

## **COMMITTEE OF THE WHOLE DECEMBER 9, 2002**

### **ZONING BY-LAW AMENDMENT FILE Z.01.044 SITE DEVELOPMENT FILE DA.01.071 M. AND B. NICOLINI**

#### **Recommendation**

The Commissioner of Planning recommends:

THAT Zoning Amendment Application Z.01.044 and Site Development Application DA.01.071 (M. and B. Nicolini) BE REFUSED.

#### **Purpose**

On May 29, 2001, the Owners submitted an application to amend the Zoning By-law to rezone the subject lands to RM2 Multiple Residential Zone and OS1 Open Space Conservation Zone to permit a seniors' retirement/nursing home. On September 7, 2001, the applicant also submitted Site Development Application DA.01.071. The proposed development consists of a 3½ to 5-storey, 3,334 sq.m building with 45 bed/sitting rooms ranging from 30 to 35 sq.m, together with ancillary uses and 22 parking spaces (20 underground).

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

The subject lands are located on the west side of Pine Valley Drive, between Villa Park Drive and Royal Gardens Boulevard (7980 Pine Valley Drive), in part of Lot 6, Concession 7, City of Vaughan. The subject lands are designated "Low Density Residential" and "Open Space" by OPA No. 240 (Woodbridge Community Plan) and are zoned R1 Residential Zone by By-law 1-88. The 0.43 ha site has approximately 52 metres of frontage on Pine Valley Drive and is developed with a two-storey detached dwelling.

The site rises westward from Pine Valley Drive to a plateau area (approximately .25 ha) and the southerly portion of the site is within the Jersey Creek valley (approximately .17 ha). The valley is heavily wooded with mature trees, extending to portions of the tablelands. The surrounding land uses are:

North - residential (R1 Residential Zone)

South - valleyland (OS1 Open Space Conservation) and residential (R1 – Residential Zone)

East - residential (R2 Residential Zone)

West - residential (R1 Residential Zone)

On June 12, 2002, the Applicant appealed Zoning Amendment Application File Z.01.041 (Mary and Bruno Nicolini) to the Ontario Municipal Board (OMB) on the basis that Council failed to make a decision within the required time period as provided by the Planning Act. On September 19, 2002, the Applicant appealed Site Development Application File No.DA.01.071 (Mary and Bruno Nicolini) to the OMB, pursuant to section 41(12) of the Planning Act. A hearing date has not yet been scheduled.

#### **Public Hearing**

On September 7, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and to the Vaughanwood Ratepayers Association. A number of comments have been received from the Vaughanwood Ratepayers Association and area residents, summarized as follows:

- there is limited development opportunity as the tableland is restricted to 2,524 sq.m.
- far too dense, massing is out of scale, and the building envelope is squeezed into the north part of the tableland, thereby offending the privacy of adjoining single family uses.
- adjacent homeowners expecting detached homes conforming to the R1 Zone are now presented with a three-storey wall, spanning 60 metres, at a setback of 5 metres; shifting the building to the south is restricted by the top-of-bank.
- incompatibility of the proposed land use with the adjacent residential area and environmental impacts.
- sound will be reflected from the proposed building to adjacent homes.
- a traffic assessment has not been undertaken to review major traffic issues, including sight line deficiencies, internal traffic flows and parking and driveway location onto arterial road.
- frequent visits by fire trucks, ambulances and garbage collection vehicles would disturb existing neighbourhood; need sufficient space for these vehicles to turn around on site.
- facility will exhaust odours directly into our backyards.
- there are many beautiful trees on site, most of which would be destroyed.

