

COMMITTEE OF THE WHOLE JANUARY 5, 2004

**ZONING BY-LAW AMENDMENT FILE Z.03.049
SITE DEVELOPMENT FILE DA.03.067
MARIO TEDESCO
REPORT #P.2003.50**

Recommendation

The Commissioner of Planning recommends:

1. That Zoning Amendment Application Z.03.049 (Mario Tedesco) BE APPROVED, and that the implementing by-law:
 - a) to rezone the subject lands to EM1 Prestige Employment Area Zone and permit one eating establishment use within the dwelling in excess of 185 m²;
 - b) provide the following exceptions on the property:
 - a minimum of 24 parking spaces, rather than 83
 - minimum lot frontage shall be 30m, rather than 36m
 - minimum lot area shall be 2201 sq.m, rather than 3000 sq.m
 - minimum rear yard setback shall be 2.85m and interior side yard shall be 1.5m, rather than 12m and 6m respectively
 - no loading space shall be required
 - restrict use on site to eating establishment only
 - any other exceptions required to implement the approved site plan
2. That Site Development Application DA.03.067 (Mario Tedesco), as prepared by Daniel Lois Cusimano Architect Incorporated May 25, 2003, 2003, BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i) the final site plan and building elevations be approved by the Director of Urban Design;
 - ii) the final site servicing and grading plans, stormwater management report and Environmental Report be approved by the Engineering Department;
 - iii) the final landscape plan and cost estimate be approved by the Urban Design Department;
 - iv) the requirements of Vaughan Hydro and Vaughan Fire Department shall be satisfied;
 - v) a noise and parking study be submitted and approved by the City Engineering Department and implemented in the site plan;
 - vi) the final plans, access points and driveways shall be approved by the Region of York Transportation and Works Department and City of Vaughan;

- vii) that the Phase One Environmental Assessment report be approved and determine the suitability of the land for commercial uses.
- viii) the implementing zoning by-law shall be in full force and effect.
- ix) The final plans shall be approved by the Toronto and Region Conservation Authority and a permit in accordance to Ontario regulation 158 shall be obtained prior to any development occurring.

3. The site plan agreement contain the following provisions:

- i) all garbage shall be stored indoors; and
- ii) The owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a building permit, in accordance with the Planning Act. The Owner shall submit an appraisal of the subject lands 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.

Purpose

On July 4, 2003, the Owner submitted an application to rezone the subject lands from Agricultural Zone to EM1 Prestige Employment Area Zone, to permit an eating establishment use within the existing detached dwelling with 25 parking spaces. On November 3, 2003 a related site development application DA.03.067 proposing a 47.85 sq.m addition to the existing dwelling was submitted. The applicant has revised the plan in accordance to the site plan review comments as follows:

Site Area	2,202 sq.m
Existing Floor Area	470m ²
Proposed Addition	47.85 sq.m
Total gross Floor Area	517.85 sq.m
Parking Provided	24 spaces
Parking Required	83 spaces

Background - Analysis and Options

Location

The subject lands are located on the west side of Islington Avenue, north of Steeles Avenue, being Lot 23, Registered Plan 9691 (7034 Islington Avenue), in Lot 1 Concession 7, City of Vaughan. The property is relatively flat with a 30m frontage on Islington Avenue and 73m depth. There is a residential dwelling on the site. The surrounding land uses are as follows:

- North - dwellings, church and golf course (A Agricultural Zone and PB1 Parkway Belt Zone)
- South - service station, Steeles Avenue (C6 Zone)
- East - Islington Avenue; commercial plaza (C7 Zone)
- West - valleylands (PB1 Parkway Belt Zone, Open Space Conservation Area Zone)

Public Hearing

On July 25, 2003, a notice of Public Hearing was mailed to all property owners within 120 m of the subject site. No comments have been received to date. The recommendation of the Committee of the Whole on August 18, 2003, to receive the Public Hearing and forward a technical report to a future Committee meeting, was ratified by Council on August 25, 2003.

