

**EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 17, 2016**

**ZONING BY-LAW AMENDMENT FILE Z.11.027**

**7397 ISLINGTON DEVELOPMENT INC. (PREVIOUSLY CONSIDERED AS  
ISLINGTON PALISADES LTD.)**

**WARD 2 – VICINITY OF ISLINGTON AVENUE AND HIGHWAY 407**

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning, dated May 3, 2016, be approved;
- 2) That the following be approved in accordance with Communication C5, Memorandum from the Deputy City Manager, Planning & Growth Management, dated May 3, 2016:
  1. That this Communication be received as information;
- 3) That the deputation by Mr. Ryan Guetter, Weston Consulting, Millway Avenue, Vaughan, on behalf of the applicant, be received; and
- 4) That Communication C3 from Aldo and Beatrice Vendramini, Timber Lane, Woodbridge, dated April 25, 2016, be received.

The Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning recommend:

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#### **Contribution to Sustainability**

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

In accordance with the goal and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- i) projecting canopies and shade structures are designed to minimize air conditioning needs;
- ii) high efficiency centralized gas fired boilers and domestic hot water tanks;
- iii) motion detection devices for common area lighting in order to minimize hydro consumption;
- iv) the building has been designed to depend upon natural light for both passive solar gain and for lighting, thereby becoming energy efficient.

#### **Economic Impact**

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

#### **Communications Plan**

The subject application was approved by the Ontario Municipal Board on April 22, 2013. A Notice of the subject Committee of the Whole meeting was mailed and/or emailed on April 18, 2016 to those individuals that appeared as Participants at the OMB Hearing.

#### **Purpose**

The purpose of this report is to seek approval from the Committee of the Whole for Vaughan Council to endorse the proposed modifications to a site-specific zoning by-law approved by the Ontario Municipal Board in 2013, related to Zoning By-law Amendment File Z.11.027. The modified zoning by-law would permit the development of the subject lands, as shown on Attachments #1 and #2, with a 3-4 storey Apartment Building containing a total of 89 units to be marketed and sold for senior's independent living, as shown on Attachments #3 to #7, inclusive.

#### **Background - Analysis and Options**

*Synopsis:*

*On April 22, 2013, the Ontario Municipal Board approved Zoning By-law Amendment File Z.11.027 and related Site Development File DA.11.074 for the subject lands to facilitate the development of a 3-4 storey Apartment Building containing a total of 89 units and having a common kitchen, dining room and activity room, to be marketed to seniors as rental units. In its Decision/Order dated May 10, 2013, the OMB retained the authority to make modifications to the amending zoning by-law. Over the past several months, ownership of the subject lands has changed. The new Owner is now requesting revisions to the Zoning By-law to reflect in-suite kitchens, and additional parking spaces. The Vaughan Development Planning Department together with other city departments and external public agencies has no objections to the*

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*proposal and recommends that Vaughan Council endorse the proposed revisions to the Zoning By-law and that staff attend at the OMB, as required, in support of the recommendation. The applicant is still required to fulfill all previous conditions related to the site development approval in order to execute the site plan agreement prior to the OMB releasing its Final Order.*

#### Location

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

#### Ontario Municipal Board (OMB)

A development proposal for an 89 unit seniors apartment building was considered and approved by the OMB on April 22, 2013. A chronology of the file is discussed below.

Zoning By-law Amendment File Z.11.027 and related Site Development File DA.11.074 were filed with the City of Vaughan in August 2011. The applications were submitted to facilitate the development of a 3-4 storey Apartment Building containing a total of 89 units and having a common kitchen, dining room and activity room, to be marketed to seniors as rental units.

Notice of the Public Hearing was mailed in March 2012, and the Zoning By-law Amendment application was the subject of a Public Hearing held in April 2012.

In May, 2012, the previous Owner appealed the Zoning By-law Amendment application pursuant to Section 34(11) of the *Planning Act*, citing Council's failure to make a decision within the time prescribed by the *Planning Act*, in this case within 120 days of the application being filed. The previous Owner appealed the Site Development application in June 2012, pursuant to Section 41(12) of the *Planning Act* citing Council's failure to make a decision within the time prescribed by the *Planning Act*, in this case within 30 days of the application being filed.