On October 29, 2001, Council adopted the following recommendation of the Committee of the Whole (Public Hearing):

1. That the recommendation contained in the following report of the Commissioner of Planning dated October 15, 2001, be approved;
2. That the following deputations, written submissions, transparencies and petition, be received:
  - a) Mr. John Stevens, Planning & Development Consultants, 29 Linden Crescent, Brampton, L6S 4A1, on behalf of the applicant;
  - b) Mr. Richard Jones, The Jones Consulting Group Ltd., 300 Lakeshore Drive, Suite 100, Barrie, L4N 0B4, on behalf of the Vaughanwood Ratepayers Association, and written submission, dated October 15, 2001;
  - c) Ms. Marion Iliohan, 9 Ivy Place, Woodbridge, L4L 3G1, and transparencies and petition;
  - d) Mr. Francois Fillion, 9 Ivy Place, Woodbridge, L4L 3G1;
  - e) Ms. Rita Minicucci-Colavecchia, 59 Ravine Court, Woodbridge, L4L 4L7;
  - f) Ms. Salme Del Giudice, 55 Villa Park Drive, Woodbridge, L4L 3G5, and written submission;
  - g) Mr. David Della Torre, 6 Royal Garden Boulevard, Woodbridge, L4L 7C3, and written submission, dated October 15, 2001;
  - h) Mr. Adolph Coseni, 5 Ivy Place, Woodbridge, L4L 3G1;
  - i) Ms. Rosanna Ferlito-Scrivo, 58 Royal Garden Boulevard, Woodbridge, L4L 7C2;
  - j) Mr. Alvaro Almuina, 41 Queen Post Drive, Woodbridge, L4L 3G3;
  - k) Mr. Wilfred Chard, 8 Royal Garden Boulevard, Woodbridge, L4L 7C3; and
  - l) Ms. Clara Astolfo, Vaughanwood Ratepayers. Association, 15 Francis Street, Woodbridge, L4L 4A8.

### Land Use Status

#### Official Plan

The lands are designated “Low Density Residential” and “Open Space” by Official Plan Amendment No. 240 (The Woodbridge Community Plan). Section 3.2 General Policies, (Residential Areas) states: “Housing suitable for seniors and similar uses such as nursing homes will be encouraged to locate in Woodbridge using any housing form acceptable to the Town, preferably in close proximity to commercial use and public facilities. Similar policies are reiterated

in Section 7.5, Other Institutions, which states: “Nursing homes and homes for the aged may be located in the vicinity of the commercial core, community commercial or residential areas.”

An official plan amendment is not required to permit the development of a nursing home on the subject lands within the “Low Density Residential” designation. The “Low Density Residential” designation would appear to correspond to the portion of the lands north of, or above the top-of-bank, on which the proposed development is contemplated. The remainder is below the top-of-bank and is deemed to be designated “Open Space”.

Zoning

The subject lands are zoned R1 Residential Zone in their entirety by By-law 1-88, and developed with an older residence.

The applicant is proposing to rezone the subject lands to RM2 Multiple Residential Zone to permit the development of a long term care facility. The proposed development consists of a 3½ to 5-storey, 3,334 sq.m building containing 45 bed/sitting rooms ranging in size from 30 to 35 sq.m. Ancillary uses include: nursing station for each residential floor, common dining room, chapel, lounge and activity rooms, TV room, library, hair salon and gift shop. As the proposed use is not permitted in an R1 Zone, a zoning amendment is required.

The Building Standards Department has reviewed the site plan and has identified the following preliminary zone exceptions, based on scaled dimensions where necessary and based on the valleylands being rezoned to OS1 Open Space Zone:

	<u>Required</u>	<u>Proposed</u>
Interior Side Yard (North)	15.0m minimum	approximately 6.0m
Interior Side Yard (South)	15.0m minimum	0.1m
Building Height	11m maximum	16.3m
Lot Coverage	20% maximum	33.1%
Landscape Strip (North)	2.4m minimum	1.8m
Driveway Width at Front Lot Line	7.5m maximum	greater than 7.5m
Dimensions of Driveways Section 4.1.4 (f)	maximum 9m (circular drive)	greater than 9.0m
Parking	23 spaces minimum	22 spaces

Parking Related Comments

- Provide dimensions of parking spaces above and below grade, 2.7m x 6.0m typical (show dimensions between walls and pillars) and 3.9m X 6.0m handicapped spaces.
- Aisle width within underground parking area is less than 6m width, all aisle paths to and from a parking space shall be 6m minimum.