Land Use Status

The subject lands, together with five other properties along Islington Avenue are designated "Prestige Area" by OPA #480, which was adopted by Council on February 24, 1997, and approved by the Region of York with modification on January 17, 2002. The Prestige Area designation provides opportunities for employment intensive uses under OPA #450 that will take advantage and support the transit system and which require high visual exposure, good accessibility and an attractive working environment. A wide range of industrial, office, business and civic uses are permitted, with no outside storage of goods or materials.

Site specific policies of OPA #480 provide that prior to rezoning, the lands be developed in a comprehensive manner by way of block plan approval to deal with issues of traffic, access, location, existing development form, ownership pattern and design. In addition, at the site plan/draft plan of subdivision stage the following studies may be required:

- slope stability study to determine top-of-bank
- geotechnical report and remediation plan to address the presence of an old landfill site
- preliminary stormwater management report (quantity, quality control)

The policies also provide for the City to deal with the subject lands and the adjacent properties 7040 and 7046 Islington Avenue as a development unit. The proposed development application does not represent a redevelopment of the site, nor does it compromise the traffic, access, design and built form as referred to in the official plan. The application proposes to convert the existing dwelling into a restaurant, with a minor addition to the rear of the structure. The dwelling will remain as sited and the existing access point will be used. In addition, the implementing by-law will restrict the use to an eating establishment use only. In consideration of this, Planning Staff are of the opinion that an official plan amendment is not required.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88 which permits various agricultural, recreational, institutional and commercial uses, but does not permit an eating establishment, therefore an amendment is required. The applicant proposes to rezone the lands to EM1 Prestige Employment Area Zone consistent with the Official Plan designation. Under this zone category, eating establishments are limited to 185 m² gross floor area, and within a multi-unit building.

The following exceptions to the EM1 Prestige Employment Area Zone Standards required to implement the site plan have been identified as follows:

- minimum parking of 24 spaces, rather than 83 spaces
- restrict use to one eating establishment only, having a gross floor area greater than 185 m²
- minimum rear and interior yard setbacks
- minimum lot area and frontage
- location of loading area
- permit an eating establishment within a single-unit building

Any other exception required to implement the site development application will be included in the implementing by-law.

Site Description

The subject site is relatively regular in shape and flat with the exception of a slight downward grade along the eastern property line. A stucco dwelling is located at the rear of the property with access to Islington Avenue via a semi-circle driveway.

The Urban Design Department has reviewed the preliminary site plan and provides the following comments:

- the site organization is to be reconfigured to provide a better arrival court for the building
- handicapped parking space to be relocated closer to the main entrance and access ramp
- the railings on the access ramp, the porch and the east stairs are to match; the railing is to have a bottom rail, an intermediate rail (36" height approx) and a top rail at the required 42' height
- garbage to be stored indoors
- the applicant is to provide details of the proposed light standards and any signs that are proposed

The applicant has revised the plan to address many of the comments listed above. The final landscape plan and elevation plans shall be approved by this department.

Access/Parking

The site plan proposes a circular full-movement driveway access from Islington Avenue. The driveway is designed in manner that allows separate ingress and egress movements to the site. The access must be designed and located in a manner that is satisfactory to the Region of York.

The required parking for the proposal is 83 spaces, whereas 25 spaces have been provided. The parking standards are based as the following:

Eating Establishment (Bldg - GFA 517.85 @16 spaces /100m² GFA) = 83 spaces

In consideration of the above, the site is deficient 58 parking spaces. The Transportation Section has indicated that the parking shortfall is considerable and that a Parking Study is required. They have also indicated that the handicapped space must be relocated closer to the main entrance and ramp, and that snow storage areas be identified. Staff are still awaiting a parking study.

Building Elevations

The elevations will maintain the residential bungalow look. The structure is constructed of gray-colour stucco as the main finish, accented with complimentary lighter-gray stucco finish.

The west elevation, which faces the open space land, includes a one-storey sun room addition, with expansive glazing offering panoramic views to the open space lands.

