# COMMITTEE OF THE WHOLE MAY 16, 2005

#### OFFICIAL PLAN AMENDMENT FILE OP.02.014 ZONING BY-LAW AMENDMENT FILE Z.02.048 AHUVA & ERIC POLLACK <u>REPORT # 2002.58</u> [Deferred from the Council meeting of May 0, 2005]

(Referred from the Council meeting of May 9, 2005)

Council, at its meeting of May 9, 2005, adopted the following:

- 1) That this matter be referred to the Committee of the Whole meeting of May 16, 2005; and
- 2) That the following deputations and written submissions, be received:
  - a) Ms. Krishana Kapur, 105 Lawrie Road, Thornhill, L4J 3N6, and written submission dated May 2, 2005;
  - b) Mr. Francesco Cosentino, 108 Lawrie Road, Thornhill, L4J 3N7; and
  - c) Mr. Michael Goldberg, Armstrong Goldberg Hunter, 2171 Avenue Road, Suite 301, Toronto, M5M 4B4, on behalf of the applicant, and written submission.

#### Report of the Commissioner of Planning dated May 2, 2005

#### **Recommendation**

The Commissioner of Planning recommends:

- 1. THAT Official Plan Amendment File OP.02.014 (Ahuva and Eric Pollack) BE ENDORSED to redesignate the subject lands from "Low Density Residential" under OPA #210 (Thornhill Community Plan) to "Mixed Use Residential/Office" consistent with the Final Draft of OPA #672 (Centre Street Spine), to permit a seniors retirement residence.
- 2. THAT Zoning By-law Amendment File Z.02.048 (Ahuva and Eric Pollack) as submitted by the Applicant BE AMENDED, to provide a minimum 4.5m wide westerly interior side yard, rather than 1.5m, and to provide a 3.0m wide landscape strip around the periphery of the parking area, and to reflect the following zoning amendments, BE ENDORSED, subject to the following:
  - a) that By-law 1-88 be amended to rezone the subject lands from R3 Residential Zone to RA3 (H) Apartment Residential Zone with an "H" Holding Provision to permit a seniors retirement residence, and that the Holding provision not be lifted until such time as Council has approved a site plan application for the development of the subject lands;
  - b) that the following definition for <u>Seniors Retirement Residence</u> be included in the implementing zoning by-law:

"Seniors Retirement Residence-means a fully detached building with rooms that do not contain cooking facilities per room, but have communal facilities for food preparation and dining, laundry, lounging and amenity facilities. A Seniors Retirement Residence is not a Group Home or a Nursing Home."

- c) that exceptions be provided to the RA3 Zone standards addressing the following:
  - a minimum parking requirement of 0.5 spaces/unit for a seniors retirement residence, rather than the residential apartment requirement of 1.75 spaces/unit (includes visitor parking);
  - a maximum permitted building height of 11m (2 storeys) in accordance with Draft OPA #672, whereas 44m is currently permitted;
  - a maximum permitted gross floor area of the building of 812m<sup>2</sup>; and
  - a 7m wide driveway access width along the property line on Centre Street in accordance with the requirement of the Region of York Transportation and Works Department, whereas 7.5m is required;
- d) that the Ontario Municipal Board withhold its Order respecting the approval of the implementing zoning by-law, until such time as the required site plan application has been submitted by the Applicant and approved by Council; and
- e) that prior to the approval of the implementing zoning by-law by the Ontario Municipal Board, and approval of the required site plan application by Council, the City and the Region of York shall confirm that capacity exists for allocation of water and sanitary services to the subject lands, and that the allocation has been approved by Council.

## Economic Impact

N/A

## <u>Purpose</u>

The Owner has submitted applications to amend the Official Plan and Zoning By-law, specifically the "Low Density Residential" designation under OPA #210 (Thornhill Community Plan) and the R3 Residential Zone under By-law 1-88, respectively, to permit the site-specific use of the 0.2 ha site for a 2-storey, 34 unit seniors retirement residence, with 17 parking spaces.