Retaining Walls  
 Sect. 4.1.1 (h)

Not in Compliance with By-law Requirements

The Building Standards Department has also provided a list of site plan comments (Architectural) as it relates to construction drawings and documents for building permit and Ontario Building Code compliance.

#### Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the revised submission for the above site plan application and offers the following preliminary comments.

- A Site Grading and Servicing Plan per City standards is to be submitted to the Engineering Department for our review and approval. The plan(s) are to be sealed and certified by a Professional Engineer.
- Region of York approval will be required.
- TRCA approval will be required.
- A Noise Report is to be submitted to the Engineering Department for our review and approval. The report should address noise attenuation features required for the proposed development as well as the existing adjacent residential properties, which may be affected by the proposed development.
- Prior to site plan approval, the City and the Region of York shall confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development.
- Submission of a Phase 1 ESA will be required.

#### Toronto Region Conservation Authority

The Toronto Region Conservation Authority (TRCA) has commented on this proposal in various occasions (June 19, 2001, October 17, 2001, May 2, 2002 and October 28, 2002). In their June 19, 2001 comments, the following concerns were raised:

"The property is adjacent to a tributary watercourse and valley corridor associated with the Humber River (Jersey Creek). TRCA interests seek to ensure appropriate setbacks for all new development adjacent to the top-of-bank, and appropriate zoning and public acquisition for all valley corridors and to ensure slope stability and erosion hazards are addressed.

For purposes of the rezoning application, all lands within the valley corridor are normally set aside for dedication to a public authority and placed within an open space or other suitable zoning category which has the affect of prohibiting structural encroachment.

Upon review of the geotechnical report, we are satisfied that the top-of-bank represents the stable slope limit. We note, however, that the top-of-bank must be illustrated as a surveyed line referencing bearings and dimensions as staked in the field with Authority staff.

Notwithstanding the above, we have concerns with the setbacks as illustrated on the accompanying site plan due to the limited tableland area available with respect to the nature and size of this development.

It is general TRCA policy to require a minimum 10m setback for all new development adjacent to the top-of-bank. The plan illustrates the ground floor structure within approximately 4.5m from the top-of-bank, a second storey cantilevered section to within 0.1m and the access driveway to within 0.6m (according to the geotechnical report) at its closest point. These proposed setbacks are inconsistent with surrounding reaches and it would appear that site grading will require alteration to the valley slope in order to support the main access road. Furthermore, it does not appear that the driveway at the main

entrance drop-off is appropriately sized to allow for vehicles to turn without entering the underground parking garage.

Therefore, notwithstanding our concerns with the setbacks proposed, the conceptual site plan suggests that at detailed site plan application stage, this proposal cannot be accommodated without further impacts to the valley corridor.

Accordingly, we cannot support this application as illustrated."

In their letter of October 28, 2002, the TRCA reiterated their concerns with respect to a revised site plan, as follows:

"As noted in our prior correspondence of May 2, 2002 (attached), staff have expressed our concerns with the intensity of the land use proposed and its bearing on the implementation of TRCA policies regarding setbacks to valley corridors and alteration of valley slopes to facilitate new development.

The most current applications are still not in accordance with the intent and purpose of the TRCA's Valley and Stream Corridor Management Program (VSCMP) policies. The current site plan illustrates a driveway and principal building components at, or in close proximity to the top-of-bank and continue to indicate the necessity to regrade and alter the valley slope to facilitate this design.

Accordingly, TRCA staff do not support the approval of this Site Plan and/or the related re-zoning applications necessary to permit its development, as the proposal does not conform to TRCA's Valley and Stream Corridor Management Program (VSCMP) policies.

