

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 19, 2013

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- i) That the Ontario Municipal Board withhold its Order respecting Zoning By-law Amendment File Z.11.027 until Site Development File DA.11.074 is final approved to the satisfaction of the City of Vaughan.
2. THAT the Ontario Municipal Board be advised that the City of Vaughan Council ENDORSES Site Development File DA.11.074 (Islington Palisades Ltd.), to permit the development of the subject lands with a 3-4 storey Apartment Building with a total of 89 units as shown on Attachments #3 to #7, and with a common kitchen, dining room and activity room to be marketed to seniors as rental units, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, landscape plan, and building elevations shall be approved to the satisfaction of the Vaughan Development Planning Department, and include the revisions identified in the Site Plan Review section of the staff report;
 - ii) the final site grading and servicing plan, parking analysis and storm water management report shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - iii) the Owner shall enter into an engineering Development Agreement and any other agreement as required with the City of Vaughan to provide for the necessary municipal services for the proposed development;
 - iv) all requirements of the Region of York Transportation and Community Planning Department shall be satisfied; and,
 - v) all requirements of the Toronto and Region Conservation Authority shall be satisfied.
3. THAT the Holding Symbol “(H)” shall not be removed from the subject lands until such time that the Vaughan Development/Transportation Engineering Department is satisfied with the Phase 1 and Phase 2 Environmental Site Assessments, and if required, the Owner has provided documented proof of the registration of the Record of Site Condition which has been acknowledged by the Ministry of Environment (MOE).
4. THAT The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City’s Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
5. THAT City Staff be directed to attend the Ontario Municipal Board Hearing in support of this recommendation.

Contribution to Sustainability

The applicant has advised that the following sustainable features will be provided within the building design:

- i) projecting canopies and shade structures that are designed to minimize air conditioning needs;

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- ii) high efficiency centralized gas fired boilers and domestic hot water tanks;
- iii) motion detection devices for the common area lighting to minimize hydro consumption; and,
- iv) the building has been designed to depend upon natural light for both passive solar gain and for lighting and thereby being energy efficient.

Economic Impact

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

Communications Plan

On March 9, 2012, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, the properties identified on Attachment #2, the Vaughanwood Ratepayers' Association, and all individuals that signed a petition dated October 11, 2011.

The Development Planning Department received a petition on October 12, 2011, from neighbouring residents opposing the applications with the following comments:

"The proposal will be detrimental to the residing residents in the community. Socially and environmentally, the development will subject existing citizens to an increase in traffic, pollution, noise and visual disturbances day and night. Moreover, the construction of apartment units does not complement the existing landscape and will serve to devalue property of longstanding residents. For homeowners backing directly onto the site, an imposing 3 and 4 storey wall is an enormous visual obstruction which is not only aesthetically displeasing but removes the "open, tranquil and private" environment which has always been an appealing feature of this area. As a consequence of the aforementioned issues, residents feel that the fundamental rights to privacy and a safe environment are infringed by the proposed development.

Packing a small, heretofore agricultural space with a densely populated complex as that proposed, reverses the reality of the existing community and seems to be more of a business venture on the part of the applicant reflecting existing market trends in architectural development than it does to beautify the existing residential neighbourhood left in its surroundings.

A development of 89 units will adversely affect traffic on an already increasingly congested Islington Avenue. The future tenants and visitors of the proposed development will place an increased stress on the flow of traffic and the existing surrounding homeowners will have increased difficulty getting into their homes. The homeowners who now back onto the proposed site and for decades have enjoyed a beautiful tranquil landscape, will now have their views obstructed with a four storey unit and a parking lot. Surrounding homeowners will also be subjected to ongoing disturbances from incoming vehicles which will create undue noise and visual disturbances at night."

The Development Planning Department received additional correspondence dated April 2, 2012, from neighbouring residents opposing the applications that re-iterated the above concerns. Similar comments were also voiced by the public and Members of Council at the Public Hearing held on April 3, 2012.

The recommendation of the Committee of the Whole to receive the Public Hearing report of April 3, 2012, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 17, 2012.

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Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.11.027, specifically to amend Zoning By-law 1-88 to rezone the subject lands from RR Rural Residential Zone, subject to Exception 9(44), to RA1 Apartment Residential Zone with the site-specific exceptions listed in Table 1 of this report; and,
2. Site Development File DA.11.074 to permit the development of a 3-4 storey Apartment Building with a total of 89 units and with a common kitchen, dining room and activity room, to be marketed to seniors as rental units as shown on Attachments #3 to #7, inclusive.

