

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018**

Item 3, Report No. 15, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on April 11, 2018.

***By receiving the following communications:***

**C2    *Mr. Adam Grossi, Humphries Planning Group Inc., Chrislea Road, Vaughan, dated April 4, 2018; and***

**C3    *Mr. Doug Bentley, Simmons Street, Vaughan, dated April 4, 2018.***

*Councillor Carella declared an interest with respect to this matter as he is an officer of a not-for-profit corporation in the vicinity of the subject property, and did not take part in the discussion or vote on the matter.*

### **3                    OFFICIAL PLAN AMENDMENT FILE OP.17.011                       ZONING BY-LAW AMENDMENT FILE Z.17.031                       DRAFT PLAN OF SUBDIVISION FILE 19T-17V011                       GEMINI URBAN DESIGN (W) CORP.                       VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27**

**The Committee of the Whole (Public Hearing) recommends:**

- 1)    That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated April 4, 2018, be approved;**
- 2)    That the following deputations be received:**
  - 1.    Mr. Jim Levac, GSAI, Kingsbridge Garden Circle, Mississauga, representing the applicant;**
  - 2.    Ms. Iolanda Grassa, Simmons Street, Woodbridge;**
  - 3.    Mr. Richard Lorello, Treelawn Boulevard, Kleinburg;**
  - 4.    Mr. Salvatore Grassa, Arcangelo Gate, Woodbridge; and**
  - 5.    Resident of Simmons Street; and**
- 3)    That communication C2 from Ms. Alfia Lacaria, Simmons Street, Vaughan, dated March 29, 2018, be received.**

### **Purpose**

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.17.011 and Z.17.031 and Draft Plan of Subdivision File 19T-17V011 for the subject lands shown on Attachments #1 and #2, to permit a residential development consisting of 106 townhouse units and two semi-detached dwelling units.

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#### **Recommendation**

1. THAT the Public Hearing report for Files OP. 17.011, Z.17.031 and 19T-17V011 (Gemini Urban Design (W) Corp.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

#### **Report Highlights**

- To receive input from the public and the Committee of the Whole on a proposed development consisting of 106 townhouse units and two semi-detached units to be served by private common element roads.
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

#### **Background**

The subject lands are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street, shown as “Subject Lands” on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

#### ***Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the proposed development***

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2 to permit a residential development consisting of 106 townhouse units and 2 semi-detached dwelling units as shown on Attachment #3:

1. Official Plan Amendment File OP.17.011 to amend the policies of Vaughan Official Plan 2010 (VOP 2010) respecting the design and compatibility criteria for new development within lands identified as a “Community Area”.
2. Zoning By-law Amendment File Z.17.031, to rezone the subject lands from RR Rural Residential Zone, as shown on Attachment #2, to RT1 Residential Townhouse Zone (freehold townhouse units) and RR Rural Residential Zone in the manner shown on Attachment #4, together with the site-specific zoning exceptions to the RT1 and RR Zone standards of Zoning By-law 1-88 as identified in Table 1 of this report.

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3. Draft Plan of Subdivision File 19T-17V011, as shown on Attachment #3, for a Draft Plan of Subdivision consisting of the following:

Block 1 for 108 residential units	3.12 ha
Block 2 for a stormwater management pond	0.13 ha
Block 3 for a road widening (Rutherford Road)	0.06 ha
Block 4 for an environmental buffer	0.13 ha
Total	3.44 ha

The Draft Plan of Subdivision application has been submitted for technical reasons to create a block within a future Registered M-Plan and to facilitate a future Draft Plan of Condominium (Common Elements) application to create for the condominium tenure of the common elements (internal road, visitor parking spaces and landscape amenity area) under the *Planning Act*, for the proposed development shown on Attachment #4. The Owner also owns 0.37 ha of land shown as “Additional Lands Owned by the Applicant” fronting on to Simmons Street, as shown on Attachment # 2.

***The subject applications are related to existing development applications that were considered at a previous Public Hearing and that have been appealed to the Ontario Municipal Board***

The Owner in April 2016, submitted Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.16.007, Z.16.019, and 19T-16V004 to the City of Vaughan for 6061 and 6079 Rutherford Road, as shown on Attachment #5, which also form part of the lands that are the subject of this report. The April 2016 applications were for a development consisting of 100 three-storey freehold townhouse units and 1 (one) detached dwelling unit. Vaughan Council considered these applications at a Public Hearing held on November 1, 2016.

The April 2016 development proposal also consisted of two development phases to accommodate the required sanitary servicing, which included a temporary septic system. Phase 1, as shown on Attachment # 5, was for 76 townhouse units serviced by a temporary septic system located on the Phase 2 lands. Once municipal servicing was identified for the Phase 1 lands, the Phase 2 lands would be developed for 24 townhouse units and 1 detached dwelling, as shown on Attachment #5.