Notwithstanding the above, staff note that the landscape plans in support of this application propose the retention of the existing vegetation within the valley corridor. In light of the extensive regrading proposed within the valley, staff question the ability to protect any current vegetation.

Consistent with our previous comments, should the City see merit in approving this application as submitted, the TRCA recommends the following Conditions be levied:

1. That the landscape plans be revised to include full restoration of the valleylands with native, non-invasive vegetation compatible with adjacent natural areas on and off site.
2. That all lands below the defined top-of-bank be zoned in the appropriate Open Space/Hazard land category, with consideration of gratuitous dedication of the Valley Corridor Block to a public agency.
3. That the final site, servicing, grading and landscape plans be submitted to the TRCA for final review, comment and approval.

The TRCA does not support the proposed zoning amendment and site plan application as the application does not conform to TRCA's Valley and Stream Corridor Management Policies. Of significance is setbacks to valley corridors (minimum 10m from top-of-bank) and alteration of valley slopes to facilitate the development."

Issue has been raised by the applicant regarding the applicability of TRCA regulations on these lands. The TRCA in its letter of May 2, 2002, indicated that:

"With respect to the applicability of TRCA regulations on this property, please note that the property does not fall within a Scheduled Area of Fill Regulation pursuant to Ontario

Fill Regulation 158 (The Fill construction and Alteration to Waterways Regulation) and accordingly, TRCA permit approvals are not required for fill placement, site grading and/or alteration.

Please be advised, however, any alteration to the watercourse on site (including culvert) and/or construction within the floodplain to facilitate this proposal is subject to the provisions of Regulation 158.”

#### Region of York Transportation and Works Department

The Region of York Transportation and Works Department advised that it has no objection in principle to the development concept. Work on or abutting the Regional right-of-way must not proceed without final approval from the Region of York. In November 2002, the Region advised that the following information was outstanding:

1. Site plan, including:

Review Fee

Drawings Showing Location of Adjacent Accesses (on both sides of roadway)  
Existing and Proposed Services, Accesses, and Utilities

2. Detailed Engineering Submissions, including:

Grading drawings, including centerline of road elevations

Complete Water and Wastewater Servicing Plan identifying proposed connections to Local and Regional facilities.

Complete Utility Details (including Regional and Local underground services)

Restoration Details for Areas of Regional Road impacted by construction

Construction Access details

Detailed Cost Estimate for Works Required on Regional Road

Traffic Management or Control Plans

The Region of York Transportation and Works Department has also red-lined the Site Plan and Site Details drawing, the Landscape Plans and the Existing Vegetation Analysis drawing.

#### Departmental Comments

The Public Works Department has advised that internalized waste storage collection will be required.

The Real Estate department has advised that cash-in-lieu of parkland dedication would be required.

The Fire Department has provided a list of preliminary comments related to fire access routes and fire hydrant coverage.

Vaughan Hydro has outlined a list of requirements that the applicant must meet with respect to utilities.

The Urban Design Department has reviewed the landscape plan and details for the site plan application, and find it generally satisfactory. Additional trees should be provided along the northerly property line where space permits. Additional space to accommodate larger trees should be found at the northeast portion of the site, directly north of the concrete retaining wall, by shifting and reorganizing the driveway/turn-about.

### Parking and Access

The site plan proposes a single access point to Pine Valley Drive. The maximum driveway width (measured at the curb) is 9.0 metres. The site plan currently shows approximately 20.0 metres. The Region of York will need to approve access to Pine Valley Drive.

The site plan proposes 22 parking spaces, 20 underground and 2 surface parking spaces. By-law 1-88 requires 23 spaces, calculated as follows:

$$45 \text{ beds} \times 0.5 \text{ spaces per bed} = 23 \text{ spaces}$$

### Environmental

#### a) Noise

The Owner is required to submit a Noise Report to the Engineering Department in support of this application. The report should address noise attenuation features required for the proposed development, as well as for the adjacent residential properties.

