

**COMMITTEE OF THE WHOLE JUNE 3, 2002**

**ZONING BY-LAW AMENDMENT FILE Z.02.020  
SITE DEVELOPMENT FILE DA.02.018  
VILLA GIARDINO (MAPLE) HOMES INC.  
REPORT #P.2002.26**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning Amendment Application Z.02.020 (Villa Giardino (Maple) Homes Inc.) BE APPROVED subject to the following:
  - i) the implementing by-law include the zoning exceptions required to implement the site plan, when finalized.
2. THAT Site Development Application DA.02.020 (Villa Giardino (Maple) Homes Inc.) BE APPROVED subject to the following conditions:
  - i) the final site plan, elevations, landscape, and site servicing drawings shall be to the satisfaction of the Community Planning, Engineering and Urban Design Departments;
  - ii) the final site plan shall satisfy all requirements of the Region of York;
  - iii) the final site plan shall satisfy all requirements of the Toronto Region and Conservation Authority;
  - iv) the Owner shall pay to the City cash-in-lieu of parkland in accordance with the City's Cash-in-Lieu Policy;
  - v) the subject development shall be subject to all existing agreements between the City, CN and the Owner;
  - vi) all requirements of Vaughan Hydro and the Vaughan Fire Department shall be met; and
  - vii) the existing site plan agreement shall be amended to include the approved site plan.

**Purpose**

On March 6, 2002, the Owner submitted an application to amend the Zoning By-law to obtain the appropriate exceptions to the zoning standards to permit a five storey, seniors' condominium building. The proposal is for 97 residential units, common amenity areas (i.e. party and exercise rooms) and limited commercial uses on the ground floor, served by 62 parking spaces. The current by-law permits a four-storey, 160 bed assisted care facility. The Owner has also submitted a corresponding site plan application (File: DA.02.018).

**Background - Analysis and Options**

The 0.45 ha. site is located on the north side of Rutherford Road, west of Keele Street, (2500 Rutherford Road), in Lot 16, Concession 4, City of Vaughan. The proposal is the final stage of a seniors' residential project known as "Villa Giardino", which was approved for three, five-storey condominium buildings, totalling 262 units, and a four-storey, 160 bed, assisted care building.

The subject lands are designated "District Park" by OPA No. 350 (Maple Community Plan) as amended by OPA 533, and zoned RA3 Apartment Residential Zone by By-law 323-98, as amended by By-law 412-98. The surrounding land uses are:

- North - three, five-store condominium buildings (RA3 Apartment Residential Zone)
- South - vacant land (EM1 Prestige Employment Area Zone)
- East - valley lands (OS1 Open Space Zone), vacant land (A Agricultural Zone) and residential (R2 Residential Zone)
- West - arena complex (A Agricultural Zone), CN Pullback Track (M2 Transportation Industrial Zone)

On April 15, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands and to the Maple Landing Ratepayer Association. Staff received one letter from Mr. Caio Mancini, a resident at 2505 Rutherford Road, that identifies a number of concerns including: the proposed density and its impact on parking and the potential for clashes and parking rage; the size of the project and the inability to provide garden plots; issues respecting warranty claims; and, construction deficiencies with the existing buildings.

The floor space index is approximately 1.27 for the overall development (including the lands leased from the City). The parking provided is considered adequate, as discussed in this report. Issues concerning the construction of the other buildings are unrelated to the planning merits of this application.

#### Description of Proposal and Site Design

The proposed development is for a five storey, 97unit seniors' residential condominium building, completing the series of three apartment buildings to the north (Attachment 2). Pertinent site statistics are as follows:

Lot Area	4,540m <sup>2</sup>
Gross Floor Area	10,500m <sup>2</sup>
Number of Units	97
Number of Storeys	5
Parking	62 spaces (50 underground and 12 surface level)

The apartment building is "H" shaped, with the main entrance on the west elevation. Surface level parking is located west of the building and access to the underground garage is provided from a ramp at the southwest corner of the building. The main access to the site is from Rutherford Road via a signalized driveway, shared with the adjacent sports park. Amenity areas located adjacent to Rutherford Road and on the north side.

