

COMMITTEE OF THE WHOLE JULY 6, 2010

**SITE DEVELOPMENT FILE DA.09.078
MADISON BATHURST HOLDINGS LIMITED
WARD 1**

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.09.078 (Madison Bathurst Holdings Limited) BE APPROVED, to permit a phased development on the subject lands consisting of Phase 1 being a 6-storey assisted living seniors retirement residence with 135 suites, landscaping and parking areas, and Phase 2 (subject to a holding provision under the RA3 (H) Apartment Residential Zone), being a 15-storey, 162 unit seniors condominium apartment building to be linked to the 6-storey building, as shown on Attachment #3, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations and landscape plan shall be approved by the Vaughan Development Planning Department;
 - ii) the final site grading and servicing plan, stormwater management report and noise report shall be approved to the satisfaction of the Vaughan Engineering Department;
 - iii) the Owner shall satisfy the requirements of the City regarding the conveyance of road allowances and reserves, to the satisfaction of the Vaughan Engineering Department and the Region of York;
 - iv) the final access and on-site circulation requirements for the proposed development shall be approved to the satisfaction of the Vaughan Fire and Rescue Services Department and the Vaughan Engineering Department;
 - v) the Owner shall provide the City with written confirmation that satisfactory arrangements for cost sharing for servicing has been paid to the Block 11 Landowners Group;
 - vi) the Owner shall pay to Vaughan, applicable Special Service Area Development Charges in accordance with the City of Vaughan Development Charge By-law; and,
 - vii) the Owner shall pay to the City, a woodlot development charge at the rate of \$1000.00 per residential dwelling unit in accordance with the Special Area Woodlot Development Charge By-law and the City's Woodlot Acquisition Front-end Agreement.
 - b) that the Site Plan Letter of Undertaking contain the following clauses:
 - i) For residential development, the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed unit rate per unit, whichever is higher in accordance with the Planning Act and the City's Cash-in-lieu Policy.

For high density residential development, the Owner shall pay to Vaughan by way of certified cheque, a fixed unit rate. 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; and,

The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% for the commercial component in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands, for the commercial component 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;

- ii) Garbage/recycling collection and snow plowing shall not be the responsibility of the City, and shall be the private responsibility of the Phase 1 and/or Phase 2 operators;
 - iii) The Owner shall construct a 1.5m wide sidewalk along the west side of Bathurst Street as shown on the final approved Site Servicing Plan, to the satisfaction of the Vaughan Engineering Department and the Region of York. The City of Vaughan will reimburse the Owner through City Development Charges when the cost of the sidewalk has been included in Vaughan's approved Capital Budget and upon completion of the sidewalk and receipt of the final actual cost, certified by the consultant and as approved by the City of Vaughan;
 - iv) The Owner shall satisfy all requirements with respect to noise attenuation and ensure it is in accordance with the noise features recommended by the Report entitled "Environmental Noise Analysis" by Valcoustics Canada Ltd, dated March 11, 2009 and Addendum #1 to the report dated July 2, 2009;
 - v) Prior to the issuance of a Building Permit for Phase 2, Vaughan Council shall have approved servicing allocation and removed the Holding Provision on the Phase 2 lands zoned RA3(H) Apartment Residential Zone.
2. THAT the Vaughan Development Planning Department proceed with an Administrative Correction By-law for enactment by Vaughan Council to correctly identify the amount of commercial GFA and uses, and the building setback to Bathurst Street, for the Phase 2 building, as identified in this staff report, specifically:
- a) a minimum 2.3m setback from the Phase 2 building to Bathurst Street, rather than 2.4m; and,
 - b) a Day Nursery or a Retail Store to a maximum of 186m², located on the ground floor only, rather than a Day Nursery to a maximum of 181m² on the ground floor.

Contribution to Sustainability

The applicant has advised the Development Planning Department that the following sustainable features will be provided within the site and building design:

- i) a 'Victory Garden' to grow produce to share with the VIVA Senior's Building culinary team on site, or donate to food banks;
- ii) on site Composting Program to return organic matter and nutrients into the food-chain reducing the amount of "green" waste going to landfill and using compost in the Victory Garden;
- iii) use of mature and drought resistant plantings and water-efficient landscaping and on site use of rain barrels for irrigation of planting;
- iv) use of water saving toilets and urinals, water saving faucets and shower head aerators;
- v) bicycle parking and full change rooms within the Senior's Retirement Residence to promote efficient personal transportation for staff;
- vi) the assisted living seniors retirement residence is adjacent to Bathurst Street which has existing YRT public transportation providing efficient, convenient transportation for staff and residents; and,
- vii) use of a community van to take residents and large groups on outings thereby reducing the need for residents to drive or even own their own vehicles.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted a Site Development Application (DA.09.078) to facilitate a phased development of the subject lands. Phase 1 consists of a 6-storey assisted living seniors retirement residence containing 135 suites, landscaping and parking areas, and Phase 2 will be linked to the 6-storey building and consists of a 15-storey seniors condominium apartment building with limited ground floor commercial uses, landscaping and parking areas, as shown on Attachments #3 to #8.

Background - Analysis and Options

On November 24, 2010, Vaughan Council approved Official Plan Amendment File OP.09.002 and Zoning By-law Amendment File Z.09.009 (Madison Bathurst Holdings Limited) to redesignate and rezone the subject lands to "High Density Residential/Commercial" and RA3 Apartment Residential Zone and RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" respectively, to facilitate the development of a 6-storey assisted living seniors retirement residence with 135 suites (Phase 1), and a 15-storey, 162 unit seniors condominium apartment building (Phase 2) on the subject lands.