Since the November 2016 Public Hearing, the Owner has acquired two additional properties, municipally known as 134 and 140 Simmons Street, located adjacent to the original lands, as shown on Attachment #2. The Owner submitted Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.17.011, Z.17.031 and 19T-17V011 to reflect the additional property assembly and revisions to the original development concept. These applications include the entirety of the lands subject to the

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April 2016 applications (Files OP.16.007, Z.16.031 and 19T-16V004). The Owner, on November 22, 2017, appealed Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.16.007, Z.16.031 and 19T-16V004 to the Ontario Municipal Board (OMB) citing the City's failure to make a decision within the timeframes prescribed by the *Planning Act*. The files currently remain before the OMB.

The current Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications require a Public Hearing. For the purposes of this report, the subject lands comprise all 4 properties including, 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street. The development concept has been revised to reflect:

- municipal water, sanitary and stormwater services for the development from Simmons Street;
- vehicular access from Simmons Street, whereas the original concept included access from Rutherford Road;
- a total of 108 units (106 townhouse units and two semi-detached units); and
- each townhouse unit will have a minimum width of 6 m, a minimum 7.5 m rear yard, and a maximum of 6 units or less in each block.

#### ***Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol***

- a) Date the Notice of Public Hearing was circulated: March 9, 2018.

The Notice of Public Hearing was also posted on the City's web-site at [www.vaughan.ca](http://www.vaughan.ca) and Notice Sign were installed along Rutherford Road and Simmons Street in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: 150 m, all properties with frontage on to Simmons Street, and the West Woodbridge Homeowners' Association and the Kleinburg and Area Ratepayers' Association, and to those individuals who provided written correspondence or made oral depositions at the November 1, 2016 Public Hearing for the related Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications (Files OP.16.007, Z.16.031 and 19T-16V004).

- c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

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#### **Previous Reports/Authority**

[November 1, 2016 Public Hearing Related Applications](#)

#### **Analysis and Options**

***An amendment to Vaughan Official Plan 2010 is required to permit the proposed development***

The subject lands are designated “Low-Rise Residential” and “Natural Areas” by Vaughan Official Plan 2010 (VOP 2010) and are located within a “Community Area” as identified on Schedule 1, “Urban Structure” of VOP 2010. This designation permits detached, semi-detached and townhouse dwelling units having a maximum permitted building height of 3-storeys, and there is no associated density requirement.

VOP 2010 identifies compatibility criteria for new development in a “Community Area”. The compatibility criteria directs that new development be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a “Community Area” within established development areas shall pay attention to local lot patterns, size and configuration, and existing building types with similar setbacks. The proposed development is located on Rutherford Road, a major arterial road, that contains larger residential lots to the east and lands that are designated for employment uses to the west. The proposal is not consistent with the compatibility and development criteria of the Official Plan. Therefore, an amendment to VOP 2010 is required.

VOP 2010 permits limited intensification in Community Areas provided the proposed development is sensitive to and compatible with the character, form and planned function of the surrounding context.

A portion of the subject lands are designated as “Natural Areas”. The refinement of the boundary between the “Low Rise Residential” and “Natural Areas” designations will be considered through the review of the applications.

***An amendment to Zoning By-law 1-88 is required to permit the proposed development***

The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, which permits only detached dwellings on lots with a minimum frontage of 45 m and a lot area of 400m<sup>2</sup>. The Owner is proposing to develop the site with townhouse and semi-detached units, which is not a permitted use in the RR Rural Residential Zone. The Owner is proposing amend Zoning By-law 1-88, specifically to rezone the subject lands to RT1 Residential Townhouse Zone, together with the following site-specific zoning exceptions to permit the development shown on Attachments #3 and #4:

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Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirements</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements</b>
a.	Frontage on a Public Street	A lot must front onto a public street.	Permit a freehold lot to front onto a private common element condominium road.
b.	Definition of a “Street Townhouse Dwelling”	Means a townhouse dwelling in which each dwelling unit is situated on its own lot which abuts a public street.	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which fronts onto a public street or private road.
c.	Permitted Uses	Street Townhouse Dwellings	Permit a Detached Dwelling and a Semi-Detached Dwelling
d.	Minimum Lot Depth	27 m / unit	23.5 m / unit
e.	Minimum Lot Area	162 m <sup>2</sup> / unit	141 m <sup>2</sup> / unit
f.	Minimum Exterior Side Yard Setback (Private Road)	4.5m	1.3 m (Block 4) 0.9 m (Block 5) 2.7 m (Blocks 6 & 11) 2.6 m (Block 7) 1.2 m (Block 16) 3 m (Block 19) 1.6 m (Block 22) 1.4 m (Block 23)