The plans do not identify any signage or indicate the location of future signage or promotion pylon. It is expected that the signage for this establishment will be subtle and not detract for the residential character of the development, requiring approval of the Urban Design Department.

Landscaping

The landscape plan proposes an array of landscaped material and embellishes the area behind the restaurant. A variety of deciduous and coniferous trees and shrubbery will surround the periphery of the site. A main feature is centered on site, comprised of a landscape feature concealed with an existing stucco wall. A center island separating the parking area and including of a water feature element, is also proposed.

The Urban Design Department shall approve the final landscape plan and landscape cost estimate.

Servicing

The Engineering Department advised that the subsequent submission should include the information outlined within the City of Vaughan "Site Plan Criteria Guide". The applicant is to provide a complete Stormwater Management Report to the satisfaction of the Engineering Department

Given its proximity to a residential dwelling to the north, a Noise Report/Statement is required for this development.

Environmental

The lands are located next to a gas station and within 500m of a waste disposal/landfill site. Official Plan Amendment #600 contains policies for contaminated or potentially contaminated site as follows:

"The City shall require that, prior to permitting development on or within 500m of an existing or former waste disposal site, that the following be completed to the satisfaction of the City and appropriate approval authority:

- submission of technical studies, such as engineering studies addressing residues, gas, leachate and hydrogeology to be carried out by qualified engineers;
- implementing of mitigation or remedial measures, including phasing of development if necessary, recommended by technical studies described in) above; and
- the city shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any structure

A Phase 1 Environmental Assessment report prepared by JFM Environmental was submitted by the applicant and forwarded to the City's peer reviewer, Terrapex Environmental for review. To date, comments are still pending.

Region of York

The development abuts Islington Avenue, a Regional Corridor and for this reason the final access design shall be reviewed and approved by the Region Of York Transportation and Works Department.

Toronto Region Conservation Authority (TRCA)

Authority Staff have reviewed zoning amendment application and indicate that the rear portion of the property falls within a TRCA Fill regulated Area of the Humber River watershed, pursuant to Ontario Regulation 158 and therefore requires a permit from prior to any works being done.

In addition, the Authority Valley and Stream Corridor Management Program (VSCMP) establishes development guidelines for properties affected by valley and stream corridors. It requires a minimum setback of 10m from the top stable bank or predicted long term stable slope of bank with no type of new development within the approved boundaries. The site development application will require approval of the Authority.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA 600.

Conclusion

Official Plan Amendment #480 designates the subject lands "Prestige Area", by OPA #450 which provides opportunities for a wide range of industrial, office, business and civic uses. Rezoning the lands EM1 Prestige Employment Area Zone is consistent with the policies and designation of the official plan.

It is recommended that the permitted use be limited to an eating establishment in the existing structure within the EM1 Zone. This would continue to meet the intent of the Official Plan and will provide opportunity to provide a more comprehensive development in the future and facilitate the site specific site development application.

To this end, Staff has no objection to the proposed applications, subject to the conditions outlined in the recommendation section of *this report*. Should Council concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Elevations
4. Elevations

Report prepared by:

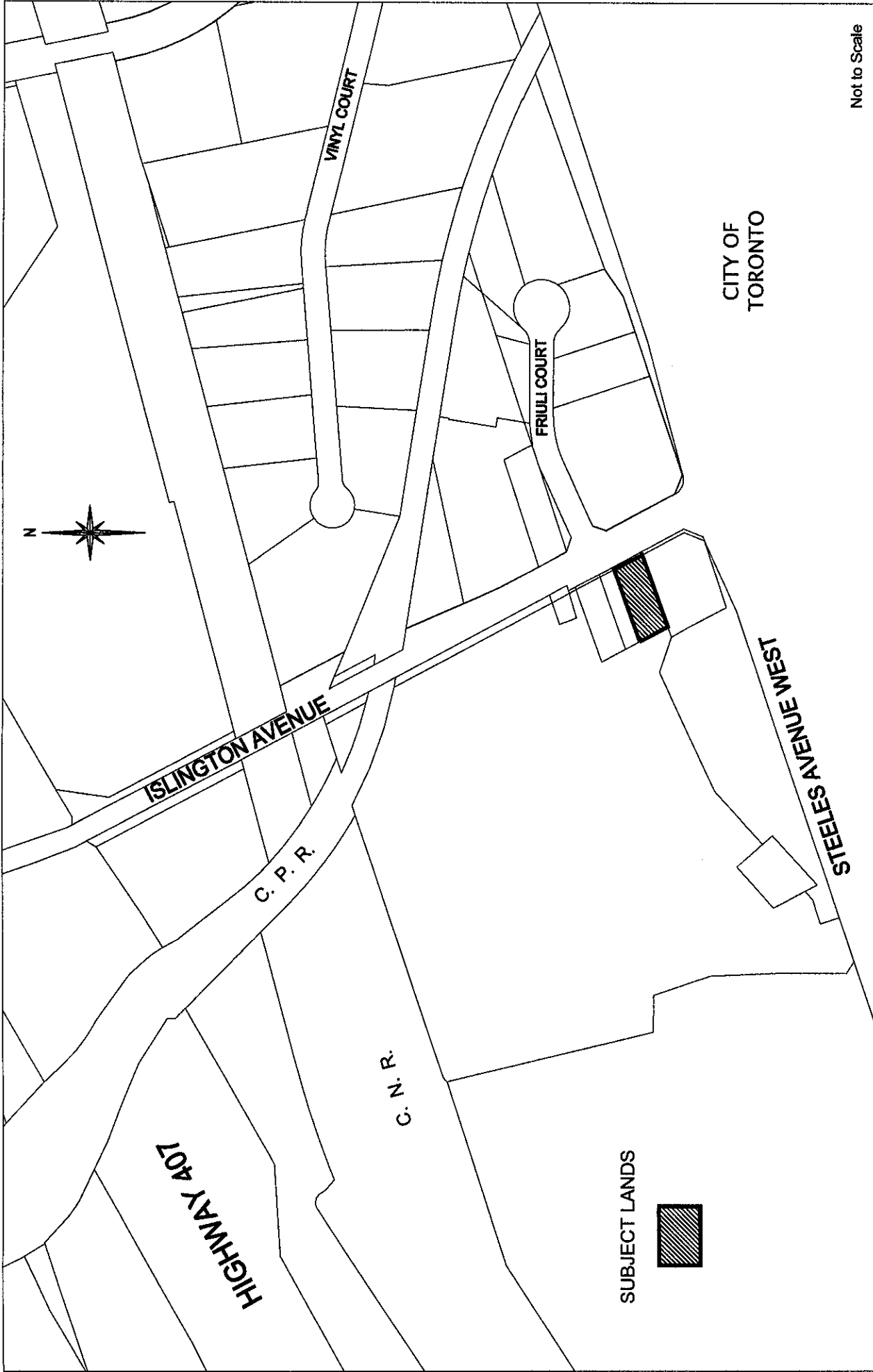
Eugene Fera, Planner, ext. 8064
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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM



Not to Scale

Location Map

Part of Lot 1,
Concession 7
APPLICANT:
MARIO TEDESCO

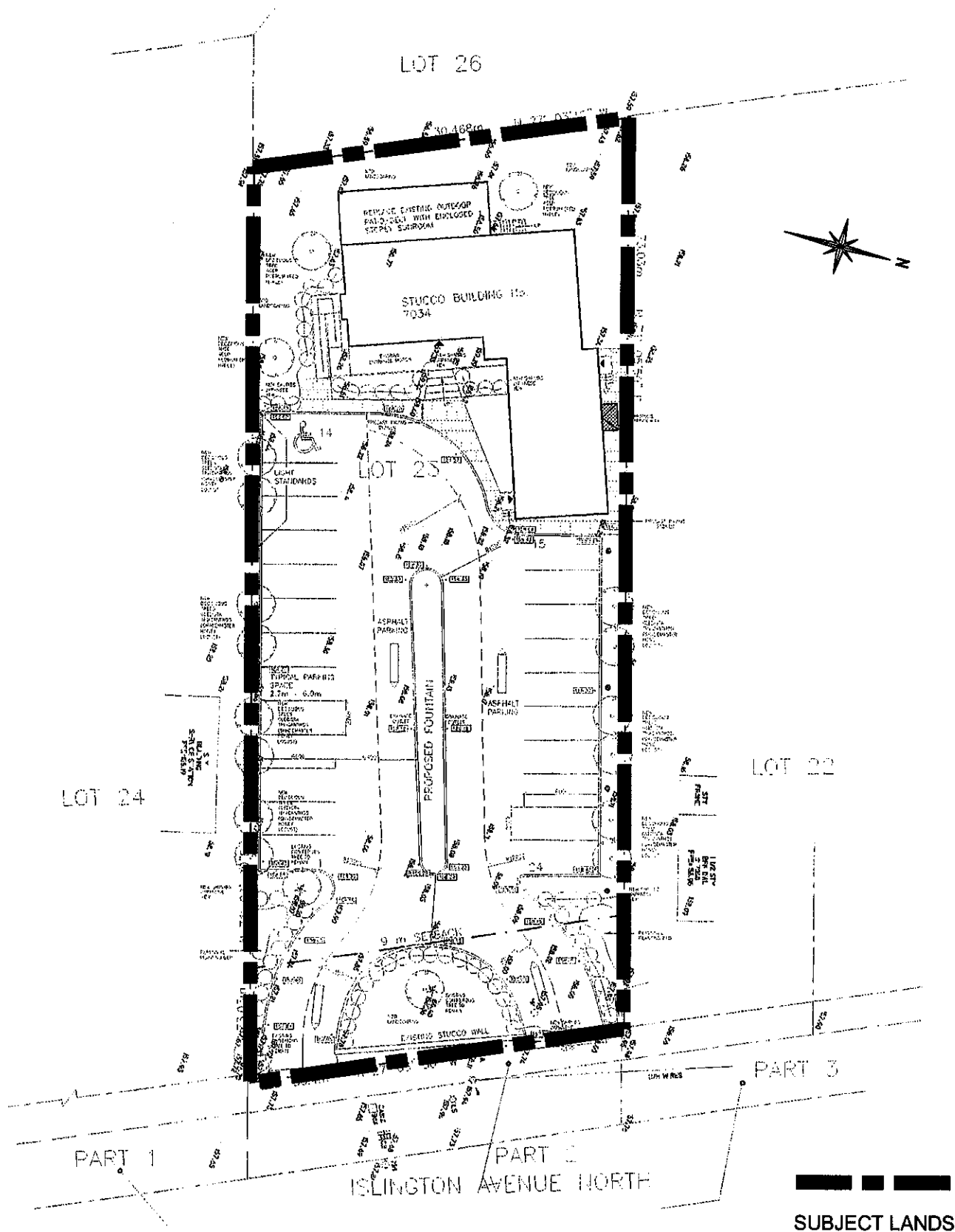
MAP 1 ATTACHMENTS Z.03.049

City of Vaughan

Community Planning Department

Attachment 1

FILE No.:
DA.03.067
RELATED FILE:
Z.03.049
December 16, 2003