Phased Development

The applicant intends to construct the Phase 1 portion of the proposed development at this time. Phase 1 is a 6-storey assisted living senior's retirement residence with 135 suites and a common kitchen and dining facilities. The Phase 1 building will be connected to the Phase 2, 15-storey, 162 unit senior's condominium apartment building with limited ground floor commercial uses, as

shown on Attachment #3. The Phase 2 building requires Council allocation of sewage and water servicing capacity. Servicing capacity is not available for this development at this time. Development of the Phase 2 portion of the site requires Council's approval of servicing allocation and the removal of the Holding Provision on the lands zoned RA3(H) Apartment Residential Zone, prior to the issuance of a building permit for Phase 2.

Location

The vacant, 0.89 ha subject lands shown on Attachments #1 and #2, are located at the northwest corner of Bathurst Street and Lebovic Campus Drive, in Part of Lot 17, Concession 2, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated "High Density Residential/Commercial" by OPA 600, as amended by site-specific OPA 704. The proposed site development conforms to the Official Plan.

The subject lands are zoned RA3 Apartment Residential Zone (Phase 1) and RA3(H) Apartment Residential Zone with the Holding Symbol "H" (Phase 2) by By-law 1-88, subject to Exception 9(1328). Phase 1 of the proposed Site Plan application complies with the approved RA3 zoning for the site. Phase 2 also complies to the approved zoning, however, with two exceptions as discussed in the next section of this report. The Phase 2 portion of the site is subject to a Holding Provision, which can be removed upon Council's allocation of water and sanitary servicing capacity.

Administrative Correction to By-law 1-88

The wording of site-specific By-law 260-2009 [Exception 9(1328)] enacted by Vaughan Council on November 24, 2009, permits only a pharmacy and/or retail use of 465m² and a day nursery of 181m² on the ground floor of the building in Phase 2; and, a minimum 2.4m setback to Bathurst Street as shown on Schedule "E-1456", whereas the correct setback is 2.3m.

The Development Planning Department advises that the original intent of the by-law is for 186m² of the ground floor area to be used either as a Day Nursery or as a Retail Store, and that 465m² of ground floor area could also be used as a retail store and/or pharmacy, the latter which is correctly referenced in the by-law. The November 24, 2009, Council Extract approving the Zoning By-law Amendment File Z.09.009 for the subject lands clearly identifies the intent was to permit a combined total GFA of 651m² of commercial uses including the 186m² of GFA for either a Day Nursery or Retail Store use, which needs to be correctly referenced in the by-law.

The Development Planning Department considers the above to be minor omissions and typographical errors in the site-specific by-law (By-law 260-2009) and will correct and clarify the amount of commercial GFA and uses permitted as noted above. Schedule "E-1456" will also be revised to reflect a correct 2.3m setback dimension from the Phase 2 building to Bathurst Street through an Administrative Correction By-law. A condition authorizing the Development Planning Department to proceed with the administrative correction by-law for enactment by Vaughan Council is included in the recommendation of this report.

Site Plan Review

The proposed development of the subject lands, shown on Attachments #3 to #8 inclusive, has been reviewed as one comprehensive development, however, it will be constructed in two phases and ultimately be under two different ownerships. A driveway access from Geshar Crescent will serve both buildings and the corresponding loading and parking areas. The Phase 1, 6-storey, 135 suite assisted living seniors residential retirement residence will be constructed first and will

be attached to the Phase 2, 15-storey, 162 unit, seniors' condominium apartment building. Phased construction is necessary since the City's Servicing Capacity Distribution Protocol in effect as of June 8, 2010, does not provide allocation of sewage and water servicing capacity from the York-Durham Servicing Scheme for the proposed 162 unit senior's apartment building. Once servicing capacity is available and Vaughan Council has allocated sewage and water capacity, the applicant can request Council's approval for the removal of the Holding Provision. The proposed 6-storey, 135 assisted living retirement residence suites do not contain individual kitchen facilities. Food preparation and dining areas are centralized functions within the building, and health care services are offered to the residents. Under the City's Protocol, Council allocation of sewage and water servicing capacity is not required for this type of building.

The 6-storey building requires a total of 54 parking spaces. Seven (7) surface parking spaces and 47 underground parking spaces will be provided in Phase 1. Thirty (30) additional parking spaces intended for future use by the residents of the condominium will also be located in the underground within Phase 1. The 15-storey residential condominium and ground floor commercial uses will be constructed as Phase 2. Phase 2 requires 211 parking spaces for the condominium residents and 21 parking spaces for the ground floor commercial uses. Although By-law 1-88 requires a total of 286 parking spaces for the overall Phase 1 and 2 development, 289 spaces are shown on the site plan and will be available at the completion of the Phase 2 construction.

The landscape plan illustrates the proposed landscaping for the entire site. Landscape costs have been estimated for each phase of development. The Owner is required to provide the City with a Letter of Credit for the Phase 1 landscape cost estimate to guarantee the landscape works for the Phase 1 development of the 6-storey assisted living seniors retirement residence. A second Letter of Credit for the Phase 2 development of a 15-storey seniors condominium apartment building with ground floor commercial uses shall be provided to the City prior to the issuance of a building permit for the Phase 2 development.

The Vaughan Development Planning Department is satisfied that the proposed site plan, building elevations and landscaping plan, for the phased development of the subject lands, as shown on Attachments #3 to #8 inclusive, are satisfactory.

The Vaughan Engineering Department is generally satisfied with the site servicing and site grading plans and the storm water management report for phased development of the subject lands. Prior to the execution of the Site Plan Letter of Undertaking, the final plans and report must be approved by the Engineering Department.

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 Vitality".

