## **COMMITTEE OF THE WHOLE MAY 29, 2006**

# SITE DEVELOPMENT FILE DA.00.100 ENNIO LIORTI AND 787290 ONTARIO LIMITED

## Recommendation

The Commissioner of Planning recommends:

- 1. THAT the Ontario Municipal Board BE ADVISED THAT COUNCIL ENDORSES Site Development File DA.00.100 (Ennio Liorti and 787290 Ontario Limited) to permit the development of the subject lands shown on Attachment #1 with 16 semi-detached residential units with access on Kipling Avenue, as shown on Attachment #2, subject to the following conditions:
  - a) That prior to the registration of the site development agreement:
    - the final site plan, elevation plan, landscape/buffer plan, tree inventory report, and architectural guidelines shall be approved by the Development Planning Department;
    - the final site servicing and grading plans, stormwater management report, and slope stability study shall be approved by the Engineering Department;
    - iii) all required road widenings and improvements shall be approved and secured to the satisfaction of the Engineering Department;
    - that a plan to relocate the Heritage House located at 8161 Kipling Avenue be approved to the satisfaction of the Cultural Services Department and Heritage Vaughan Committee, in consultation with the Development Planning Department:
    - v) all hydro requirements of PowerStream Inc. shall be satisfied;
    - vi) all requirements of the Fire Department shall be satisfied;
    - vii) the Environmental Letter (Phase 2) Report shall be approved to the satisfaction of the Engineering Department, in consultation with the City's Peer Reviewer;
    - viii) all requirements of the Toronto and Region Conservation Authority shall be satisfied;
    - ix) the Owner shall submit a noise study for approval by the Engineering Department;
    - x) all requirements of the Canadian Pacific Railway Company shall be addressed to their satisfaction;
    - xi) the Owner shall be responsible to pay for all financial requirements (i.e. development charges, special area development charges, etc.) for this development to the satisfaction of the Finance Department; and,

- b) That the site development agreement contain the following provisions:
  - i) snow removal and garbage pick-up shall be privately administered and the responsibility of the condominium corporation;
  - ii) the Owner shall agree to provide the necessary easements (vehicular, pedestrian, maintenance, etc.) for the adjacent westerly, northerly and southerly lands to the satisfaction of the City;
  - iii) appropriate warning clauses shall be inserted into all offers of purchase, or agreements of sale and purchase or lease, and in title and deed or lease, of each of the dwelling units warning the prospective purchasers or tenants of the existence of CP Rail's operating railway right-of-way, noise, vibration, etc. that may affect the living environment; and,
  - the Owner shall pay to the City 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, in accordance with the Planning Act and the City's Cash-In-Lieu Policy. 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.
- 2. THAT Council adopt the following resolution with respect to the allocation of sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System in accordance with the approved Servicing Capacity Distribution Protocal dated November 14, 2005:

"NOW THEREFORE BE IT RESOLVED THAT the proposed Site Development Application DA.00.100 be allocated sewage capacity from the Woodbridge Service Area of the York/Durham Servicing Scheme and water supply capacity from Pressure District No. 4 of the York Water Supply System, for a total of 20 residential units (ie. 16 semi-detached, and 4 single detached), following the execution of a site plan agreement to the satisfaction of the City."

#### **Economic Impact**

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

#### **Purpose**

The Owner has submitted a Site Development Application to develop the subject lands shown on Attachment #1, with 16 semi-detached condominium units served by a private road as shown on Attachment #2. A total of 40 parking spaces (including garage and visitor parking) are proposed to serve the semi-detached units. The Owner also owns the adjacent westerly lands, as shown on Attachment #2, which are proposed to be severed into 4 lots, and upon which three new detached dwellings will front onto Kipling Avenue and an existing heritage house currently located further east on the applicant's lands will be relocated to front onto Kipling Avenue. The approval of the single-detached dwelling units are exempt from site development approval under the City's Site Plan Control By-law, and are not subject to consideration under this report.

## **Background - Analysis and Options**

The subject lands shown on Attachment #1 are currently comprised of an assembly of 2 separate lots (8161 and 8171 Kipling Avenue) and are located on the east side of Kipling Avenue, south of Meeting House Road (formerly Church Street), in Lot 8, Concession 7, City of Vaughan.