## **Background - Analysis and Options**

The subject lands shown on Attachment #1 are located on the north side of Centre Street, east of Concord Road, being Part of Lot 81 on Registered Plan 3541, (1304 Centre Street), in Lot 6, Concession 2, City of Vaughan. The 0.2ha site has 30.48m frontage on Centre Street and a depth of 66.7m, and is developed with a 2-storey residential dwelling, which is proposed to be demolished.

The site is designated "Low Density Residential" by OPA No. 210 (Thornhill-Vaughan Community Plan) and zoned R3 Residential Zone, subject to site-specific Exception 9(776). The surrounding land uses are:

North - residential (R3 Residential Zone) South - Centre Street; residential (R4 Residential Zone) East - residential (R3 Residential Zone) West - residential (R3 Residential Zone); Concord Road On August 23, 2002, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Brownridge Ratepayers Association. The following is a summary of the comments received, to date:

- with 14 parking spaces proposed on site (ie. previous proposal shown on Attachment #3), overflow parking may occur on the nearest streets such as Concord Road;
- traffic on Concord Road is very heavy and this may result in additional traffic;
- the view from backyards will change with a three-storey building (ie. previous proposal shown on Attachment #3);
- the driveway for the site opens onto a right-turn lane for Concord Road, with a bus stop on the corner of Centre Street and Vaughan Boulevard; and
- virtually the entire lot will be consumed with the building and parking lot, removing the green space.

The recommendation of the Committee of the Whole on September 17, 2002, to receive the Public Hearing report, and for Staff to be available to attend a community meeting should one be necessary, and to forward a technical report to a future Committee meeting, was ratified by Council on September 23, 2002.

As a result of the comments received from neighbouring residents, on October 31, 2003, the Applicant submitted a revised proposal (see Attachment #4). The October 31<sup>st</sup> submission proposed the following revisions in order to address the public's concern:

	October 31, 2003 Proposal (see Attachment #4)	Original Proposal (see Attachment #3)
Parking	0.5 spaces/unit	0.2 spaces/unit
-	(17 spaces)	(14 spaces)
Number of Storeys	2 storeys	3 storeys
Number of Bedrooms	34 units	65 units
Min. Rear Yard	26.1m	9.7m
Gross Floor Area of Bldg.	811.2m <sup>2</sup>	2,541.0m <sup>2</sup>
Building Coverage	21.0%	41.9%
Landscaped Area	853.0m <sup>2</sup>	665.5m²

The site layout was also reconfigured, by removing parking in the front yard and bringing the building closer to Centre Street, and away from the abutting residential uses to the north.

From the comments received at the Public Hearing and in writing, the area residents were concerned with how development was proceeding in their community. In the past, Council approved site-specific Official Plan and Zoning By-law Amendment applications to permit business and professional office uses for 3 of the 12 lots fronting on Centre Street, between Concord Road and Vaughan Boulevard (1200, 1206 and 1238 Centre Street). Furthermore, a day-care proposal had been considered on another lot and frequent inquiries have been received by Staff regarding the potential for redevelopment of the remaining lots along that stretch of Centre Street.

Based on the above, it was becoming apparent that the character of the Centre Street corridor in this area was in transition. Unlike the revitalization of parts of the residential areas to the west and north, the lots fronting on Centre Street appeared to be static and realistically no longer integrated into the residential neighbourhood.

On January 20, 2003, Staff proceeded to Council with a Committee of the Whole report requesting direction to commence a review of the Official Plan designations and policies applicable to the lands fronting on Centre Street, between Concord Road and Vaughan Boulevard. The study was intended to review, but not be limited to, appropriate land use; maintaining residential appearance and character; compatibility with adjacent land uses, in terms of the on-site function and low intensive nature; and parking and traffic demands. On January 27, 2003, Council ratified the Committee of the Whole's decision to proceed with a land use study. In the interim, the current subject applications and any new applications submitted in this area, would be held in abeyance, to be considered in light of the results of the review.