Regional Implications

The Region of York Community Planning Branch reviewed and approved Official Plan Amendment #704 to redesignate the subject lands to "High Density Residential/Commercial" to permit the proposed development. OPA #704 included a policy as requested by the Region to identify that a 4.5m road widening along the Bathurst Street frontage be dedicated to the Region of York by the Owner at the Site Development approval stage. The Region of York Transportation Services Branch has indicated that they have no objection to the proposed development. Regional staff have requested that the applicant enter into a separate Regional Site Plan Agreement for this development to address the Bathurst Street right-of-way and day-lighting triangle, and any other transportation issues, to the satisfaction of the Region of York.

Conclusion

The Site Development Application has been reviewed in accordance with OPA #704, By-law 1-88, the comments from City Departments and external public agencies, the approved Block 11 Design Guidelines and the area context. The Vaughan Development Planning Department is satisfied that the proposed phased development of a 6-storey seniors assisted living retirement residence and a 15-storey seniors condominium apartment building with ground floor commercial uses, is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of the Site Development Application, subject to the conditions in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. North Elevations
6. South Elevations
7. East Elevations
8. West Elevations

Report prepared by:

Laura Janotta, Planner, ext. 8634

Christina Napoli, Acting Senior Planner, ext. 8483

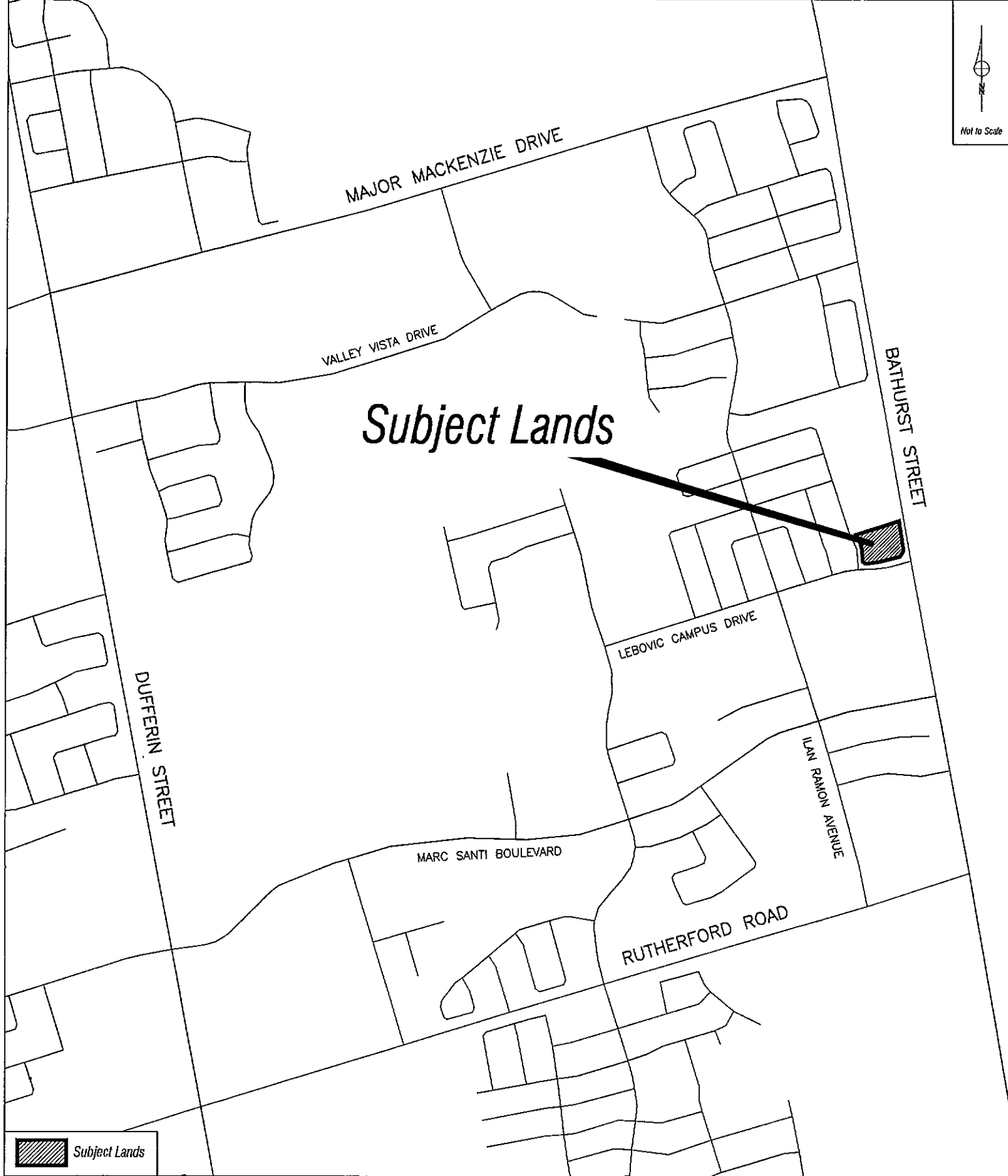
Carmela Marrelli, Acting Manager of Development Planning, ext. 8791

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYHEYAMA
Director of Development Planning

/CM



 Subject Lands

Context Location Map

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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The City Above Toronto

