

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015**

Item 20, Report No. 26, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 23, 2015, as follows:

*By receiving Communications C6 from Mr. Gregory Gryguc, Zeppieri & Associates, Wilson Avenue, Toronto, dated June 16, 2015.*

**20**

**ZONING BY-LAW AMENDMENT FILE Z.12.008  
SITE DEVELOPMENT FILE DA.14.046  
JOHN DUCA**

**WARD 2 - VICINITY OF REGIONAL ROAD 7 AND KIPLING AVENUE**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated June 16, 2015, be approved;**
- 2) That the confidential recommendation contained in Confidential Communication C1, from Legal Counsel, dated June 12, 2015, be approved;**
- 3) That the deputation of Mr. Nick Pinto, West Woodbridge Homeowners Association, Mapes Avenue, Woodbridge, be received; and**
- 4) That the coloured elevation drawings submitted by the applicant be received.**

**Recommendation**

The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning recommend:

1. THAT City Staff and external consultants BE DIRECTED to attend the Ontario Municipal Board Hearing for the appeal filed by the Owner regarding Site Development File DA.14.046 (John Duca).
2. THAT the Ontario Municipal Board (OMB) BE ADVISED THAT City of Vaughan Council supports the approval of Site Development File DA.14.046 (John Duca) subject to the Owner addressing the issues identified during the review of the application, including, but not limited to: the protection for a future road interconnection with the lands to the west (5317 Regional Road 7); and, the appropriate locations of the electrical transformer and garbage enclosure area, prior to the commencement of the scheduled OMB Hearing.
3. THAT the Ontario Municipal Board BE ADVISED THAT City of Vaughan Council opposes the approval of Site Development File DA.14.046 (John Duca) in its current form should the Owner fail to resolve Site Development File DA.14.046 matters to the satisfaction of the City of Vaughan prior to the commencement of the scheduled OMB Hearing.
4. THAT the Ontario Municipal Board BE ADVISED THAT the implementing zoning by-law be finalized to reflect the final approved Site Development Application and that the subject lands be zoned with the Holding Symbol "(H)" and that the Holding Symbol shall not be removed from the subject lands until:
  - i) Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands; and,

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- ii) the Ministry of Environment and Climate Change has provided confirmation of the Acknowledgement/Registration of the Record of Site Condition for the subject lands.
5. THAT the implementing Site Plan Agreement include, inter alia, the following provisions:
- i) The Owner shall agree to grant an access easement over the proposed private driveway as shown on Attachment #3, in favour of the landowners to the west (municipally known as 5317 Regional Road 7) for the purposes of providing a coordinated driveway access in the event that these lands redevelop, to the satisfaction of York Region, the Vaughan Planning Department and the Vaughan Development Engineering & Infrastructure Planning Services Department; and, that the future Condominium Corporation and the land owners to the west (5317 Regional Road 7) shall enter into an agreement on terms acceptable to each party acting reasonably with respect to covering the costs associated with such access. A condition to this effect shall also be included in the Condominium Agreement, Condominium Declaration, and all Agreements of Purchase and Sale or Lease, to ensure all future purchasers and lessees and the future Condominium Corporation are aware of this requirement;
  - ii) The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a fixed rate per unit prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-Lieu Policy; and,
  - iii) A warning clause shall be included in all Agreements of Purchase and Sale or Lease and also in the Condominium Agreement and Condominium Declaration advising all future Owners/Tenants/Lessees that this development will not be served by municipal garbage pick-up or snow removal services and that the private waste disposal program and snow removal for this site shall be the sole responsibility of the Condominium Corporation.
6. THAT the Ontario Municipal Board BE ADVISED THAT prior to the release of the OMB's Final Order regarding the site-specific Official Plan, Zoning By-law and Site Plan appeals, which will include the implementing documents, the Owner shall resolve their OMB appeal (Appeal #113) of the Vaughan Official Plan 2010 (VOP 2010) to the satisfaction of the City Solicitor and Commissioner of Planning.