#### Official Plan

The subject property is designated "District Park" by the Maple Community Plan (OPA No. 350) as amended by OPA 533, which introduced criteria for the purposes of assessing development proposals for seniors housing. OPA No. 533 has been approved by Council and appealed to the Ontario Municipal Board and is not in full force and effect at this point in time. OPA 533 includes such criteria as creating a built form compatible with surrounding development; the provision of grade level commercial uses; proximity to public transit; minimal traffic impacts; proximity to services; sufficient parking; and other criteria.

The site is part of a larger complex of three seniors' condominium buildings. The proposed building represents an extension of the existing development, although it is proposed to be a separate condominium corporation. Subject to addressing matters in this report, Staff are satisfied that the proposal conforms to the policies set out in the Official Plan.

The Official Plan also establishes criteria for development in the vicinity of the CN Rail pullback track. The proposed development complies with the Official Plan policies and this site will be subject to the same agreements between CN, the Owner and the City already in place for the first three phases of the development.

### Zoning By-law

The subject property is zoned RA3 Apartment Residential Zone by By-law 323-98 as amended by By-law 412-98. The by-law establishes site-specific development standards for the subject lands including: a building envelope; a maximum of building height of 4 storeys and 13 metres; parking requirements; and, use of the building for an assisted care centre having a maximum of 160 beds. The primary exceptions required to this by-law are discussed below:

#### i) Proposed Use

This site is surrounded by an arena/district park to the west, a valley system and low density residential to the east, industrial to the south and senior's apartments to the north. The proposed building represents an extension of the existing development. The zoning by-law and the executed site plan agreement allow a assisted-care building, whereas the proposal is for a seniors' apartment building. The proposed condominium use and the assisted care facility are similar from the perspective that both are residential in nature, have the same building form, and cater to a seniors' population. Accordingly, Staff is satisfied that the proposed change in use is compatible with the surrounding land uses.

#### ii) Number of Storeys, Building Height & Building Envelope

The zoning by-law establishes a maximum building height of four storeys and 13 metres for the assisted care building, and the building was approved at a height of 11.8 metres. The three condominium buildings are approximately 14 metres in height. The proposed condominium is five-storeys and 13 metres in height, with each storey having a lower ceiling height than the assisted care building was to have. No change is proposed in the maximum building height permitted by the by-law.

The footprint of the proposed building extends 2.0 metres beyond the west limit of the building envelope established in the zoning by-law. This would have the effect of aligning the west wall of the new building with the existing building to the north. Staff have no objection to this minor extension of the building footprint in the amending by-law.

Therefore, the proposed building mass and form would be essentially unchanged from that permitted on the site. Accordingly, Staff can support the proposed change to the building height and footprint.

### Parking

A total of 62 parking spaces (comprised of 50 underground and 12 surface) are proposed for this phase of the development. Based on the by-law parking standard for a seniors' dwelling of 1 space/unit, 97 spaces would be required for this phase of the development. The Owner has submitted a parking study to justify the number of proposed parking spaces for this phase of the development and the overall site. The study states that the current parking supply is as follows:

Underground (3 existing buildings)	143 spaces (all subscribed to by residents)
Surface (Around piazza)	13 spaces
Surface Lots	90 spaces
Total	246 spaces

The spaces around the piazza are generally reserved for visitors, although visitors do park in other surface lots. Residents that have not purchased an underground parking space use the surface parking areas. The parking study was carried out by conducting a survey of only the surface lots, and concludes that the current parking supply is under-utilized and that the number of parking spaces proposed is satisfactory. The City's Transportation Department has reviewed the parking study and concurs with its' conclusions.

The zoning by-law requires that a total of 281 parking spaces be provided for the overall development (including the assisted care building), comprised of 161 spaces on the condominium lands and 120 spaces on lands leased from the City. The following chart summarizes the existing parking supply, and the number of spaces proposed as a result of this application.

	<u>Number of Spaces on Private Lands</u>	<u>Number of Spaces on Leased Land</u>	<u>Total Provided</u>
Existing	156	90	246
Proposed	50	12	62
Existing and Proposed	206	102	308

The By-law requires that 120 parking spaces be provided on the leased lands, whereas 103 spaces, are proposed, resulting in a deficiency of 17 spaces. However, 205 parking spaces are proposed on the private lands, which exceeds the by-law requirement of 161 spaces by 44 spaces. Therefore, there is a surplus in the overall parking supply of 27 (308-281) spaces. In light of the parking study and the surplus supply, Staff has no objection to the number of parking spaces proposed. However, since this site will be developed as a separate condominium corporation, the applicant will be required to demonstrate that residents of the proposed building will have access to surface level parking spaces belonging to the other condominium corporations.