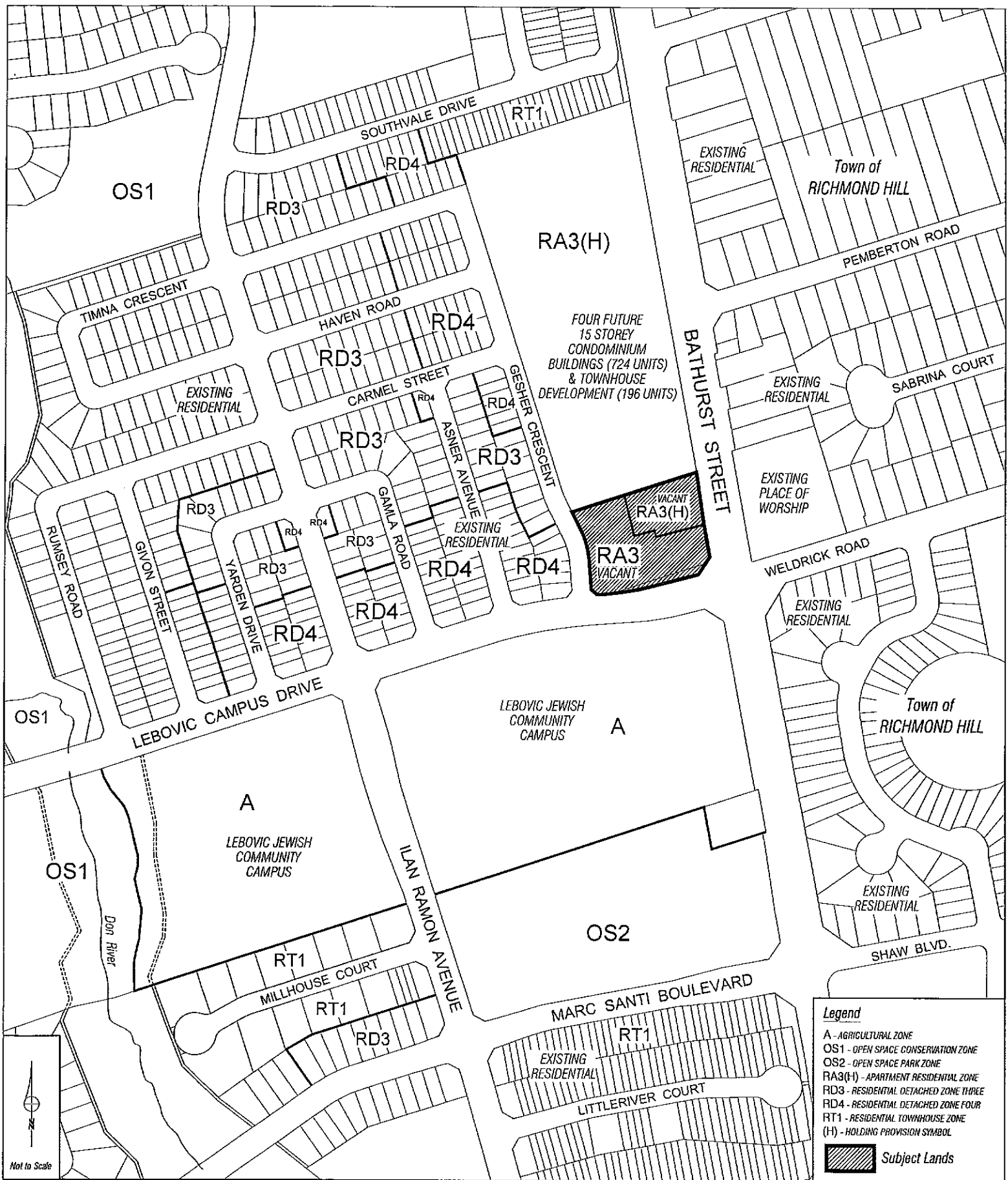
Development Planning Department

Attachment

FILE:
DA.09.078
RELATED FILES:
OP.09.002, Z.09.009


July 06, 2010

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Legend

- A - AGRICULTURAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- RA3(H) - APARTMENT RESIDENTIAL ZONE
- RD3 - RESIDENTIAL DETACHED ZONE THREE
- RD4 - RESIDENTIAL DETACHED ZONE FOUR
- RT1 - RESIDENTIAL TOWNHOUSE ZONE
- (H) - HOLDING PROVISION SYMBOL

 Subject Lands

Location Map

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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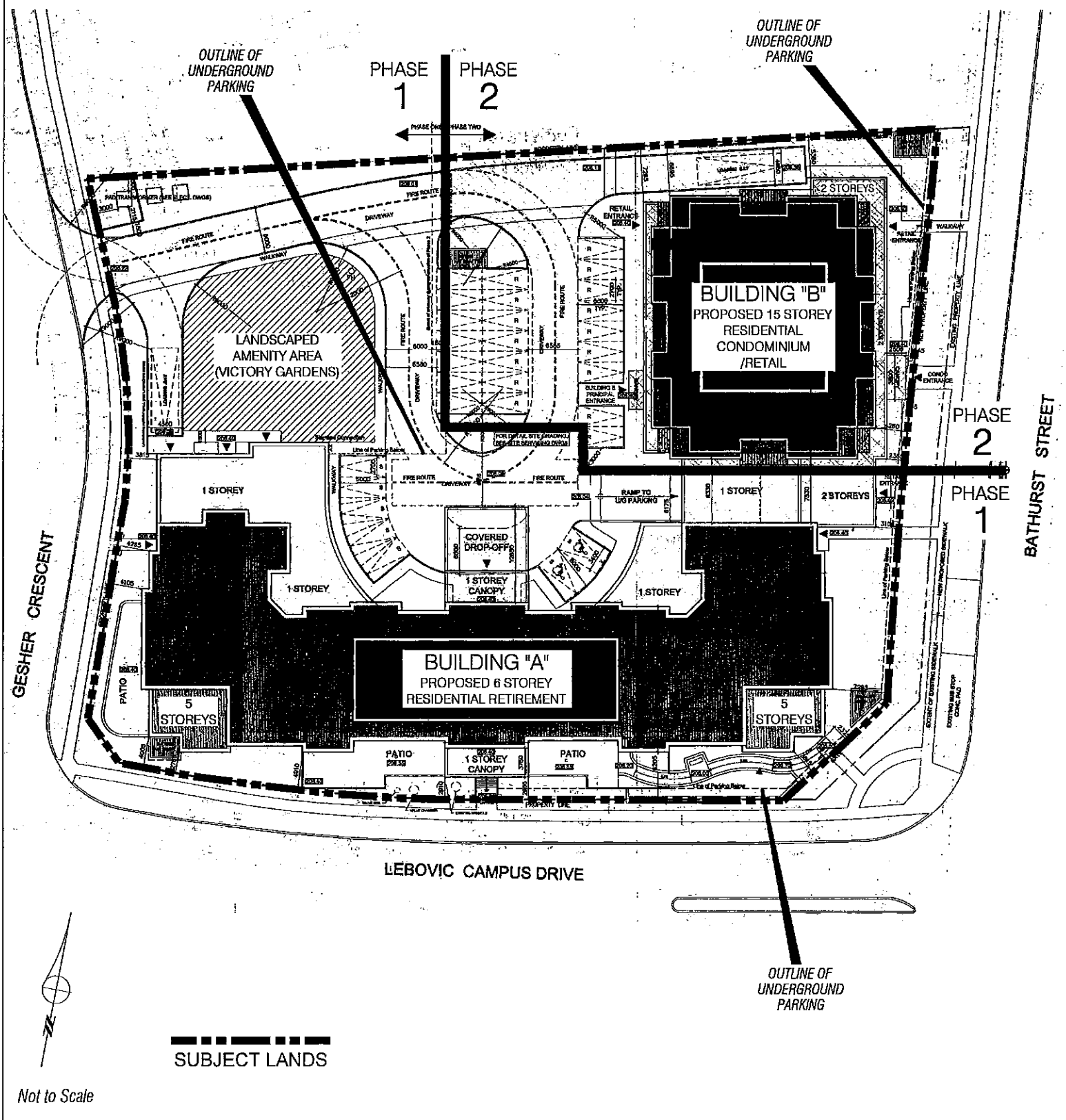
Development Planning Department