On June 23, 2003, Council approved a resolution directing Staff to prepare a Terms of Reference for a broader land use study of both the north and south sides of Centre Street, between Dufferin Street to the west and Bathurst Street to the east. Furthermore, Council also enacted an Interim Control By-law 255-2003 for a period of 1 year, providing Staff and retained consultants an opportunity to conduct the Centre Street Study. The new study would encompass Council's direction on January 27, 2003 to commence a review of the policies applicable to the lands fronting on the north side of Centre Street between Concord Road and Vaughan Boulevard.

Council's decision to move forward with the study and Interim Control By-law 255-2003, effectively halted review of any development applications within the boundaries of the study area. In turn, the Applicant (Ahuva and Eric Pollack) appealed the Interim Control By-law, and referred their Official Plan and Zoning By-law Amendment applications (Files OP.02.014 and Z.02.048) to the Ontario Municipal Board, on the basis of Council's failure to make a decision on their applications within the time frame stipulated in the Planning Act.

On June 14, 2004, Council enacted Interim Control By-law 192-2004, to extend the land use review for a second year, in an effort to finalize the necessary legal documents to implement the findings and recommendations of the Centre Street Study. Interim Control By-law 192-2004 will lapse on June 14, 2005. Under the Planning Act, a subsequent interim control by-law cannot be enacted for a minimum period of 5 years, after the lapsing of By-law 192-2004.

The Ontario Municipal Board has scheduled a Pre-hearing Conference for June 6, 2005, to deal with all preliminary and procedural matters in preparation for the hearing on the Official Plan and Zoning By-law Amendment Application appeals, with a new hearing date to be set at the pre-hearing conference.

## Conceptual Design

The 2-storey building is located on the westerly half of the site, with 17 parking spaces provided between the building and the easterly property line as shown on Attachment #4. At the rear of the building, the Applicant has provided a covered patio with a pedestrian walkway linking the patio to an outdoor seating area. An L-shaped amenity area at the rear of the site is comprised of both soft and hard surfaced landscaping. Landscaping has also been provided around the periphery of the site, and a paved walkway extends from the public boulevard on Centre Street, along the entire length of the east side of the building to the landscaped amenity area in the rear yard.

## Official Plan

The subject lands are presently designated "Low Density Residential" by OPA #210 (Thornhill-Vaughan Community Plan), which permits only detached residential dwellings at a maximum density of 22 units per hectare. An Official Plan Amendment is required to permit the proposed seniors residential development.

On May 2, 2005, the Committee of the Whole will be considering the Centre Street Study, including Draft OPA #672 (Centre Street Spine). Draft OPA #672 proposes to redesignate the

subject lands to "Mixed Use Residential/Office", as shown on Attachment #2. The area covered by Draft OPA #672, extends between New Westminster Drive to the east and Dufferin Street to the west, on both the north and south sides of Centre Street. The "Mixed Use Residential/Office (MURO)" designation promotes urban, pedestrian-friendly and transit supportive development by encouraging a combination of residential/office development up to a maximum of two and one-half storeys. The "MURO" designation permits street, block and stacked townhouses and low-rise apartment buildings. The proposed seniors retirement residence development would conform to the intent of the "MURO" designation as a multiple residential dwelling.

Draft OPA #672 permits a maximum density of 0.5 Floor Space Index (FSI). Based on a lot area of 1,931.3m<sup>2</sup>, an FSI of 0.5 would yield a maximum gross floor area of the building of 965.65m<sup>2</sup>. The conceptual site plan shown on Attachment #4 proposes a 2-storey, 811.2m<sup>2</sup> building, which would conform to the density provisions contained in Draft OPA #672.