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g.	Minimum Interior Side Yard Setback (Greenway or buffer block)	3.5 m	0 m (Block 1) 1.5 m (Block 23)
	<b>Zoning By-law 1-88 Standard</b>	<b>RR Rural Residential Zone</b>	<b>Proposed Exception to RR Rural Residential Zone Requirement</b>
a.	Minimum Lot Area	4,000 m <sup>2</sup>	3,700 m <sup>2</sup>

The Owner has submitted a conceptual site plan in support of the proposal, as shown on Attachment #4. Other zoning exceptions may be identified through the detailed review of the applications and will be considered in a technical report to a future Committee of the Whole meeting.

***Following a preliminary review of the applications, the Development Planning Department has identified following matters to be reviewed in greater detail***

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
a.	Conformity with Provincial policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> <li>The applications will be reviewed in consideration of the applicable Provincial policies (e.g. Provincial Policy Statement and Growth Plan) and the York Region and City Official Plan policies, particularly the policies in VOP 2010 respecting the design and compatibility criteria for new development in a “Community Area”.</li> </ul>
b.	Block Plan/Comprehensive Development Concept	<ul style="list-style-type: none"> <li>The Owner has been advised that the submission of a broader development concept plan that includes all of the properties with frontage on Simmons Street is required in order for City staff to consider possible future development scenarios in the area bounded by Rutherford Road, Regional Road 27 and the CP Rail line. Emphasis on matters such as, but not limited to, access, the co-ordination of servicing, public amenity space, and the preservation of environmental features, will be reviewed. Additional supporting studies may be required in this regard.</li> </ul>

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	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
c.	Appropriateness of the Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"><li>▪ The appropriateness of the proposed rezoning to permit the development on the subject lands and the retention of the existing detached dwelling, will be reviewed in consideration of the existing and planned surrounding land uses.</li></ul>
d.	Community Area Policy Review for Low-Rise Residential Designations	<ul style="list-style-type: none"><li>▪ In recognition of the increased development pressure in large lot neighbourhoods, the City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in Vaughan Council adopting Urban Design Guidelines (“Guidelines”) for Infill Development in Established Low-Rise Residential Neighbourhoods and the Community Area Policy Review for Low-Rise Residential Designations Study (“Study”).</li><li>▪ The Guidelines were approved by Vaughan Council on October 19, 2016, and serve to clarify and implement the existing official plan policies related to compatibility. The Study was approved by Vaughan Council on April 19, 2017, and an Official Plan Amendment to implement the Study recommendations will be forwarded to Vaughan Council for adoption at a future date. The proposed development will be reviewed in consideration of the Guidelines and the Study.</li></ul>



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	MATTERS TO BE REVIEWED	COMMENTS
e.	Studies and Reports	<ul style="list-style-type: none"><li>▪ The Owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City and/or respective public approval authority:<ul style="list-style-type: none"><li>- Planning Justification Report</li><li>- Conceptual Site Plan and Landscape Plan</li><li>- Functional Servicing and Stormwater Management Report</li><li>- Transportation Study</li><li>- Environmental Impact Study</li><li>- Community Services and Facilities Impact Study</li><li>- Noise and Vibration Feasibility Study</li><li>- Urban Design and Sustainability Brief</li><li>- Arborist Report</li><li>- Tree Inventory and Preservation Plan</li><li>- Stage 1 and 2 Archaeological Assessment</li><li>- Phase 1 Environmental Site Assessment</li><li>- Hydrogeological Assessment</li><li>- Geotechnical Assessment</li></ul></li><li>▪ Additional studies and/or reports may be required as part of the development application review process.</li></ul>

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	MATTERS TO BE REVIEWED	COMMENTS
f.	External Agencies-Toronto and Region Conservation Authority, Canadian Pacific Rail and Metrolinx	<ul style="list-style-type: none"> <li>▪ The subject lands are located within the Toronto and Region Conservation Authority's (TRCA) regulated area, and therefore, the development proposal must be reviewed by the TRCA. Matters regarding the establishment of the development limits, building setbacks, buffer areas, tree preservation, geotechnical requirements, servicing, and the dedication/conveyance of open space to either the City of Vaughan or the TRCA will be reviewed.</li> <li>▪ The subject lands abut a Canadian Pacific Rail (CPR) rail line and the applications have been circulated to CPR and Metrolinx for review.</li> </ul>
g.	Draft Plan of Subdivision File 19T-17V011	<ul style="list-style-type: none"> <li>▪ Draft Plan of Subdivision File 19T-17V011 has been submitted for technical reasons under the <i>Planning Act</i> to create a block within a future Registered M-Plan. This would facilitate a future Draft Plan of Condominium (Common Elements) application to establish the condominium tenure of the common elements (private road, internal walkway, and visitor parking spaces); the creation of individual lots for the townhouse and semi-detached dwelling units through a Part Lot Control application(s); and for the conveyance of the road widening. These matters will be reviewed in consideration of the surrounding land uses and to implement the appropriate Draft Plan of Subdivision conditions, should the applications be approved.</li> </ul>