Attachment

FILE:
DA.09.078
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OP.09.002, Z.09.009

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Site Plan

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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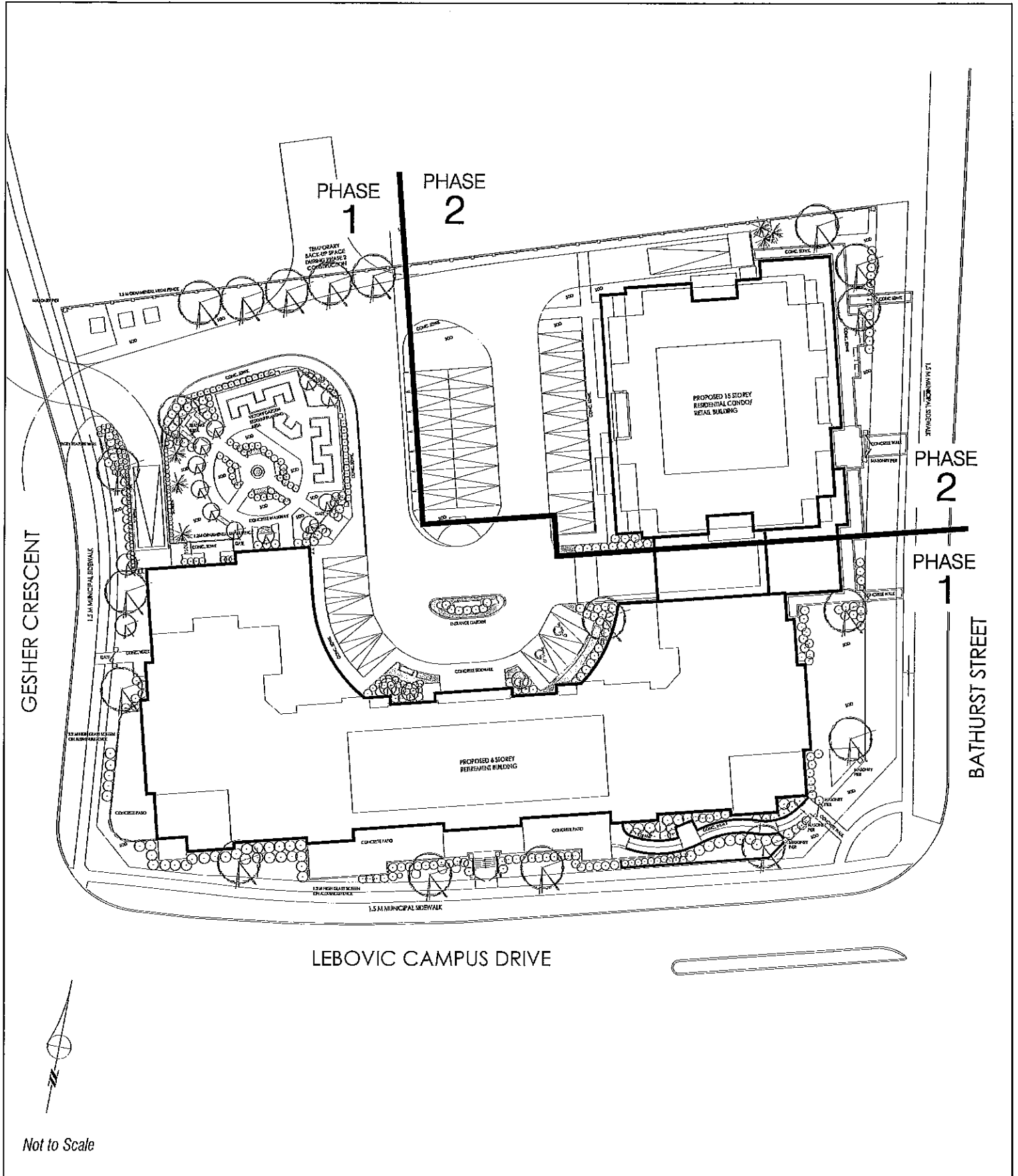
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Attachment