#### b) Phase 1 Environmental Report

The Owner is required to submit a Phase 1 ESA to the City for peer review, in accordance with City policy.

### Elevations

The proposed building ranges in height from 3½-storeys along the north, west and portions of the south elevations, to 5-storeys along the east and portions of the south elevations. The building is to be finished in stucco, with double-glazed aluminum windows on all elevations. The elevation plans submitted do not indicate any colour details.

### Planning Considerations

#### a) Compatability

The proposed development is located within a low density residential area, surrounded by detached dwellings on large lots. The draft plan of subdivision to the north was designed to enable the subject lands to be incorporated into the 4 abutting lots fronting on the south side of Queen Post Drive. The proposed nursing home facility, flanking onto the 4 detached 2-storey dwellings, would be 3½ storeys high for a length of approximately 50m (164 ft) and setback 6m from the northerly lot line. The 3½-storey height is proposed to achieve the minimum 40 beds required to be economically functional.

While the proposed nursing home is a permitted use under the policies of the Official Plan, the intent would be to provide a nursing home use in a location where it can be accommodated on the site and properly integrated into its surroundings. The residential/institutional use is considered to be compatible with residential uses, and would generally create a low level of activity conducive to a residential area. However, in this situation, more than ⅓ of the site is valleyland, restricting development potential to a long, narrow portion along the north side, which flanks immediately onto the rear yards of 4 residential lots. Consequently, the proposed building is, by necessity, long and narrow with minimal setback from the northerly lot line.

b) Top-of-Bank

TRCA has advised that the property does not fall within a Scheduled Area of Fill Regulation, and that TRCA permit approval are not required for fill placement, site grading and/or alteration. However, the Authority has expressed a preference to achieve a 10m structural setback as required in a regulated area.

An architecturally innovative design can be achieved by the juxtaposition of the building elevation with the valley wall, to achieve pleasant common areas and bedrooms within the building for the residents. Architectural treatment, including glass surfaces and indentions, can be employed to downplay the northerly elevation, however, the length and height of the wall minimize this opportunity. Providing the 10m setback preferred by the TRCA would reduce the width of the tableland sufficiently to negate the use of the property for the nursing home in its proposed form.

**Conclusion**

Staff have reviewed the proposed Zoning and Site Development Applications in accordance with the policies of Official Plan Amendment No. 240 and the requirements of the Zoning By-law. When considering institutional uses, an attempt is made to ensure that the built form, massing and scale is compatible with its surrounding environment. Although the nursing home is a permitted use under OPA No. 240 "Low Density Residential" designation, the potential impact of the proposed building to adjacent residences is difficult to mitigate, as the available tableland is restricted to 2,524 sq.m and siting is constrained on the south by the valley lands.

There are significant constraints which hinder the appropriate development of the subject lot for this use. Given the scale and massing of the proposed development in context of the surroundings, Staff cannot support the subject zoning and site development applications, as proposed. Should Council concur, the Recommendation section of this report can be adopted.

**Attachments**

1. Location Map
2. Site Plan
3. Elevations
4. Floor Plan
5. Landscape Plan

**Report prepared by:**

Arto Tikiryan, Senior Planner, ext.8212  
Marco Ramunno, Manager, Development Planning, ext 8485

Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

/CM



# Location Map

Part Lot 6,  
Concession 7

APPLICANT:  
M & B NICOLINI



Community Planning Department

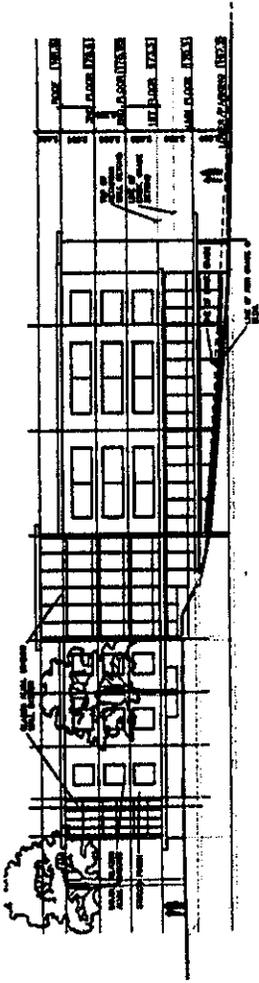
# Attachment

FILE No.:  
DA.01.071 (Revised)  
Z.01.044

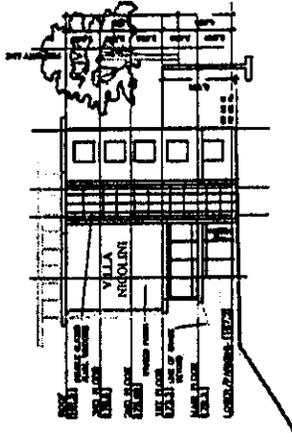
September 18, 2002

# 1

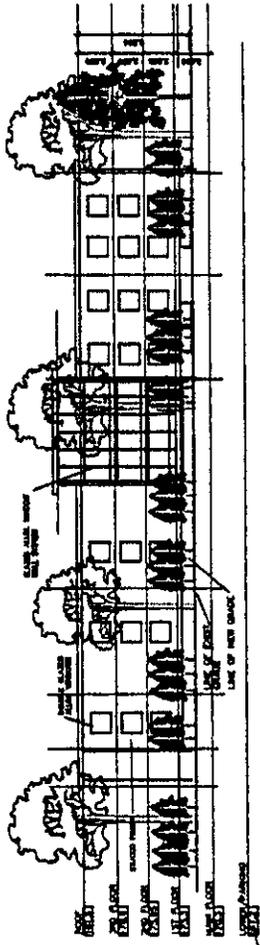




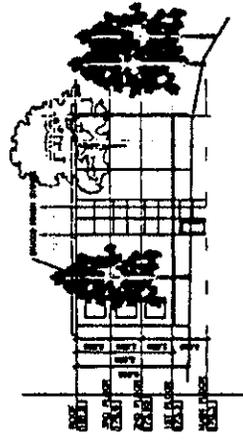
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SCALE 1: 200



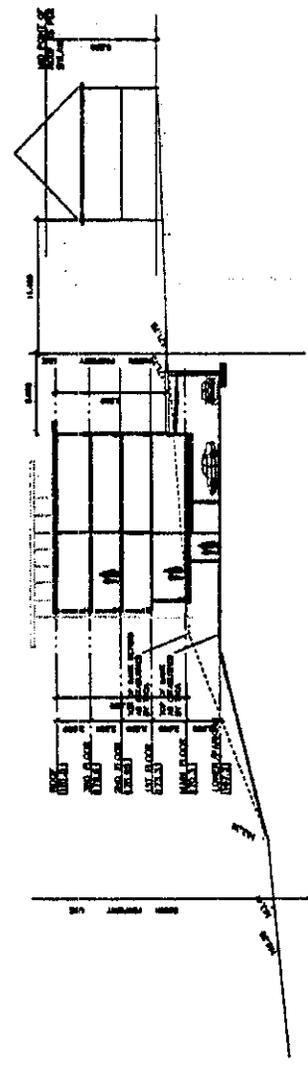
**EAST ELEVATION**  
SCALE 1: 200



**NORTH ELEVATION**  
SCALE 1: 200



**WEST ELEVATION**  
SCALE 1: 200



**N-S SITE SECTION LOOKING WEST**  
SCALE 1: 200

NOT TO SCALE

# Elevation Plan

Part Lot 6,  
Concession 7  
APPLICANT:  
M & B NICOLINI



Community Planning Department

# Attachment 3

FILE No.:  
DA.01.071 (Revised)  
Z.01.044  
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# Attachment 4

