;
- prevailing setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open space;
- continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- conservation of heritage buildings, structures and landscapes.

The Zoning By-law Amendment to allow the development in two phases and does not alter the built form and massing permissions of the previously approved development.

The development of the land cannot proceed, until a Letter of Acknowledgement of Filing of a RSC, issued by the Ministry of Environmental and Climate Change, is provided to the City, confirming that the RSC has been prepared and filed in accordance with provincially regulated soil, sediment and groundwater standards.

## **Parking**

The Site-Specific Zoning By-law currently requires a total of nine vehicular parking spaces to be provided and maintained on the lands. The Zoning By-law Amendment will require a minimum of six vehicular parking spaces be provided in the first phase of development, and the remaining three vehicular parking spaces to be provided in the second phase of development. The parking space requirement corresponds with the location of the parking spaces on the site.

## **Lane Widening**

The Site-Specific Zoning By-law currently requires that a 0.67 metre wide strip of land, to the full extent of the site, abutting the public lane be conveyed to the City as a condition



of development. The same lane widening will continue to be required however the lane widening requirement will be secured in two phases, as a condition of development of the two phases.

Prior to any lane widening conveyance to the City, the property owner is required to satisfy the Council-approved Conveyance Policy, administered by the Engineering and Construction Services Division.

### **Section 37**

There is no change to the community benefits previously secured. The Amending Section 37 Agreement will be revised to permit the lane widening conveyance to take place in two phases.

The temporary decorative screen will also be secured in the Amending Section 37 Agreement.

### **Conclusion**

The Zoning By-law Amendment to permit the development of 350 Vaughan Road in two phases is consistent with the PPS and conforms with the Growth Plan. Furthermore, it conforms with the Toronto Official Plan. City Planning staff recommend approval of the Zoning By-law amendment.

### **CONTACT**

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Catherine Jung, Assistant Planner  
Telephone: (416) 338-3735  
E-mail: Catherine.Jung@toronto.ca

### **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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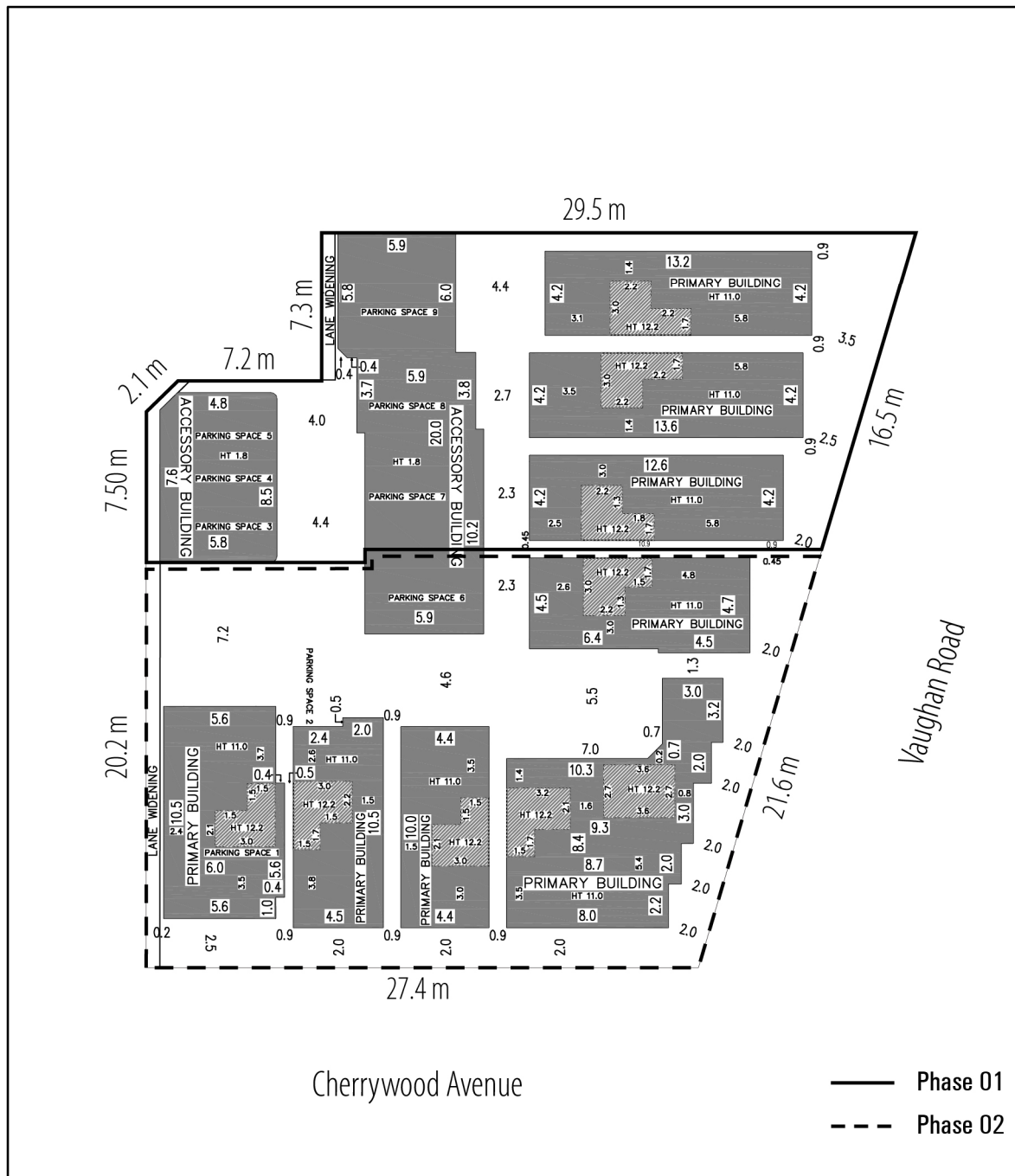
Attachment 1: Development Phases