FILE:
DA.09.078
RELATED FILES:
OP.09.002, Z.09.009

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Landscape Plan

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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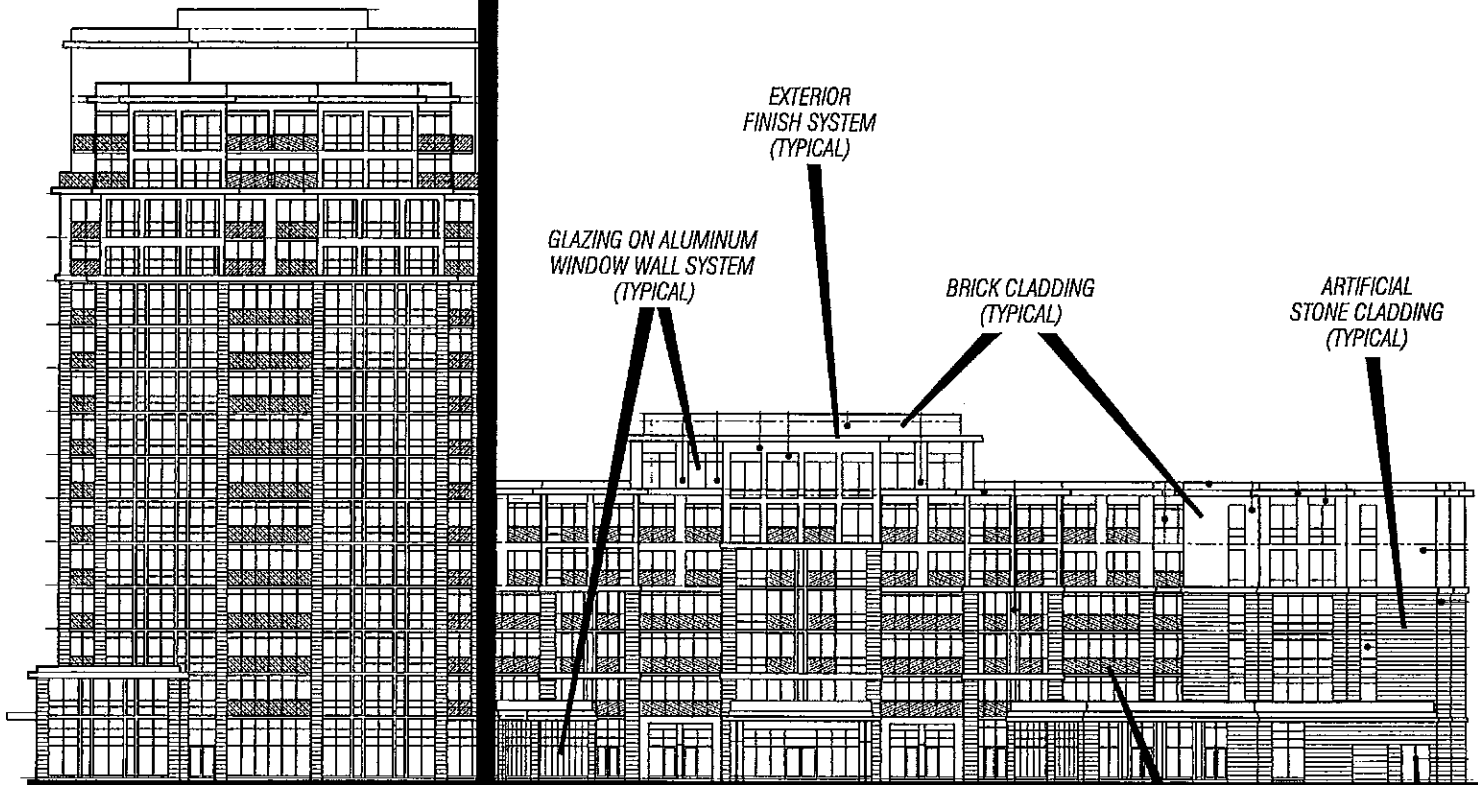
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FILE:
DA.09.078
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OP.09.002, Z.09.009

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PHASE 2 PHASE 1



(15 - Storey apartment building)

PHASE 2 PHASE 1

(6 - Storey assisted living Seniors retirement residence)

ALUMINUM RAILING WITH TINTED GLASS (TYPICAL)

PAINTED DOOR (TYPICAL)