#### **Contribution to Sustainability**

The application implements the following Goal and Objective 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

The Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- a cistern for the collection and use of storm water for irrigation
- bicycle parking (both surface and underground)
- energy efficient appliances
- water saving fixtures
- site lighting designed to minimize light pollution

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#### **Economic Impact**

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

#### **Communications Plan**

On June 4, 2015, a notice of this meeting was sent to York Region and the West Woodbridge Homeowners' Association who were Parties to the OMB Hearing for the related appeals to the Official Plan and Zoning By-law Amendment Applications, those individuals who participated in the OMB Hearing, and the Owner of 5317 Regional Road 7.

#### **Purpose**

The purpose of this report is to obtain direction from the Committee of the Whole for City staff to attend a scheduled OMB Hearing commencing on August 11, 2015 for four days regarding Site Development File DA.14.046 (John Duca) for a proposed stacked townhouse development comprised of 170 units as shown on Attachments #3 to #9. This report recommends that the OMB be advised that Vaughan Council supports the approval of the Site Development Application, subject to resolving issues identified during the review of the proposal. Should the Owner fail to address the identified issues, before the Hearing, it is recommended that Vaughan Council advise the OMB that the City opposes the application in its current form. The OMB is also being advised of revisions to the implementing zoning by-law that will be required as part of the final OMB Order and provisions to be included in the implementing Site Plan Agreement.

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

##### *Synopsis:*

*The Owner has appealed Site Development File DA.14.048 to the OMB. Related Official Plan and Zoning By-law Amendment Files OP.12.003 and Z.12.008 on the subject lands were approved by the OMB in a Decision issued on February 28, 2014. The subject lands, as shown on Attachments #1 and #2, are proposed to be developed with a total of 170 stacked townhome units, as shown on Attachments #3 to #9. The Vaughan Planning Department is recommending that Vaughan Council advise the OMB of its support for the application provided outstanding issues related to the development are resolved prior to the commencement of the OMB Hearing, otherwise it is recommended that Vaughan Council not support the application in its current form. The report also recommends that the implementing zoning by-law include a Holding Symbol "(H)" on the lands until servicing is identified and a Record of Site Condition is acknowledged by the Province.*

##### Location

The subject lands shown on Attachments #1 and #2 are located on the south side of Regional Road 7, west of Kipling Avenue, being Lots 3-9 on Registered Plan 3762, in Lot 5, Concession 8, City of Vaughan. The lands are municipally known as 5289 and 5309 Regional Road 7. The surrounding land uses are shown on Attachment #2.

##### Ontario Municipal Board (OMB)

The Owner submitted related Official Plan and Zoning By-law Amendment Files OP.12.003 and Z.12.008 to the City of Vaughan on March 2, 2012. The applications were the subject of a Public Hearing held by Vaughan Council on September 4, 2012. The Owner appealed the Official Plan and Zoning By-law Amendment Applications to the OMB, citing that the City of Vaughan failed to make a decision on the applications within the timeframes prescribed by the Planning Act.

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The Owner, York Region, the City of Vaughan, and the West Woodbridge Homeowners Association Inc. (WWHA) were the Parties represented at an OMB Hearing held in January 2014. On February 28, 2014, the OMB issued a Decision approving the site-specific Official Plan and Zoning By-law Amendment Applications. The OMB withheld its Order regarding the Zoning By-law Amendment for six months to enable the parties to finalize a site plan concept for the subject lands and to prepare a more fulsome and detailed site-specific Zoning By-law to implement the site plan. The OMB Decision stated that a revised Official Plan Amendment is to be attached to its final Order that shall be in substantial compliance with a draft document prepared by the Owner and considered at the OMB Hearing.

Subsequent to the February 28, 2014 OMB Decision, the City of Vaughan and the WWHA sought a review of the original decision. The requests were considered by the OMB on August 28, 2014, and on May 1, 2015, and the OMB denied the requests.