Attachment 2: Official Plan Map

Attachment 3: Draft Zoning By-law Amendment to Zoning By-law Number 108-2017

Attachment 4: Draft Zoning By-law Amendment to Zoning By-law Number 109-2017

Attachment 1: Development Phases



**TORONTO**  
Development Phases

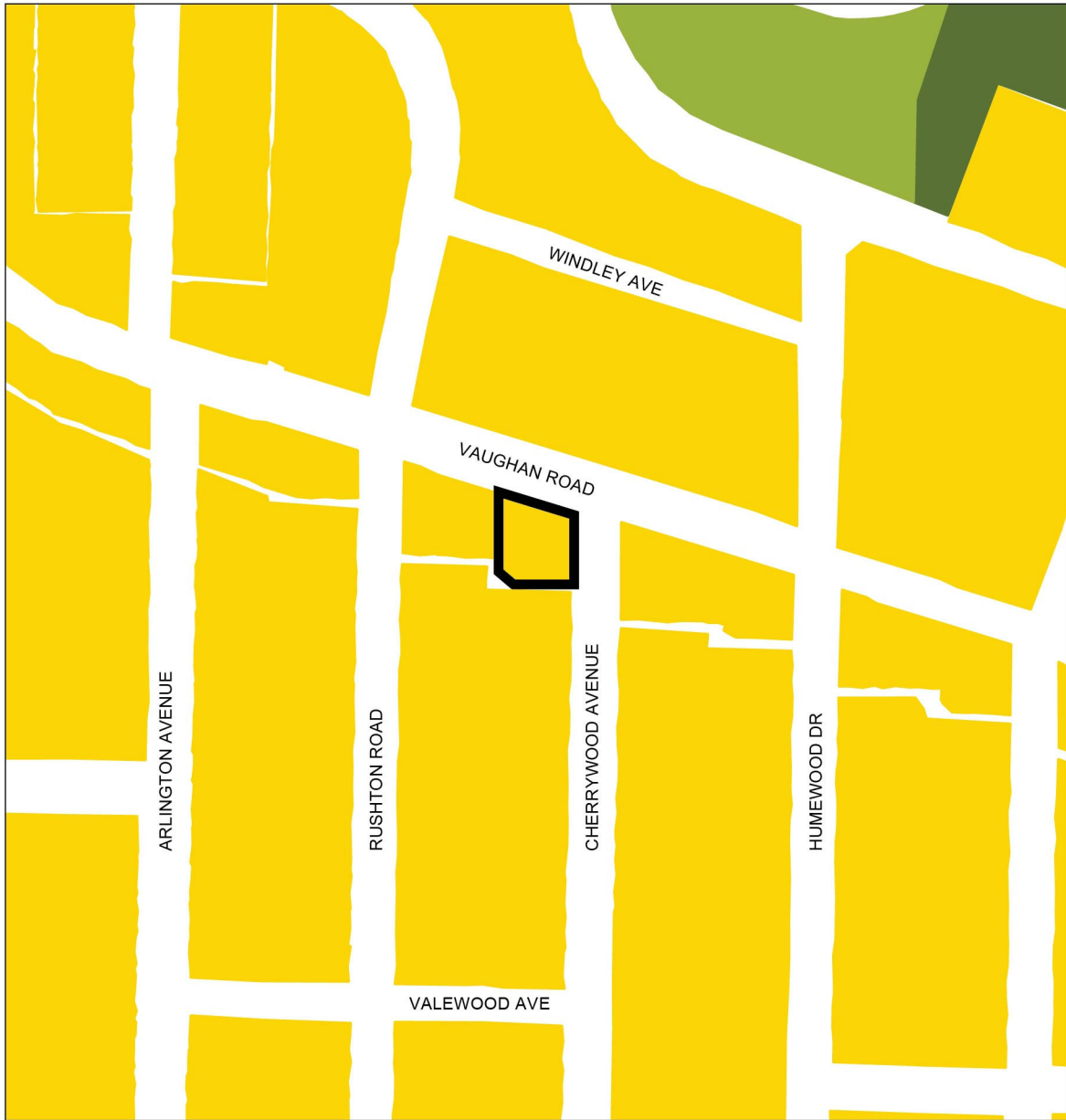
350 Vaughan Road

File #: 20 232925 STE 12 0Z



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Attachment 2: Official Plan Map



350 VAUGHAN ROAD

Official Plan Land Use Map #17

File # 20 232925 STE 12 OZ

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|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods          |  Natural Areas            |
|   |  Parks                    |

  
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Attachment 3: Draft Zoning By-law Amendment to Zoning By-law Number 108-2017

To be available prior to the April 21, 2021 Toronto and East York Community Council Meeting.

Attachment 4: Draft Zoning By-law Amendment to Zoning By-law Number 109-2017

To be available prior to the April 21, 2021 Toronto and East York Community Council Meeting.