Not to Scale

North Elevations

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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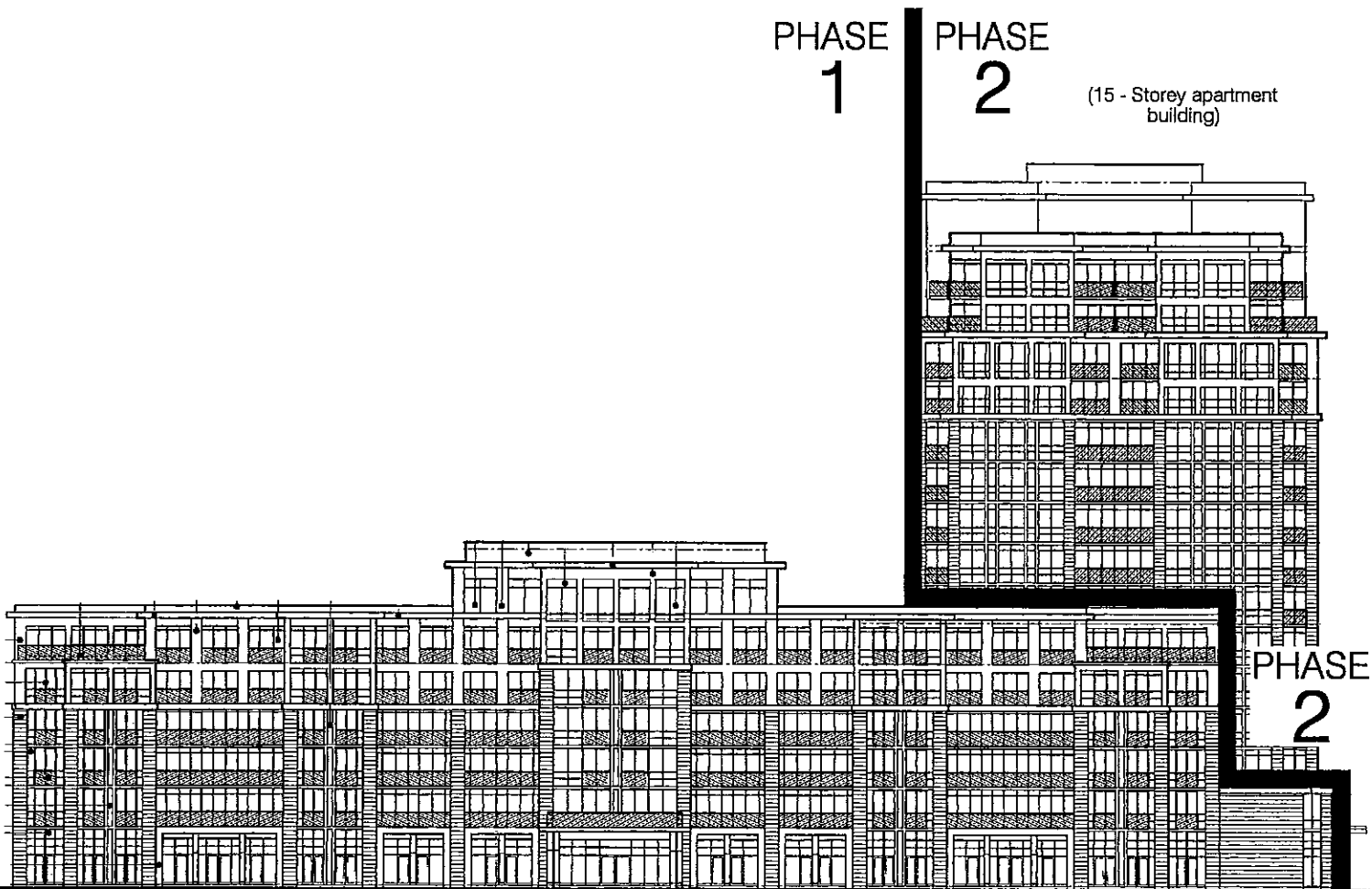
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FILE:
DA.09.078
RELATED FILES:
OP.09.002, Z.09.009

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(Facing Lebovic Campus Drive)
 (6 - Storey assisted living
 Seniors retirement residence)

PHASE
 1

Not to Scale

South Elevations

Part of Lot 17,
 Concession 2

APPLICANT:
 MADISON BATHURST HOLDINGS LIMITED



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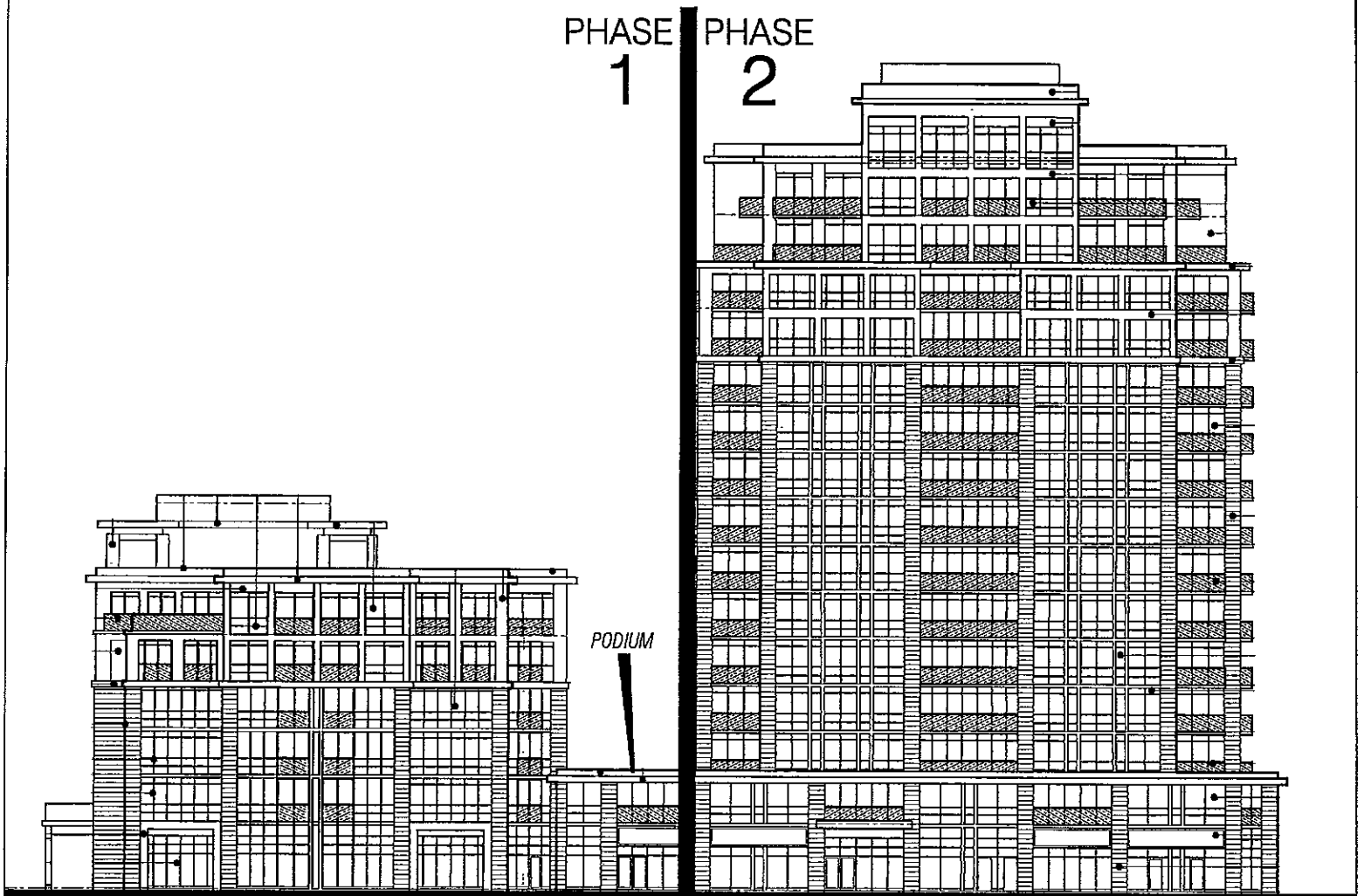
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FILE:
 DA.09.078
 RELATED FILES:
 OP.09.002, Z.09.009