Background - Analysis and Options

Location

The subject lands are municipally known as 7937 Islington Avenue, and located on the east side of Islington Avenue, south of Regional Road 7, and shown as “Subject Lands” on Attachments #1 and #2.

Ontario Municipal Board (OMB)

Zoning By-law Amendment File Z.11.027 and Site Development File DA.11.074 were filed with the City of Vaughan on August 8, 2011. A Notice of Complete Application was sent to the applicant on August 26, 2011, and to the public on September 16, 2011. By way of an e-mail dated September 26, 2011, the agent for the Owner requested that the Development Planning Department delay the Public Hearing until such time that the ownership was converted to a numbered company. Notice of the Public Hearing was mailed on March 9, 2012, and the Zoning By-law Amendment application was the subject of a Public Hearing held on April 3, 2012.

On May 24, 2012, the Owner appealed the Zoning By-law Amendment application pursuant to Section 34(11) of the Planning Act, citing the reason for the appeal is that Council failed to make a decision on the application within 120 days of the application being filed. On June 8, 2012, the Owner appealed the Site Development application pursuant to Section 41(12) of the Planning Act citing the reason for the appeal is that Council failed to make a decision on the application within 30 days of the application being filed.

An Ontario Municipal Board (OMB) pre-hearing was convened on October 23, 2012. Several of the residents who had raised concerns with the proposal were in attendance at the pre-hearing. On November 9, 2012, the Owner submitted supporting plans and reports to address comments that were previously provided to them. The revised material has been reviewed by City staff and external public agencies (York Region and the Toronto and Region Conservation Authority), however, there are outstanding matters to be addressed and reviewed. Finalization of the technical material, including plans and reports will continue to be reviewed during the OMB process. A second pre-hearing is scheduled for February 14, 2013, and the OMB has scheduled a full Hearing to consider the appeals for 5 days, commencing on April 22, 2013.

Official Plan

The subject lands are designated “Low Density Residential” (majority of site) and “Open Space” (below the valley wall in the vicinity of the front/west lot line) by in-effect OPA #240 (Woodbridge

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Community Plan), which includes an Institutional Policy (Section 7.5 e) that permits homes for the aged in the vicinity of the commercial core, community commercial, and residential areas. The proposed rezoning conforms to the Official Plan.

The lands are designated “Low-Rise Mixed-Use” (majority of site) and “Natural Areas” (below the valley wall in the vicinity of the front/west lot line) by the new City of Vaughan Official Plan 2010 (VOP 2010), which permits a maximum Floor Space Index (FSI) of 1.5 and a maximum building height of 4-storeys on the subject lands. VOP 2010 was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, which is not in effect at this time, and is pending approval from the Ontario Municipal Board. The proposed FSI based on the existing site area is 1.0 (7,275 m² GFA / 7,263 m² lot area).

The proposed building is “L-shaped” with a three and four storey component as shown on Attachments #3 to #5. A small portion of the front entrance to the building (west elevation as shown on Attachment #4) includes an access to an underground parking garage which is graded slightly lower than the rest of the building. Given the Zoning By-law 1-88 and Ontario Building Code definitions of a storey, this portion of the building is considered to be a storey, and therefore, the building is considered to be 5-storeys in height.

The Development Planning Department is satisfied that this part of the building represents only a small portion of the overall building and that given the topography of the site that the general intent and purpose of VOP 2010 is maintained. In addition, if the applications are approved, the implementing zoning by-law will include the necessary building height restrictions to ensure that the proposed building as shown on Attachments #3 to #5 will be implemented.

Zoning

The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, subject to Exception 9(44). An amendment to Zoning By-law 1-88 is required to rezone the subject lands from RR Rural Residential to RA1 Apartment Residential Zone together with the site-specific zoning exceptions listed on Table 1 to facilitate the proposed development.

The applicant has advised that the proposed units will not be equipped with cooking facilities. Zoning By-law 1-88 does not contain a definition for a market rental unit without cooking facilities. A site-specific definition, as identified in Table 1, for the proposed unit type is required to facilitate the development, if approved.

Table 1 – Proposed Site-Specific Zoning Exceptions

	By-law Standard	By-law 1-88, RA1 Apartment Residential Zone Requirements	Proposed RA1 Apartment Residential Zone
a.	Minimum Lot Area	170 m ² /unit	86.68 m ² /unit
b.	Minimum Parking Requirements	Residential - 1.5 spaces per unit @ 89 units = 134 spaces + Visitor - 0.25 spaces per unit @ 89 units = 23 spaces Total Required Parking = 157 spaces	Total Parking Provided = 40 spaces (and an additional 5 lay-by parking spaces) (ie. 0.45 spaces/unit)

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c.	Minimum Interior Side Yard (South)	8.9 m	5.5 m
d.	Minimum Landscaping Width Around the Perimeter of a Parking Area	3.0 m	2.0 m
e.	Definition of a Residence Suite	No definition of a Residence Suite in Zoning By-law 1-88	Residence Suite – shall mean a suite within an assisted living senior's retirement residence, in which sanitary conveniences are provided and in which cooking facilities and the installation of cooking equipment shall not be permitted.