The Owner submitted Site Development File DA.14.046 on June 26, 2014, and additional supporting information on July 7, 2014. The application was circulated for review by the City on July 11, 2014. On November 17, 2014, the Owner appealed the Site Development Application to the OMB based on the timeframe for approval prescribed in the Planning Act. The OMB has scheduled a 4 day hearing, commencing on August 11, 2015, to consider the Site Development Application appeal.

#### Official Plan

The February 28, 2014 OMB Decision approved Official Plan Amendment File OP.12.003, specifically to amend OPA #240 (Woodbridge Community Plan), as amended by OPA #345 (Woodbridge Commercial Plan), to redesignate the southerly portion of the Subject Lands from "General Commercial" to "Prestige Areas - Centres & Avenue Seven Corridor" by OPA #240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Futures Land Use Study), and apply a uniform land use designation to the entirety of the subject property in order to implement the proposed development. The OMB approved the application and required that it be provided with a revised Official Plan Amendment to be attached to the OMB's final Order that is in substantial compliance with the Official Plan Amendment prepared by the Owner and considered at the January 2014 OMB Hearing. The proposed residential stacked townhouse unit development conforms to the land use approved by the OMB.

On February 11, 2013, the Owner appealed VOP 2010 with respect to the subject lands to the OMB (identified as Appeal #113 in the City of Vaughan List of VOP 2010 Appellants), which remains outstanding. Should Vaughan Council approve the recommendations of this report, a condition of approval is included requiring the Owner's appeal of VOP 2010 to be resolved to the satisfaction of the City's Solicitor and Commissioner of Planning, prior to the OMB's Final Order regarding the site-specific appeals of the Official Plan, Zoning By-law Amendment and Site Plan.

#### Zoning

The February 28, 2014 OMB Decision approved Zoning By-law Amendment File Z.12.008 to amend Zoning By-law 1-88, specifically to rezone the subject lands from C1 Restricted Commercial Zone, subject to Exceptions 9(791) and 9(424) (5289 and 5309 Regional Road 7, respectively) to RM2 Multiple Residential Zone. The OMB considered a draft implementing zoning by-law prepared by the Owner at the Hearing. The OMB withheld its Order regarding the implementing Zoning By-law for a period of six months to enable the parties to finalize a site plan concept for the subject lands and to prepare a more fulsome and detailed site-specific zoning by-law.

The following site-specific zoning exceptions were identified in the zoning by-law considered at the OMB Hearing:

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Table 1:

	<b>By-law Standard</b>	<b>By-law 1-88 Requirements (RM2 Multiple Residential Zone)</b>	<b>Proposed Exceptions to By-law 1-88 (RM2 Multiple Residential Zone)</b>
a.	Definition of Lot	Means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent (severance) contemplated by Section 49 of the Planning Act, RSO 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the street	Lot: The “subject lands” shall be deemed to be one lot regardless of the number buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums after the approval of this By-law, and whether or not the building(s) or structures or any of them have or do not have a common basement or are not connected below or above finished grade
b.	Minimum Dimension for a Barrier Free Parking Space	3.9 m by 6 m	3.65 m by 6 m
c.	Lot Line, Front	Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle the centre point of the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines. Where both lot lines are of equal length or where the lot abuts more than two (2) street lines, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot. A reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph.	For the purposes of this By-law, the lot line abutting Regional Road 7 shall be deemed to be the front lot line