On September 27, 1999, Council approved the related Official Plan and Zoning By-law Amendment applications (Files OP.98.016 and Z.98.064) to facilitate the proposed residential single and semi-detached development. The implementing Official Plan Amendment (OPA #520) was adopted by Council on April 4, 2000, and was approved by the Region of York on May 31, 2000, which redesignated the subject lands from "Low Density Residential" to "Medium Density Residential". On June 13, 2000, two neighbouring residents appealed OPA #520 to the Ontario Municipal Board (OMB), as discussed in the next section of this report. Since that time, one appeal has been withdrawn. To date, the implementing zoning by-law to rezone the subject lands to facilitate the proposed single-detached and semi-detached development has not been enacted.

The surrounding land uses are:

North - detached residential (R3 Residential Zone)

South - detached residential, Woodbridge Fairgrounds (R3 Residential Zone and M1 Restricted Industrial Zone, respectively)

East - detached residential (R3 Residential Zone)

West - Kipling Avenue; vacant land/proposed residential (M1 Restricted Industrial Zone)

The Zoning By-law Amendment and Site Development Applications had previously been inactive since February 7, 2002, with no correspondence from the Owner or their Agent. On June 24, 2005, the City received a letter from the Owner's solicitor advising of their appeal of the Zoning By-law Amendment and Site Development applications, which were filed with the Ontario Municipal Board (OMB), pursuant to Sections 43(11) and 41(12) of the Planning Act, on the basis that the City of Vaughan failed to make a decision respecting the subject applications within the time frames stipulated under the Act. An Ontario Municipal Board Hearing was scheduled for November 2, 3 and 4, 2005, however was deferred, pending the submission and approval of a Phase Two Environmental Report, which the applicant submitted on March 28, 2006.

## OMB Appeal

In June of 2000, the Owners of the two neighbouring properties located at 121 and 117 Meeting House Road as identified on Attachment #1, appealed OPA #520. On October 23, 2000, the Owner of 121 Meeting House Road, which directly abuts the subject lands, withdrew his appeal. The appeal by the Owner of 117 Meeting House Road remains in effect and is based on the following concerns, summarized below:

- opposed to multiple residential units in their backyard, and find this proposal to be unacceptable;
- the potential loss of the existing heritage home on site;
- the increased traffic resulting from the proposal;
- the lack of rear yard and amenity area for the new units;
- the driveway parking space depth is not sufficient at 5.78m;
- the adjacent Woodbridge Fairgrounds are zoned and designated "Industrial" and therefore, increased setbacks for the subject lands are required:
- the site is higher than 117 Meeting House Road, and therefore, the proposed development will impact on sunlight and views;
- water runoff from the subject lands to the lands to the east including the appellant's property; a proper engineering study should be prepared to address this drainage problem;

- the lands slope to the east and consist of mixed fill that is unstable and this development will increase the rate of its deterioration;
- a slope stability report should be prepared for review prior to development;
- the site has been used as a junkyard for commercial items, derelict vehicles, etc. over the past 10 years; and,
- concerned with the potential future development of 8177 Kipling Avenue (ie. lands north of subject lands).

The applicant has addressed several of the concerns expressed by the appellant, including increasing the parking space size in the driveway and the rear yard setback to 6.0m and 6.4m, respectively. The applicant has submitted the required engineering reports, architectural guidelines, and Phase One and Phase Two Environmental letter report to address the slope stability, architectural design, and environmental concerns, respectively.

#### Official Plan

The subject lands are designated "Medium Density Residential" by OPA #240 (Woodbridge Community Plan), as amended by site-specific OPA #520, which redesignated the subject lands from "Low Density Residential" to "Medium Density Residential" to facilitate the development of the subject lands with 20 residential units, comprising 16 semi-detached and 4 single-detached dwelling units, which will take effect upon approval by the OMB. OPA #520 includes policies respecting the retention of the existing heritage home located at 8161 Kipling Avenue, and the appropriate arrangements governing the use, maintenance and ownership of the private road. In addition, OPA #520 requires that the following studies and reports be submitted to the City, and approved, prior to approval of a site development application:

- a) grading and stormwater management plan;
- b) tree assessment and impact study;
- c) slope stability study;
- d) urban design and architectural guidelines; and,
- e) buffering plan for those lots abutting the eastern lot line of the subject lands.