The Development Planning Department can support the proposed exceptions to Zoning By-law 1-88, including relief for the landscape width around the parking area given the design of the proposed parking area and the context of the topography of the subject lands. The seniors rental facility use as proposed (i.e. no kitchen with common living facilities) is not typical of an apartment dwelling, but is very common to other built senior's apartment buildings in Vaughan. The proposed reduction in the minimum lot area per unit is supportable given that the kitchen and leisure uses will be common to the whole of the building. The proposed zoning exceptions to the minimum lot area per unit and interior side yard setback, are minor in nature, and are considered to be appropriate for the development of the lands. The proposed reduction for the interior side yard setback (5.5 m) occurs along the south of the property. This setback is sufficient to serve the maintenance and accessibility of the building. Furthermore, the lands to the south have recently been sold and the Development Planning Department anticipates development applications to be filed on the property, which may allow additional opportunity to explore the interface between the two properties. The proposed zoning exceptions will facilitate a building that is desirable from an urban design perspective and appropriate for the subject lands.

With respect to the proposed parking supply, the Vaughan Development/Transportation Engineering Department has reviewed the Parking Requirement analysis dated November 9, 2012, prepared by Mark Engineering that concludes that 40 parking spaces is appropriate to serve the proposal. The Vaughan Development/Transportation Engineering Department has requested that the applicant provide additional information to justify the proposed reduction in parking supply, including a detailed parking analysis of at least 2 similar facilities and surveys to be completed during busy periods. A Traffic Demand Management Plan and a sight-line analysis for the proposed driveway are also required for review and approval.

The Vaughan Development Planning Department recommends that the Ontario Municipal Board withhold its' Order with respect to the Zoning By-law Amendment application until the above outstanding parking matters have been reviewed to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition to this effect is included in the recommendation of this report.

Site Plan Review

The 0.77 ha site is proposed to be developed with a 3-4 storey Apartment Building with a total of 89 units and with a common kitchen, dining room and activity room to be marketed to seniors as

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rental units, and will be served by a single access on Islington Avenue, as shown on Attachments #3 to #7. The proposed development includes a total of 40 parking space comprised of 4 spaces at grade, of which 2 are barrier free, and 36 underground spaces. There is also an area that facilitates an additional 5 lay-by parking spaces in proximity to the main entrance to provide for pick-up and drop-off. The proposed building is “L-shaped” with 3 and 4 storey portions designed to minimize the shadow impacts and provide substantial privacy for the neighbouring residents by providing a 15 m setback to the east property line.

The proposed building elevations are shown on Attachments #4 and #5. The elevations incorporate brick, stone and clear glazing within aluminum windows. The windows and patio doors are substantial in dimension with a number of projecting bay windows that will provide residents with natural light.

The landscape plan is shown on Attachment #6 and consists of coniferous and deciduous trees, shrubs and ornamental grasses, with Red Oaks and White Pines to be planted in the eastern limit of the site where it abuts the existing residential area. The applicant is also proposing roof-top landscaping on the terrace as shown on Attachment #7.

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, building elevations and landscape plan, as shown on Attachments #4 to #7 inclusive. The Department will continue to work with the applicant to address the following recommended changes to the plan:

- adding additional landscaping along the south and east lot lines;
- providing a barrier free alternative access from the building's principal entrance to Islington Avenue; and,
- adding wood privacy fencing along the east, and $\frac{3}{4}$ of the north and south lot lines.

Prior to the execution of the Site Plan Letter of Undertaking, the final site plan, building elevations and landscape plan must be approved to the satisfaction of the Vaughan Development Planning Department. Finalization of the technical materials, including plans and reports will continue to be reviewed during the OMB process. Accordingly, the Development Planning Department recommends that the Ontario Municipal Board withhold its' Order with respect to the Zoning By-law Amendment application until the final plans submitted in support of the Site Development application are approved to the satisfaction of the City of Vaughan. A condition to this effect is included in the recommendation of this report.

Vaughan Development/Transportation Engineering Department

The Owner has submitted a site servicing and grading plan and storm water management report, which must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department, prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the recommendation of this report.