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d.	Minimum Landscape Strip Width Adjacent to a Street Line (Regional Road 7)	6 m	1 m
e.	Minimum Parking Requirement	<p>170 units @ 1.5 spaces/unit = 255 spaces + 0.25 visitor spaces/unit = 43 visitor parking spaces</p> <p>Total Parking Required = 213 spaces</p>	<p>170 units @ 1 space/unit = 178 spaces + 0.2 visitor spaces/unit = 34 spaces</p> <p>Proposed parking ratio = 204 spaces</p> <p>(However the Owner is proposing 187 tenant, and 36 visitor parking spaces)</p>
f.	Minimum Number of Barrier Free Parking Spaces	3	2
g.	Minimum Front Yard Setback (Regional Road 7)	4.5 m	3.1 m
h.	Minimum Rear Yard Setback (Coles Avenue)	4.5 m	3.1 m
i.	Encroachments (Exterior Stairways, Porches (enclosed or unenclosed, or excavated), Balconies, Retaining Walls)	1.8 m (in Front, Exterior, or Rear Yards)	<p>1.8 m throughout the site, and</p> <p>Stairs for access to the underground parking areas shall have a minimum setback of 0 m to any property line</p>
j.	Portions of Buildings Below Grade (Regional Road 7 and Coles Avenue)	1.8 m	0 m
k.	Minimum Lot Area	230 m <sup>2</sup> /unit	48 m <sup>2</sup> /unit

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I.	Maximum Building Height	11 m	12.8 m
m.	Maximum Driveway Width	7.5 m	23 m (measured at the street curb)
n.	Minimum Amenity Area	9,420 m <sup>2</sup>	4,500 m <sup>2</sup>

The proposed residential stacked townhouse development complies with the OMB approval. Table 1 above includes site-specific zoning standards included in the zoning by-law considered by the OMB, based on the conceptual plan during the original hearing. Upon approval of the final site plan, the implementing site-specific zoning by-law must incorporate any revisions as required, pursuant to the OMB decision.

As the site plan has not been finalized at this time, it is anticipated that additional site-specific zoning exceptions to those in the zoning by-law considered by the OMB may be required to implement the proposed development as follows:

- define a stacked townhouse unit as follows:  
Stacked Townhouse Dwelling – Means an attached low-rise residential building form containing 3 or more dwelling units, each of which has: (1) direct access from the outside ground level; (2) one or two party walls with abutting dwelling units; and (3) is above or below another dwelling unit.
- the addition of a clause that for the purposes of the by-law, the building height shall be taken from the average finished grade, excluding sunken patios, and shall not exceed 12.5m
- permit tandem surface parking spaces
- permit dwelling units in a cellar or part of a cellar
- exterior stairs, stairways, porches and terraces on the site shall be permitted to exceed one-half storeys in height;
- identify standards for the provision of roof/eave overhangs
- permit interior side yards of 0.5 m
- permit a semi-detached building form on Coles Avenue

Other site-specific zoning exceptions may be identified prior to the finalization of the site plan will be included in the implementing zoning by-law.

**Holding Symbol “(H)”**

The Vaughan Planning Department recommends that the OMB be advised that the final implementing zoning by-law shall include the Holding Symbol “(H)” on the subject lands and that it shall not be removed from the lands until:

- i) Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands; and,
- ii) the Ministry of Environment and Climate Change provides confirmation of the Acknowledgement/Registration of the Record of Site Condition.

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A condition to this effect is included in the recommendation to this report.

Site Plan Review

The OMB considered only the Official Plan and Zoning By-law Amendment applications for the subject lands at the January 2014 OMB Hearing. Although the Site Development Application was not before the OMB, the Owner advanced a concept plan for the Board's consideration.

The February 28, 2014 OMB Decision for the site-specific Official Plan and Zoning By-law Amendment Applications approved a general development concept for the subject lands, but directed changes to the proposal and the related zoning by-law as follows:

- permit a maximum of 176 units (although the current proposed is for 170 units) and a Floor Space Index (FSI) of 1.85 on the site;
- require 5 surface visitor/delivery parking spaces including 2 barrier free spaces, or alternatively if an elevator is provided, 3 surface parking spaces for visitors and deliveries
- the removal of the south east and south west units of Blocks "C" and "D"
- permit a maximum building height along the Coles Avenue frontage of 12.1 m measured from average elevation and 13.26 m height measured to the finished floor elevation of the sunken patio
- require a semi-detached building form for Blocks "E" and "F" along the Coles Avenue frontage

In addition, the OMB required that the final site plan shall protect for a future interconnection for the property to the west. A full movement access onto Coles Avenue, with a right-in/right-out to Regional Road 7 was approved, although the final access location at Regional Road 7 was to be finalized through the site plan process.