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	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
h.	Conceptual Site Plan / Future Site Development Application	<ul style="list-style-type: none"> <li>▪ A future Site Development Application(s) is required to facilitate the proposed development, should the subject applications be approved. The following matters, but not limited to, will be considered through the review of the Site Development Application:               <ul style="list-style-type: none"> <li>- pedestrian and barrier free accessibility;</li> <li>- proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private roads;</li> <li>- appropriate site design and building materials, orientation of units and upgraded elevations for units facing Rutherford and visible flankage elevations, landscaping, snow storage, stormwater management, and servicing and grading;</li> <li>- the location of air conditioning units;</li> <li>- the relationship between the facing distance of each townhouse block to maximize daylight, enhance landscaping and ensure privacy;</li> <li>- accessibility and location of the proposed residential visitor parking spaces;</li> <li>- the provision of an appropriate amenity space;</li> <li>- the relationship of the proposed built form, building setbacks and design with the immediate neighbourhood and site; and</li> <li>- co-ordination of access with possible future development with the lands to the south.</li> </ul> </li> </ul>
i.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the subject applications are approved.</li> </ul>

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	MATTERS TO BE REVIEWED	COMMENTS
j.	Future Draft Plan Condominium Application	<ul style="list-style-type: none"> <li>▪ A future Draft Plan of Condominium Application is required to establish the condominium tenure of the private common elements (i.e. private road, internal sidewalk, visitor parking, and common landscaped amenity areas), to be managed by a future Condominium Corporation, should the subject applications be approved.</li> <li>▪</li> </ul>
k.	Parkland and Cash-in-Lieu of the Dedication Parkland	<ul style="list-style-type: none"> <li>▪ Opportunities for public parkland will be considered as part of the processing and consideration of the proposal.</li> <li>▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu of Parkland Policy, should the subject applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.</li> </ul>
l.	Allocation and Servicing	<ul style="list-style-type: none"> <li>▪ The availability of water and sanitary servicing capacity for the proposed development must be identified and allocated by Vaughan Council, if the proposed development is approved. If servicing is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council.</li> </ul>

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	MATTERS TO BE REVIEWED	COMMENTS
m.	Phase 1 and 2 Environmental Site Assessments (ESA)	<ul style="list-style-type: none"><li>▪ The Development Engineering Department has reviewed a Phase 1 and a Phase 2 ESA (Environmental Site Assessment) submitted in support of the applications. The Phase 2 ESA identified minor exceedances of petroleum hydrocarbons in the soil and Polycyclic Aromatic Hydrocarbons in the groundwater. The Owner is required to provide the City with a Remedial Action Plan (RAP). The report must be submitted to the City for review and approval.</li></ul>
n.	Noise Attenuation	<ul style="list-style-type: none"><li>▪ The subject lands are located adjacent to the CPR rail corridor, Rutherford Road and a potential future GO Station, which are sources of noise. The Development Engineering Department will review the Noise and Vibration Feasibility Study to determine the appropriate measures that will be required to mitigate noise and vibration.</li></ul>
o.	Road Widening and Access	<ul style="list-style-type: none"><li>▪ This portion of Rutherford Road has been identified for a future road widening, grade separation related to future planned road improvements and a rail bridge. York Region must approve the final planned road right-of-way width, site access, any road improvements and the final design of Rutherford Road.</li></ul>

#### **Financial Impact**

Not applicable.

#### **Broader Regional Impacts/Considerations**

The applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered. The Owner has made a request to exempt the Official Plan Amendment Application from York Region approval.

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#### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

This report was prepared in consultation with the Director of Development Planning, and the Interim Senior Manager of Development Planning. For more information, please contact: Clement Messere, Senior Planner, Development Planning Department, Extension 8409.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Draft Plan of Subdivision File 19T-17V011
4. Conceptual Site Plan and Proposed Zoning
5. Previous Conceptual Site Plan Considered at the November 1, 2016 Public Hearing

#### **Prepared by**

Clement Messere, Senior Planner, ext. 8409

(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.)

*Councillor Carella declared an interest with respect to the foregoing matter as he is an officer of a not-for-profit corporation in the vicinity of the subject property, and did not take part in the discussion or vote on the matter.*