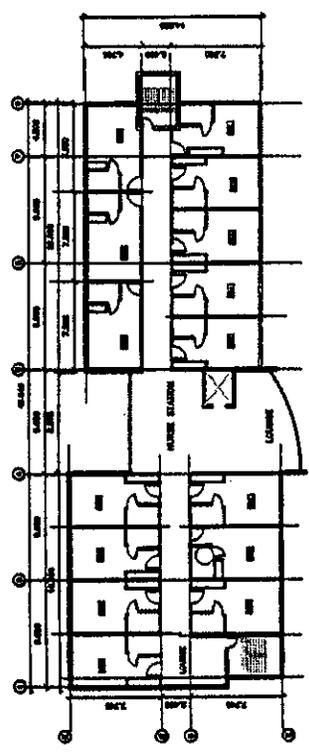
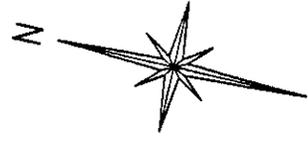
FILE No.:  
DA.01.071 (Revised)  
Z.01.044  
September 18, 2002

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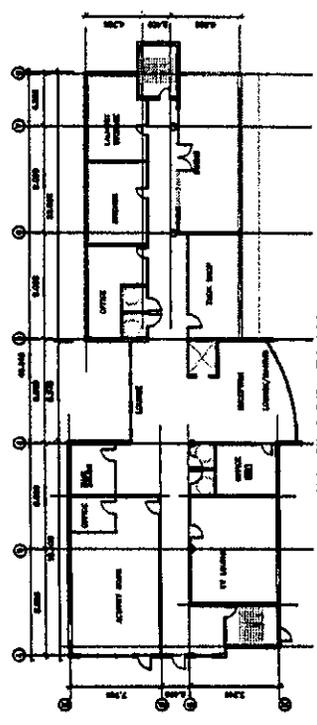
**Floor Plan**  
Part Lot 6,  
Concession 7  
APPLICANT:  
M & B NICOLINI