The Owner will be required to enter into a servicing/development agreement pursuant to Subsection 51(25) of the Planning Act with the City of Vaughan, if required, to satisfy all conditions, financial or otherwise with regards to the construction of the proposed sanitary sewer extension along Islington Avenue and such matters the City may consider necessary including payment of the development levies, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the Development/Transportation Engineering Department. Coordination with the lands to the south of the proposal may be required for the construction of the proposed mainline sanitary sewer line along Islington Avenue. A condition to this effect is included in the recommendation of this report.

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As previously discussed, the Vaughan Development/Transportation Engineering Department has reviewed the Parking Requirement analysis dated November 9, 2012, prepared by Mark Engineering which concludes that 40 parking spaces is appropriate to serve the proposal. The Vaughan Development/Transportation Engineering Department has requested that the applicant provide additional information to justify the proposed reduction in parking supply, including a detailed parking analysis of at least 2 similar facilities and surveys to be completed during busy periods. A Traffic Demand Management Plan and a sight-line analysis for the proposed driveway onto Islington Avenue are also required for review and approval.

A Phase 1 Environmental Site Assessment, prepared by Coffey Geotechnics, has been submitted in support of the applications and has been reviewed by DCS Consulting Services Ltd. on behalf of the Vaughan Development/Transportation Engineering Department. The report recommends that a Phase 2 ESA be undertaken at the subject property. The ESA Phase 1 and 2, and any other environmental reports that may be required, including the registration of a Record of Site Condition (RSC) with the Ministry of Environment (MOE) must be to the satisfaction of City prior to the removal of the Holding Symbol “(H)” on the subject lands. A condition to this effect is included in the recommendation of this report.

Servicing

In a letter dated April 2, 2007 from the Region of York regarding “Retirement Home Type Facilities – Servicing Allocation Requirements,” the allocation of servicing capacity is not required for retirement home type facilities where:

- a) individual units/rooms do not contain kitchen facilities;
- b) food preparation and dining are a centralized function/facility; and,
- c) assisted living care and/or healthcare are offered to the residents who are dependent on this service (although the facilities do not necessarily need to be registered under the Nursing Home Act).

The proposed development meets the above criteria and is exempt from the individual assignment of allocation as they fall under the “non-residential” category for the purpose of servicing capacity.

A functional servicing report/brief has been reviewed and the Vaughan Engineering Department concurs with the findings of the said report. The final site servicing and grading plans shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.

Vaughan Real Estate Division

The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect is included in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The subject property is partially within an area regulated by the Toronto and Region Conservation Authority (TRCA) under Ontario Regulation 166/06. A permit from the TRCA is required for any grading or construction located within the TRCA regulated portion of the property.

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Based upon the Topographical Survey and Landscape Plan provided by the applicant, TRCA staff no longer have any concerns regarding the development limits as proposed by the applicant. The proposed works are adequately setback from the Estimated Regional Storm Floodline and the buffer. The TRCA is also satisfied that the applicant has successfully demonstrated that safe access to the site is available in a Regional Storm Event.

The TRCA has requested modifications to the Site Servicing and Grading Plan, the Stormwater Management Report, and the Erosion and Sediment Control measures, prior to final approval. The Owner will be required to satisfy all requirements of the TRCA, prior to the execution of the implementing Letter of Undertaking. A condition to this effect is 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 Well-being”.

Regional Implications

The applications have been reviewed by the Region of York. The Owner is proposing the construction of a sanitary sewer line on the east side of Islington Avenue, whereas the Region requires that it be located within the west boulevard. The Region is also requesting revisions to the proposed stormwater management report, details and location of manholes as proposed by the applicant. The Region has also advised that the Owner may be required to enter into a Site Plan Agreement with the Region of York prior to any Board Order granting site plan approval. The Owner is required to satisfy all conditions of the Region.

Conclusion

Zoning By-law Amendment File Z.11.027 and Site Development File DA.11.074 have been reviewed in accordance with the policies of OPA #240 (Woodbridge Community Plan), VOP 2010, Zoning By-law 1-88, the comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the proposed development for a 3-4 storey Apartment Building with a total of 89 units and with a common kitchen, dining room and activity room to be marketed to seniors as rental units is appropriate and compatible with the existing and permitted uses in the surrounding area. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications by the Ontario Municipal Board, subject to the conditions contained in this report. Should the Committee concur, the staff recommendation can be endorsed.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. East and West Building Elevations
5. North and South Building Elevations
6. Landscape Plan
7. Roof Top Terrace Plan
8. C5, dated January 14, 2013

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Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)