The Ontario Municipal Board (OMB) held two pre-hearings in October, 2012 and February, 2013. Several of the residents who had raised concerns with the proposal throughout the development process attended the pre-hearings. A full Hearing was conducted by the OMB on April 22, 2013, at which the previous applicant (Islington Palisades Ltd.), the City of Vaughan and York Region were Parties and agreed to a settlement. Several of the residents appeared as participants. The OMB approved the development proposal.

In a Memorandum of Oral Decision issued on May 10, 2013, the OMB's Order included the following 2 paragraphs:

- “4. The Board reserves the right to make modifications to the zoning amendment, and to the site plan, in light of further revisions, as the parties agree to, and as the Board considers appropriate. The Board reserves the right to make modifications to the zoning amendment and to the site plan in the event that further revision are required, and agreed to, by the parties as the Board considers appropriate.
5. The Board withholds its Order, until advised that the expected Site Plan Agreement has been duly executed.”

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Subsequent to the OMB Hearing, the previous Owner of the subject lands entered into an Agreement of Purchase and Sale with Time Development Group Inc. (the new Owner). It is anticipated that the sale will be finalized later this month. In September of 2015, the previous Owner of the subject lands authorized Time Development Group Inc. (c/o 7397 Islington Development Inc.) to submit materials in support of the subject revisions to the Zoning By-law Amendment and related Site Development applications.

#### Official Plan

At the time of submission and consideration of the development applications in 2011, the subject lands had a dual designation of “Low Density Residential” and “Open Space” by OPA #240, the Woodbridge Community Plan. OPA #240 contained an Institutional Policy (Section 7.5 e) that permitted homes for the aged in the vicinity of the commercial core, community commercial, and residential areas. The proposed rezoning application conformed to the in-effect Official Plan at that time.

The lands are now dually designated as “Low-Rise Mixed-Use” and “Natural Areas” by Vaughan Official Plan 2010 (VOP 2010), which permits a maximum Floor Space Index (FSI) of 1.5 times the area of the lot and a maximum building height of 4-storeys on the subject lands. The proposed FSI based on the existing site area is 1.1 (8,560 m<sup>2</sup> GFA / 7,715 m<sup>2</sup> lot area). The proposed development is permitted by the Official Plan.

#### 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 was approved in principle at the OMB to rezone the subject lands from RR Rural Residential to RA1(H) Apartment Residential Zone with the Holding Symbol “(H)”, together with site-specific zoning exceptions to facilitate the proposed development.

The original application was based on a development concept that the proposed 89 units would not be equipped with individual cooking facilities, but included a common kitchen, dining room and amenity room. As such, the site-specific Zoning By-law, approved in principle at the OMB, included a definition of a market rental unit, which reads as follows:

“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.”

Given the new Owner is now requesting a modified proposal that includes in-suite kitchens, the zoning by-law definition noted above can be eliminated, and the standard definition for a Residential Apartment Dwelling be applied.

Based on the change in use, where a higher parking requirement is warranted for the proposed seniors independent (to be marketed as) development, the Owner is proposing to increase the minimum parking standard to a minimum of 1.0 parking space per unit and a minimum of 0.25 visitor parking spaces per unit, whereas the previous requirement for the assisted living senior’s development that was approved by the OMB, prescribed a combined minimum of 0.45 spaces per unit. In comparison, a standard apartment marketed to the general population requires parking to be provided at a rate of 1.5 spaces/unit for residents and 0.25 spaces/unit for visitors.

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The applicant is proposing an additional level of underground parking to provide the increased parking supply. The previous site plan, approved by the OMB, included 4 parking spaces at grade and 36 underground parking spaces for a total parking supply of 40 spaces. The current proposal includes a total of 122 parking spaces, comprised of 4 parking spaces at grade, and 118 underground parking spaces within 2 levels.