**City of Vaughan**  
Community Planning Department

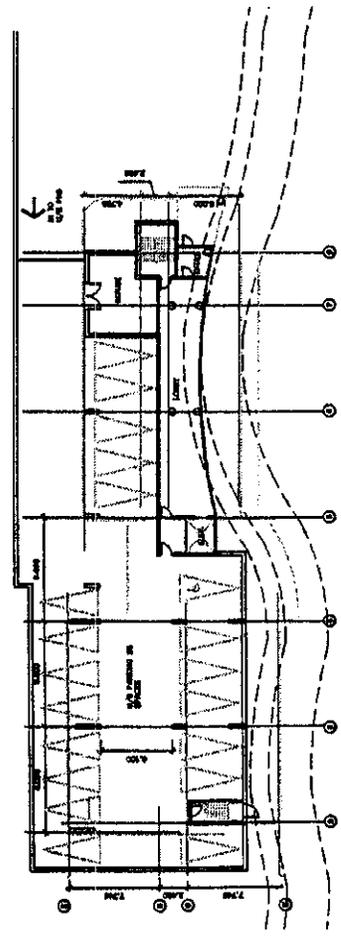
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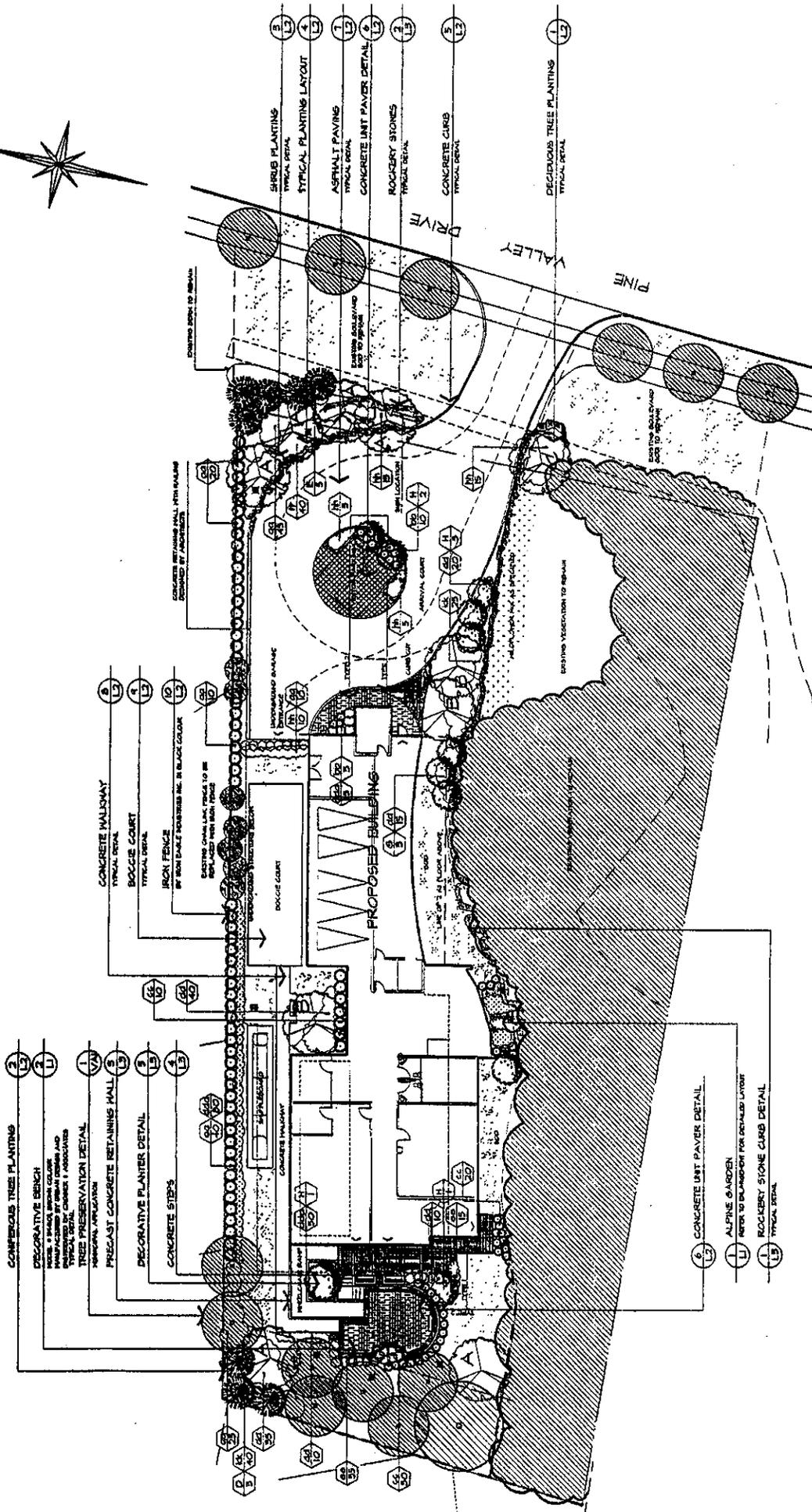
**1ST-3rd FLOOR PLANS**  
SCALE 1/4" = 1'-0"



**MAIN FLOOR PLAN**  
SCALE 1/4" = 1'-0"



**LOWER FLOOR/PARKING LEVEL PLAN**  
SCALE 1/4" = 1'-0"



NOT TO SCALE

# Attachment 5

FILE No.:  
DA 01.071 (Revised)  
Z.01.044  
September 18, 2002



Community Planning Department

# Landscape Plan

Part Lot 6,  
Concession 7  
APPLICANT:  
M & B NICOLINI

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