#### Elevations

The proposed building elevations are illustrated on Attachment No. 3. The building is five storeys and 13 metres in height. The west elevation contains the main entrance, which is identified by a double door entry with glass side and top lites. The lower storey of the building is finished in a beige tone stone and precast concrete coping accents. The upper floors of the building are finished with in a lighter beige tone stucco, with precast stucco accent treatments around the windows and a decorative stucco molding is at the roofline. Metal and glass balcony guards are also prominent elements in the appearance of the building. The proposed elevations are acceptable and preferable to the previously approved institutional-style elevations.

#### Urban Design Department

The Urban Design Department has reviewed the application and is generally satisfied with the development as proposed. Urban Design and Planning Department Staff have met with the applicant and identified the following issues which, are being addressed by the applicant:

- the proposed length, location and screening of the access ramp to the underground garage;
- the provision of a more direct and generous pedestrian connection into the project from Rutherford Road; and,
- the provision of a walkway system around the building.

These issues must be addressed to the satisfaction of the Urban Design Department in the finalization of the site plan drawings.

## Environmental Considerations

### i) Top-of-Bank

The Toronto and Region Conservation Authority (TRCA) has approved the stable top-of-bank and a 10 metre building setback is reflected in the implementing zoning by-law. The proposed development complies with the setback requirement. The TRCA has advised that a portion of the property is located within an area regulated by the Authority and a permit is required for the completion of certain works. The applicant will be required to satisfy all requirements of the TRCA.

### ii) Phase 1 Environmental Report

A Phase 1 Environmental report was approved as part of the initial approval for the overall development.

### iii) Noise Report

A noise report was submitted with the original applications to develop the overall site. Agreements between the City, Owner and Canadian National Railways require that additional noise control measures be implemented in the design of the existing condominium buildings. The proposed building will be subject to these agreements.

The original site plan agreement for the overall development will be amended to implement this phase of the development and therefore, the proposed building will be subject to the same noise warning clauses as the other three condominiums.

### iv) Stormwater Management/Grading/Site Servicing

The applicant has submitted site servicing and grading plans and a stormwater management report, which must be reviewed and approved by the Engineering Department.

## Canadian National Railway

Canadian National Railways (CN) has advised that this building must be subject to the same requirements as the other condominiums on this site. The City's Solicitor has advised CN in writing that the same requirements will apply to the proposed building. A condition of approval has been included in this respect.

CN has also advised that the proposed condominium would be considered an equally sensitive land use as any other residential use under the Ministry of the Environment Guidelines. According to CN, it has been their experience that noise control by-laws do not distinguish between housing geared to seniors and normal residential. In this regard, there are studies that support the principle that elderly have an increased sensitivity to noise, specifically a magnified perception of low frequencies, and a reduced tolerance for noise in general. The proposed building is closest to the rail operations and therefore, the most exposed to the noise impacts. CN has commented that the City should be satisfied with the appropriateness of the proposed development given the inherent land use incompatibility.

## Parkland Dedication

The Legal Department, Real Estate Division, has advised that the Owner will be required to pay cash-in-lieu of parkland dedication equivalent to 5% of the value of the subject land, prior to the issuance of a building permit, or a fixed unit rate in accordance with the Planning Act and the City's cash-in-lieu policy.

## Vaughan Hydro

Vaughan Hydro has advised that there may be design issues with respect to a transformer that was acceptable under the original plans, but may have to be relocated as a result of the current plan. The Owner will be required to satisfy all requirements of Vaughan Hydro.

## **Conclusion**

OPA No. 350, as amended, permits housing suitable for senior citizens subject to a number of criteria. Staff is satisfied that the proposal meets the requirement of the Official Plan. The proposed seniors' condominium building represents the fourth phase of an existing seniors' residential complex, and is the same nature as the assisted care use currently permitted on this site.

Staff is satisfied that, subject to the recommendations in this report, the proposed use, built form and massing, parking, and overall site and building design are appropriate and compatible with surrounding development. Should Council concur, the recommendation of this report can be adopted to approve the applications.