Site Development File DA.14.046 was circulated by the Vaughan Planning Department for review on July 11, 2014. Comments from the circulation were provided to the Owner's agent based on the review of the first submission. However, on November 17, 2014, the Owner appealed the Site Development Application to the OMB and a four day Hearing to consider the appeal is scheduled, commencing on August 11, 2015.

As the OMB has approved the Official Plan and Zoning By-law Amendment Applications, a Site Development Application that implements the OMB's decision must be considered. The Vaughan Development Planning Department will continue to work with the Owner in order to finalize a site plan that the City can support on a technical basis and which implements the decision of the OMB. However, based on the review of the current submission, and comments received from internal departments and external agencies, including York Region, the Vaughan Planning Department is not in a position at the time of the preparation of this report to recommend that Vaughan Council endorse the approval of the Site Development Application in its current form.

Issues have been identified with respect to protecting for a future interconnection with the lands to the west (as supported by the OMB Decision), the proper location of the electrical transformer box, and the waste pick-up location. Resolution of these issues may impact the overall site layout, and the final site-specific implementing zoning by-law. There are other issues including, but not limited to: the proposed plant material; approval of the site servicing and grading plans, stormwater, noise, Traffic Demand Management/Traffic Impact Study and environmental reports; confirmation from the Ministry of Environment and Climate Change of the Acknowledgement/Registration of a Record of Site Condition; and, the allocation of servicing by Vaughan Council for the development. These issues must be addressed prior to final approval of the Site Development Application.



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The uncertainty as to whether or not the OMB was going to reconsider its original Decision adversely impacted the ability of the City, York Region and the Owner to engage in productive, detailed discussions to resolve issues related to the Site Development Application. As previously noted, the Vaughan Planning Department will continue to work with the Owner to resolve these matters to the satisfaction of the City, and thereby advise the OMB that Vaughan Council can endorse the Site Development Application prior to the August 11, 2015, OMB Hearing.

Staff's recommendations are provided with respect to the City's position before the OMB regarding the Site Development Application, the provisions that should be included in the implementing Site Plan Agreement and related revisions to the Zoning By-law.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

- i) Lead and Promote Environmental Sustainability  
The Owner will be incorporating the sustainable site and building features identified in this report.
- ii) Plan and Manage Growth & Economic Well Being  
The development facilitates intensification located on a designated Regional Intensification Corridor to support the expansion of public transportation systems and alternative modes of transportation (e.g. transit, cycling, walking, etc.).

#### **Regional Implications**

York Region was a party at the OMB Hearing regarding the appeals of the Official Plan and Zoning By-law Amendment Applications and supported protecting for a driveway interconnection with the adjacent lands to the west. The Owner must enter into an Agreement(s) with York Region with respect to conveyances, encroachments, and servicing works. York Region has provided comments on the Site Development Application that the Owner must satisfy. The Owner will be required to enter into a Regional Site Plan Agreement. The Region has also requested party status at the upcoming OMB hearing.

#### **Conclusion**

The Site Development File DA.14.046 has been reviewed in accordance with the February 28, 2014, OMB Decision, Zoning By-law 1-88, and the comments from City Departments and external agencies. The Vaughan Planning Department is committed to working with the Owner to resolve the outstanding issues regarding the Site Development Application, prior to the commencement of the OMB Hearing scheduled to consider the application in August 2015. The Vaughan Planning Department recommends that should these matters be resolved prior to the scheduled OMB Hearing, the OMB can be advised that Vaughan Council endorses approval of the Site Development Application. However, should the issues identified remain outstanding, it is recommended that the OMB be advised that Vaughan Council opposes the approval of the Site Development Application in the current form.

#### **Attachments**

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Site Plan Basement (Courtyard) Level
- 5. Ground Floor Plan

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6. P1 Layout
7. Landscape Plan
8. Regional Road 7 Elevations
9. Coles Avenue Elevations

**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.)