#### Land Use/Compatibility

The applications propose a 2-storey, 34 unit seniors residence on the subject lands. From the information gathered during the review of the proposal, Staff can conclude the following:

- the proposed use is for a seniors retirement residence, not a nursing home. Therefore, the use is residential in nature, and not institutional;
- the proposed development will not be occupied by any permanent medical staff, however, an on-call doctor and home care nurses and therapists will be available to tenants, should they be required;
- each floor will have an attendants station (which the on-call medical personnel can make use of when required), a common sitting and reception area, and a television room;
- medical personnel when on-site can also make use of the therapy rooms to be located in the basement, as required;
- the Ministry of Health and Long Term Care is not responsible for the regulation of seniors retirement residences;
- the Ministry of Municipal Affairs and Housing has responsibility for the regulation of seniors retirement homes through the Tenant Protection Act. The Act addresses issues with respect to privacy, security of tenure, building maintenance and rent increases, as it does for all rental properties;
- the Ontario Residential Care Association (ORCA), is a voluntary, non-profit association which sets standards, and inspects and accredits retirement homes in Ontario. The Applicant is under no obligation to be a member of the ORCA;
- the potential for redevelopment of the subject lands as low density residential is limited, given its location fronting onto a major arterial road (Centre Street), and the residential nature of the proposed seniors use would further mitigate the concerns of the area residents to the north, respecting their privacy and enjoyment of their property, in comparison to a non-residential use;
- redesignating the lands to "Mixed Use Residential/Office", with restrictions on the building size, height, use and form of development, would allow the subject lands to be developed with a building situated forward on the lot which addresses the street;

- the increase in density encourages the intensification of the Centre Street corridor, reinforcing the need for public transit without increasing concerns and volumes respecting traffic in the area, due to the nature of the use;
- the segment of "Centre Street" between Concord Road and Vaughan Road referred to as the "Centre Street Spine" in Draft OPA #672 is an area in transition. The subject area is primarily developed with older single-detached residential dwellings on large lots, a number of which have begun the redevelopment process to uses other than singledetached residential dwellings, further enforcing the fact that the Centre Street Spine is prime for redevelopment;
- the use of the property shall be restricted to a seniors residence having common amenity areas for dining, leisure activity, washroom facilities and food preparation facilities; and
- the building design and site layout shall adhere to the Urban Design Policy Framework established in Draft OPA #672. The urban design policies contained in Draft OPA #672 will ensure that new development, through the review and approval of a formal site plan application, will be sensitive to and compatible with neighbouring residential uses.

## Zoning

The subject lands are zoned R3 Residential Zone, subject to site-specific Exception 9(776). The R3 Zone permits only detached dwellings, therefore, a zoning amendment would be required to permit the proposed seniors residential development. The proposed rezoning of the lands to RA3 Apartment Residential Zone would permit the seniors residence development. An "H" Holding provision would be applied to the site, and would not be lifted until such time as Council has approved a site plan application for the development of the subject lands.

A definition for a senior retirement residence (as included in the "Recommendation" section of this report) is required to address the proposed development. Seniors developments typically contain units without cooking areas within the individual suites.

Exceptions to the RA3 Residential Zone standards are proposed respecting the reduction in resident and visitor parking, minimum lot area, minimum interior side yard, and landscaping requirements around an outdoor parking area. These exceptions are addressed as follows:

a) <u>Parking</u>

By-law 1-88 contains requirements of 1 parking space/unit for a seniors residential dwelling. The applicant has proposed a reduction in the standard to 0.5 parking space/unit.

The seniors residence at the northeast corner of Centre Street and New Westminster Drive required a minimum of 100 parking spaces, calculated at 1space/unit. The required parking study was submitted and supported a reduction in the number of spaces to (0.37/unit). On this basis, staff can support a comparable reduction of 0.5 space/unit in parking for the subject lands. The final parking requirements will be subject to the approval of the Engineering Department at the site plan stage.

## b) <u>Building Height</u>

By-law 1-88 currently permits a maximum building height of 44m in the RA3 Apartment Residential Zone. Draft OPA #672 recommends a maximum building height of 11m.