## **Attachments**

1. Location Map
2. Site Plan
3. Elevations

## **Report prepared by:**

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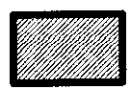
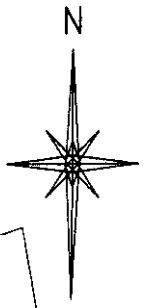
Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE ARBOUR  
Director of Community Planning

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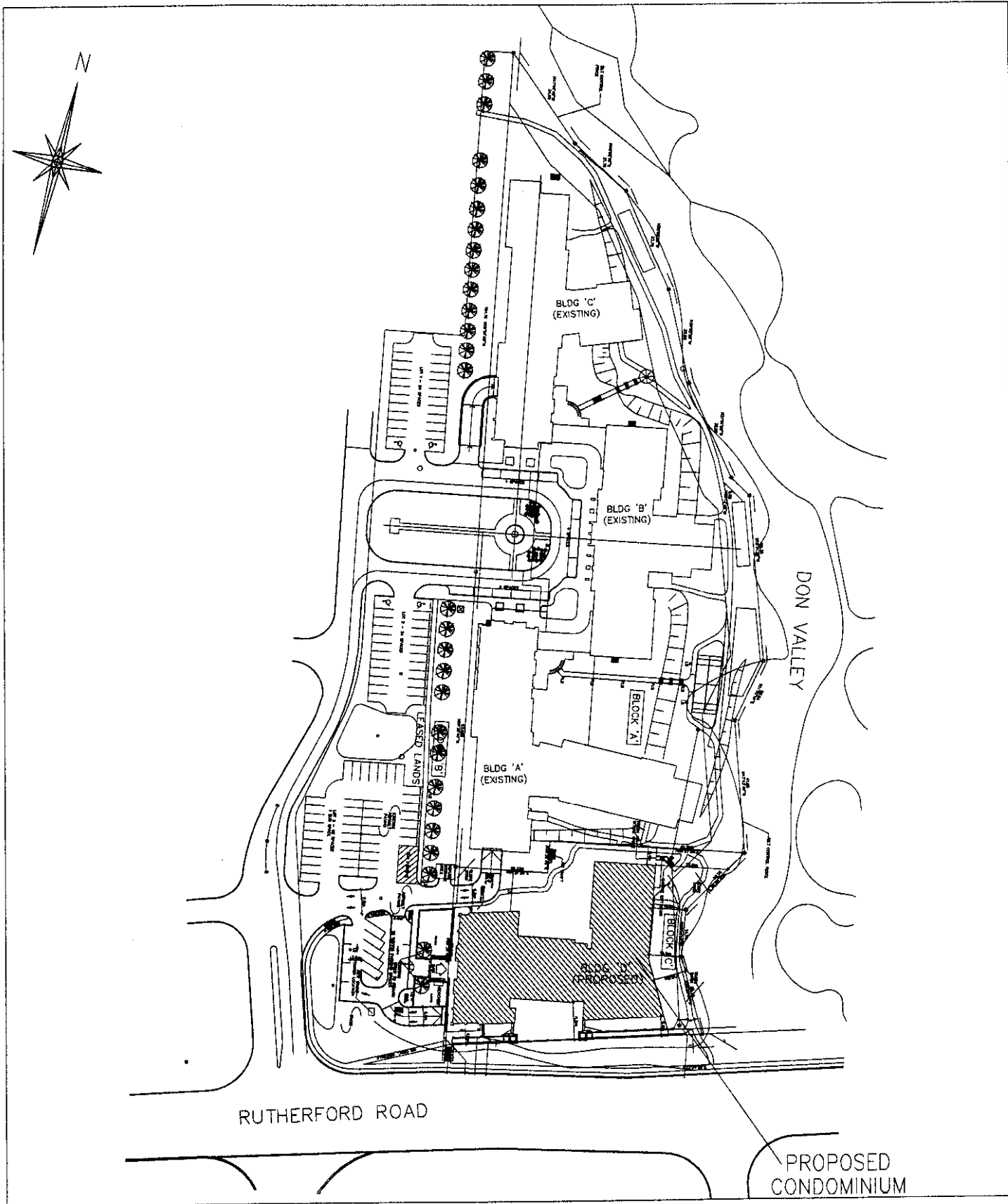
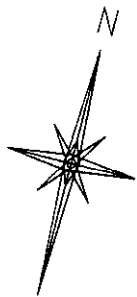
SUBJECT LANDS