The new Owner submitted addendum information related to Parking Requirements (dated August 5, 2015, prepared by Mark Engineering) and Traffic Impacts (dated August 10, 2015, prepared by Mark Engineering) in support of the proposed modification to facilitate a more active senior's development.

Both York Region and the Vaughan Development Engineering and Infrastructure Planning Department are satisfied with the conclusions of each of the reports, that the development will be generating very low traffic volumes during peak hours and will not adversely impact the local road network, and, are satisfied with the parking rate requirements. It is noted that parking stall sizes, traffic signage, and traffic demand management measures, including, pedestrian crossings, sidewalk placement, and bicycle spaces will be confirmed through the site plan approval stage.

The zoning by-law, approved in principle, includes a Holding Symbol "(H)" that cannot be removed from the subject lands until such time as the City is satisfied with the Phase 1 and Phase 2 Environmental Site Assessments, and if required, when the Owner has provided documented proof of the registration of the Record of Site Condition that has been acknowledged by the Ministry of Environment and Climate Change (MOECC).

The original proposal included a common kitchen and it was therefore exempted from the individual assignment of servicing allocation as it fell under the "non-residential" category for the purposes of servicing capacity. As the modified proposal now includes 89 in-suite kitchens, an additional condition for the removal of the Holding Symbol is required for the allocation of servicing capacity to the 89 units.

The revised site-specific zoning by-law will also require an exception for a retaining wall that is proposed on the southern lot line of the property.

The Development Planning Department is supportive of the proposed modifications to the site-specific zoning by-law that was approved in principle by the OMB, as discussed in this report. The modified proposal seeks to allow the conversion of a home for the aged to be marketed to a senior's independent living facility. No changes are proposed to the setbacks or the height of the building. The modifications will permit in-suite kitchens and allow the marketing of the facility for a more active senior's facility. It is noted the original proposal was intended for rental tenure, however, the intent is to sell the units to future residents.

The Vaughan Development Planning Department will continue to work with the new Owner to refine the site-specific zoning by-law to ensure consistency with the OMB Decision and Zoning By-law 1-88, and recommends that Vaughan Council advise the Ontario Municipal Board that the City of Vaughan endorses the proposed modifications to the site-specific zoning by-law. The Vaughan Development Planning Department also recommends the OMB withhold its final order until the site plan is approved and the implementing site plan agreement is executed. Should Vaughan Council endorse the proposed changes to the zoning by-law, the related site plan application will also be revised to finalize and address any required modifications to the proposal, as approved by the OMB, and a report on the site plan will be forthcoming to a future Committee of the Whole meeting.

It is also noted that the new 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, to satisfy

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all conditions, financial or otherwise with respect to the construction of the proposed sanitary sewer extension along Islington Avenue. This also includes such matters the City may consider necessary including payment of 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 Vaughan Development Engineering and Infrastructure Planning Department in order to allow the lands to be developed in an orderly manner. 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.

#### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Create and manage affordable housing options.

#### **Regional Implications**

The Region of York was a Party at the OMB Hearing and will be required to review the technical submission as part of the site plan review and approval process. As noted earlier in this report, the Region has reviewed addendum reports respecting parking and traffic, and are satisfied with the conclusion of the reports that will facilitate the revised/proposed senior's development to be marketed by the new Owner.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed the request from the new Owner to support modifications to the site-specific zoning by-law approved in principle by the Ontario Municipal Board in accordance with the policies of 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 modifications to the site-specific zoning by-law will facilitate a more active oriented senior's (to be marketed as) independant living facility development that is appropriate and compatible with the existing and permitted uses in the surrounding area. The modifications have no effect on the setbacks or height of the proposed building. On this basis, the Development Planning Department recommends Vaughan Council endorse the modifications to the site-specific zoning by-law by the Ontario Municipal Board, subject to the conditions contained in this report, which includes the OMB withholding its Final Order until the related site plan modifications to the site plan have been approved by Vaughan Council and the Site Plan Agreement has been duly executed.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. East and West Building Elevations
5. North and South Building Elevations
6. Parking Level 1 Plan
7. Parking Level 2 Plan

#### **Report 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.)