Therefore, it is appropriate to amend the maximum height limit to 11m, in keeping with the policies in the Draft OPA #672.

## c) <u>Gross Floor Area (GFA)</u>

By-law 1-88 currently does not contain a maximum GFA requirement for lands zoned RA3 Zone. However, Draft OPA #672 permits a maximum Floor Space Index (FSI) of 0.5 or an equivalent of 965.65m<sup>2</sup>. As the applicant's concept site plan proposes a 2-storey building having 811.2m<sup>2</sup> GFA, it is appropriate to include a maximum GFA requirement of 812m<sup>2</sup>, in keeping with the policies in the Draft Official Plan Amendment.

# d) Lot Area

By-law 1-88 currently requires a minimum lot area of  $67m^2$ /unit, (equivalent to 28 units, whereas the applicant is proposing a lot area of  $57m^2$ /unit (34 units). Staff does not support this exception. Accordingly, the formal site plan application must comply with the  $67m^2$ /unit lot area standard, which would result in a reduction in the number of units.

# e) Driveway Access Width

By-law 1-88 requires a driveway access width along the property line of 7.5m on Centre Street. The Region of York Transportation and Works Department has requested that the driveway access be 7m wide, thereby requiring and exception to By-law 1-88, which is supported by Staff.

# f) <u>Westerly Interior Side Yard</u>

By-law 1-88 requires a minimum 4.5m interior side yard in the RA3 Zone. The site plan shown on Attachment #4 proposes a 1.5m wide westerly interior side yard, which Staff does not find to be acceptable, given the size of the building in relation to the location of the lot line. Accordingly, the formal site plan application should show a 4.5m westerly interior side yard, which may require the building to be reconfigured or reduced in size.

It is recommended that the Ontario Municipal Board withhold its Order respecting the approval of the implementing zoning by-law, until such time as the required site plan application has been submitted by the Applicant and approved by Council. This will ensure compliance of the proposed development of the subject lands with the development and urban design policies contained in Draft OPA #672, and that all zoning exceptions have been captured.

## Engineering

The Engineering Department will require the following information to assess the proposal:

- the Owner/Applicant is to submit a Functional Servicing Report indicating how the subject lands will be serviced;
- at the site plan stage, the Owner/Applicant is to submit a Site Servicing Plan, to the satisfaction of the Engineering Department;
- at the site plan stage the Owner/applicant is to obtain sewage and water servicing capacity/allocation from Council;
- a Storm Water Management Report is to be submitted at the site plan stage indicating that an acceptable outlet for storm water runoff from the subject lands exists and that the allowable site release rate for storm water runoff will not be exceeded; and

• a Noise Study is to be submitted and reviewed.

These matters, but not limited to, will be addressed through the review of the site plan application.

## Region of York

The site fronts onto Centre Street, which is under the jurisdiction of the Region of York. The Region of York's Transportation and Works and Planning Department's were both consulted throughout the Centre Street Study Process. Regional Planning Staff supported the proposed change in use and reserved the right to make further comments at the site plan application stage. The application for Official Plan Amendment was also exempted from requiring Regional Planning approval.

The Region of Transportation and Works Department will require an ultimate right-of-way width for Centre Street of 45m, resulting in the Applicant dedicating a 2.5m wide strip along the property's frontage to the Region, free of all costs and encumbrances. As noted earlier in this report, the Region also requires a 7m wide driveway access **Relationship to Vaughan Vision 2007** 

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

## **Conclusion**

Staff has reviewed the proposed applications to amend the Official Plan and Zoning By-law, in light of the Centre Street Study, the policies contained in Draft OPA #672, the zoning requirements contained in By-law 1-88, the area context in terms of existing and future land uses, and comments from the local community and public agencies. Staff are of the opinion that the redesignation of the lands to "Mixed Use Residential/Office" and the rezoning of the lands to RA3 (H) Apartment Residential Zone with Holding "H" provision, and limited to a 2-storey seniors residential development is an appropriate and compatible use in the context of the existing surrounding land uses and the future evolution of Centre Street.