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(6 - Storey assisted living
Seniors retirement residence)

PHASE 1 PHASE 2

(15 - Storey apartment
building)

(Facing Bathurst Street)

Not to Scale

East Elevations

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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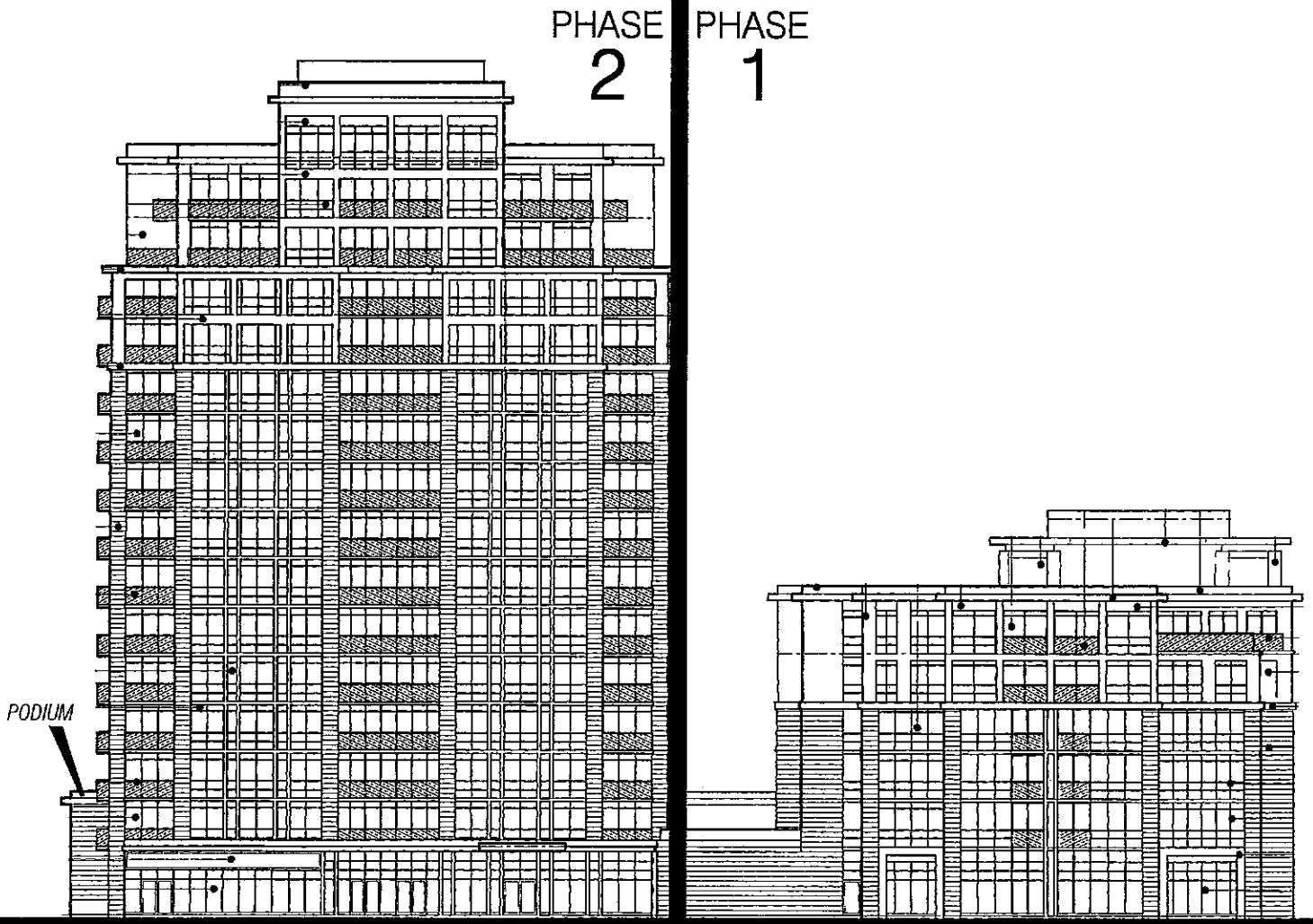
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DA.09.078
RELATED FILES:
OP.09.002, Z.09.009

July 06, 2010

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(15 - Storey apartment building)

(6 - Storey assisted living Seniors retirement residence)

PHASE 2 PHASE 1

(Facing Geshar Crescent)

Not to Scale

West Elevations

Part of Lot 17,
Concession 2

APPLICANT:
MADISON BATHURST HOLDINGS LIMITED

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