ATTACHMENT '1'  
LOCATION MAP

FILE #:	REPORT #:
Z.02.020	PART OF LOT 16, CON. 4

CITY OF VAUGHAN  
PLANNING DEPARTMENT

DATE:	05/16/2002
APPLICANT:	VILLA GIARDINO (MAPLE) HOMES INC.
SCALE:	NOT TO SCALE



ATTACHMENT '2'  
SITE PLAN

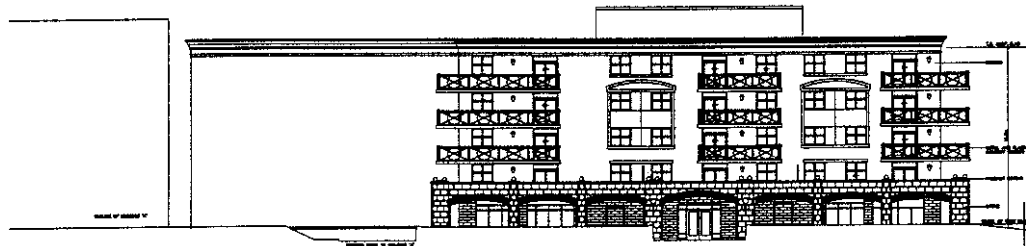
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Z.02.020	LOCATION: PART OF LOT 16, CON. 4

CITY OF VAUGHAN  
PLANNING DEPARTMENT

APPLICANT:  
VILLA GIARDINO (MAPLE) HOMES INC.

DATE: 05/16/2002
SCALE: NOT TO SCALE

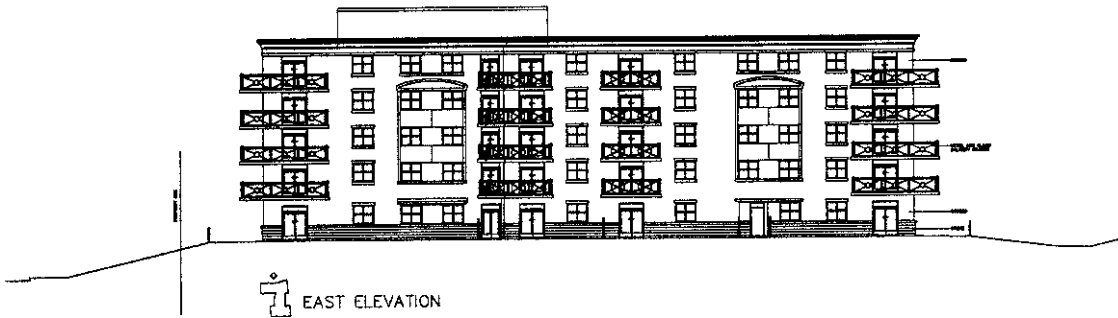




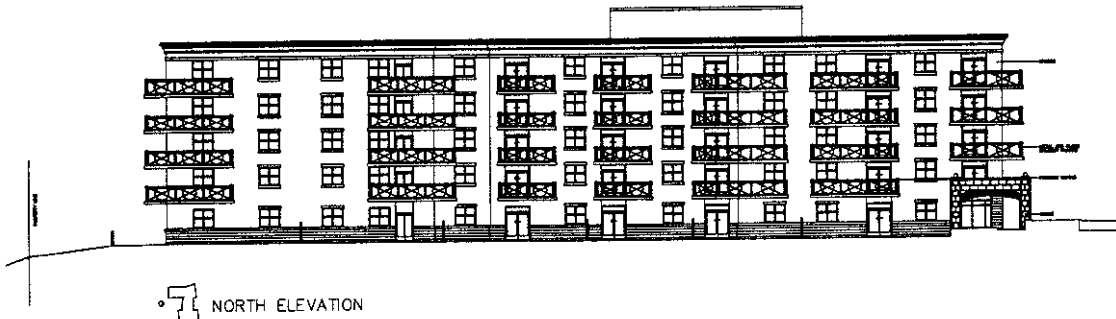
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

ATTACHMENT '3'  
ELEVATIONS

FILE #:

Z.02.020

REPORT #:

LOCATION:  
PART OF LOT  
16, CON. 4

CITY OF VAUGHAN  
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