Not to Scale

Site Plan

Part of Lot 1,
Concession 7

APPLICANT:
MARIO TEDESCO



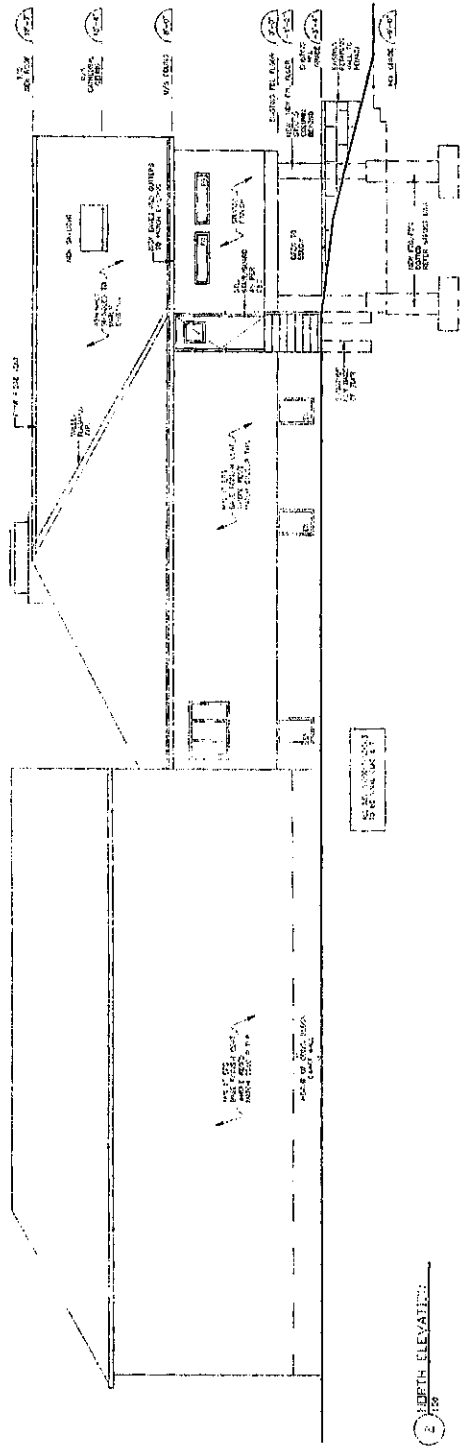
Community Planning Department

Attachment

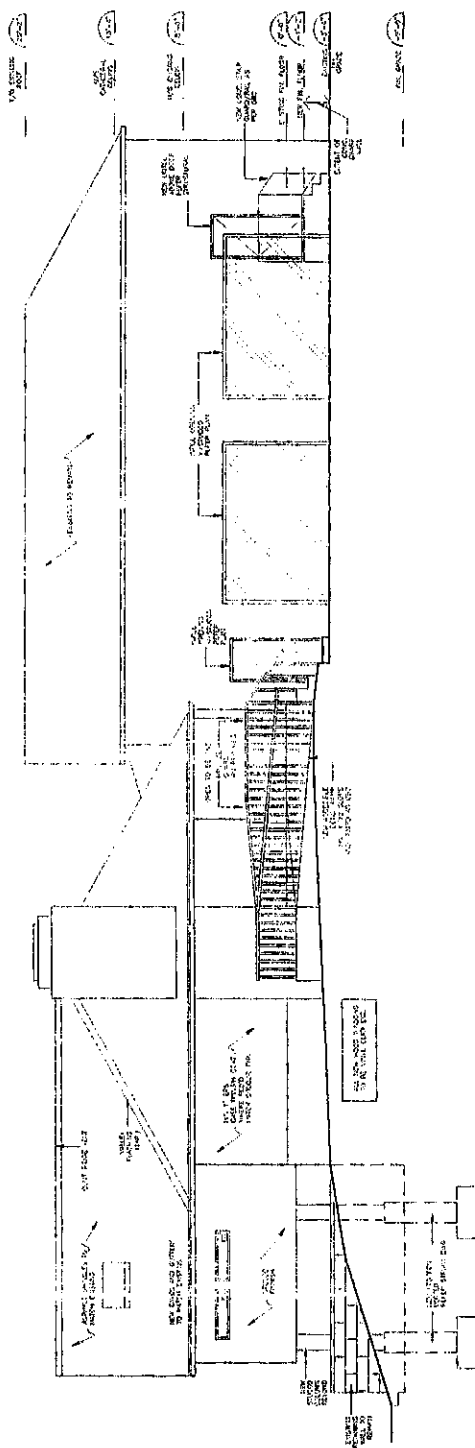
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December 16, 2003