The development form should not exceed a maximum of two storeys, in light of the residential land uses to the north, with the details of the site layout and elevations, being confirmed through the review of a formal site plan application, to be approved by Council.

The Ontario Municipal Board (OMB) has scheduled a Pre-hearing conference on June 6. In this regard, Staff recommends that the Committee endorse the approval of the Official Plan Amendment Application by the OMB. It is also recommended that the Zoning Amendment Application be endorsed for approval by the OMB, subject to the requirement for a minimum 4.5m wide westerly interior side yard to be provided, rather than the proposed 1.5m, and subject to a 3.0m wide landscape strip around the periphery of the parking area, and the exceptions identified in the "Zoning" Section of this report.

On this note, the OMB should withhold issuing its Order on the implementing zoning by-law until such time as the applicant has submitted a formal site plan application for review by Staff and approval by Council, to ensure compliance with the development and urban design policies contained in Draft OPA #672, and to ensure compliance with all zoning standards.

## **Attachments**

- 1. Location Map
- 2. Draft OPA #672 Schedule "A" Land Use
- 3. Original Submission (Superseded) Conceptual Site Plan

- October 31, 2003 Proposal (Current) Conceptual Site Plan
  Written submission of Ms. Krishana Kapur dated May 2, 2005

# Report prepared by:

Arminé Hassakourians, Planner, ext. 8368 Arto Tikiryan, Senior Planner, ext. 8212 Grant A. Uyeyama, Manager of Development Planning, ext. 8635









CW May 2/05 9tem 26 CW-May 2, 200 spage of H City of Vanghan Development Planning Dept May 2/2005 Attention. Mr. Grant ageyama Dear Sir! Subject. - Petition re. Building 34 units for Senios at countre st + concold Rd thornhill out This is further to our conversation with Armene Harsakourians on April 29/2005 a with the you today at 10:00 a.m. we strongly a humbly object the planning of Building units for servors at centre st/concord Re because of the following reasons: (1) This is not a proper place for building 34 units for seniors at such a small be peridential lot he cause there will be no provision for evengh packing as well as for sensors to for walk or move around. (2) The traffic in the evenings a weekends is going to be very heavy for the residents living in the area especially aeroidents living at Concord Road & Law N'E Road.

Page 2 of 34 3) We cannot see enough packing space for the visitors of the senjors in the complexe that in will result the sides roads packed in the evenings + weekends with visitors of vehicles therefore. It is will be not safe in to more around by the kids & residents living in the area (4) Due to so much Isaffic, there will be not safe of even for seniors to move around. (5) It is also expected & obvious too that the disturbance by the ambulances etc. will ouver so often espenially at night which is not fair for the respectents living in the acca. (6) There is already a big enough complete for seniors built at west Minister + centre rahich is at proper place very close/adjacent residential area that complex we feel strongly Due tt That there is no need to build another such complex to create the make the Whole area for sentors to look like senior community accen.

Page 374 ~) Incase the city wants to have more with for seriors there is enough & project space still available a sound the area near the existing building + which is in commencial area not residential aneq. (8) Moseover, we were not notified properly by my mail etc. about this blan in the beginning to now. 19) This lime the notice was too short to get the opinion of all residents diving a being affected offected in the arco Hasakourians only Foiday Mos Asmene, came the and house which is 105 Law sie Rol a to advise the firmer planning a hearing (10) All the residente in that area want to file petition, + we please give us grant us enough and reasonable time to make petition we would apprearate the very through to you to to give given fairousable consideration to our request. Tank you very much.

page yof 4 We hope your will give favourable considerable to our concern. thank you weary much. you sincerely Kikapur 105 Lawsie Ra. 108 LAWRIE R.D. F. CogeNTINO F. Loseder