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2 NORTH ELEVATION
1/2\"/>



1 SOUTH ELEVATION
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Elevation Plan

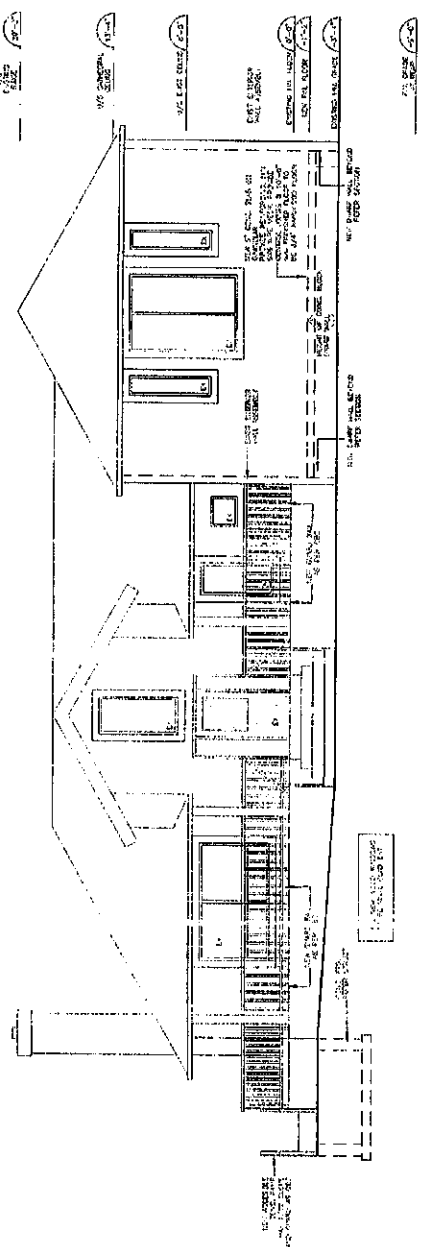
Part of Lot 1,
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APPLICANT:
MARIO TEDESCO



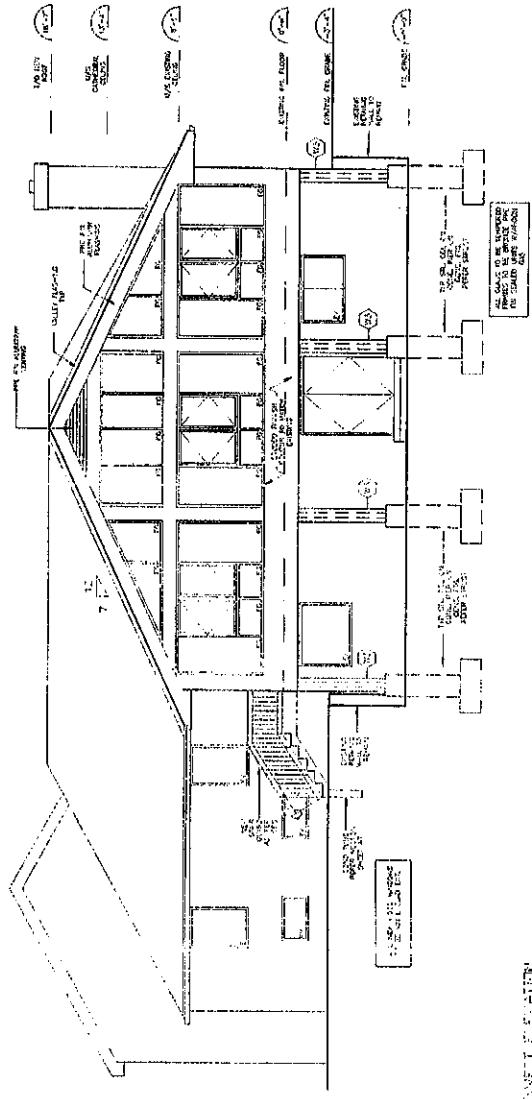
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Attachment 3

FILE No.: DA.03.067
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2 EAST ELEVATION



1 WEST ELEVATION

Not to Scale

Building Elevations

Part of Lot 1,
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APPLICANT:
MARIO TEDESCO



Community Planning Department

Attachment 4

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