The applicant has submitted the necessary studies and reports as outlined above.

The proposed site plan conforms to OPA #520.

#### Zoning

The subject lands are zoned R3 Residential Zone, which permits detached dwelling units. A Zoning By-law Amendment Application (File Z.98.064) to rezone the subject lands from R3 Residential Zone to RM2 Multiple Residential Zone with exceptions to facilitate the proposed development (ie. single and semi-detached dwellings) was approved by Council on September 27, 1999, subject to the following prior to passing the implementing by-law:

- Council shall approve a Site Development Application to determine specific zoning standards for the proposed development; and,
- the Owner shall confirm that the subject lands are free from unacceptable environmental or land use impacts.

The Owner has advised that the front portion of the subject lands, identified as "Phase 2" on Attachment #2 will be severed to facilitate four separate freehold development lots for four detached dwelling units. Originally, the entire subject lands were proposed to be developed with both single and semi-detached dwelling units under one lot. The necessary exceptions to the implementing zoning by-law will be made for the development including the intention of an R3 zoning for the 4 single family detached dwellings. Any necessary zoning exceptions will be considered for the heritage house once the final plan for its relocation is approved by the Cultural

Services Division and Heritage Vaughan, in consultation with the Development Planning Department. The zoning for the proposed semi-detached condominium development on the subject lands has been reviewed based on the standards of the RM2 Multiple Residential Zone in By-law 1-88 for block development with frontage on Kipling Avenue. The zoning exceptions to the RM2 Zone identified to date are as follows:

- permit a semi-detached dwelling unit, whereas only townhouse, multiple family, and apartment units are currently permitted;
- permit a minimum lot frontage of 9.5m, whereas 30m is currently required;
- permit a minimum interior side yard setback of 1.2m, whereas 1.5m is currently required;
- permit a minimum front yard setback to a garage of 6m, whereas 6.4m is currently required; and,
- permit a minimum landscape strip width around the periphery of a parking area of 1.4m, whereas 3.0m is currently required.

The proposed road off of Kipling Avenue serves as the frontage and access to the semi-detached development, and therefore, given the configuration of the subject lands, a variance is required respecting the minimum lot frontage and access width requirements of By-law 1-88. The minimum interior sideyard exception from 1.5m to 1.2m relates only to Units 1 and 5. The reduction in the landscape strip width around the parking area is intermittent, however, a substantial landscape area around the parking area is provided. In addition, an exception will be included to allow driveway access from the private internal road to the garage of the two detached lots directly abutting this road. The Development Planning Department can support the zoning exceptions noted above, which are considered appropriate and will result in a development that is compatible with the surrounding lands.

The implementing zoning by-law has not been enacted, however it will include the exceptions noted above and any other exceptions that may be required to facilitate the approved site plan.

#### Site Plan

The site plan shown on Attachment #2 includes 16 semi-detached units. As shown there are four detached units on the other adjacent lands owned by the applicant along Kipling Avenue, including a two-storey Heritage Home, known municipally as 8161 Kipling Avenue. The four detached dwellings (indicated as Phase 2) have frontages ranging from 11m to 12m. Two of these dwellings will have direct access to Kipling Avenue, while two others, including the Heritage Home will require an easement over the private road for vehicle movement and parking, since the garages for each lot will be located in the rear yard. It is intended that the lands for the 4 detached dwellings will be severed through a Consent application and be dealt with separately as part of a second phase of development.

The semi-detached units will be serviced by a private road running east from Kipling Avenue to the interior of the site and intersecting with a north/south internal road which provides a potential future vehicular connection to the adjacent northerly and southerly properties, should these lands develop in the future, as shown on Attachment #2. A row of semi-detached units is proposed along the east lot line with a minimum rear yard setback of 6.4m.

A 1.5m wide sidewalk is located along the north side of the east/west internal road leading into the site. The necessary easements are required to be obtained by the Owner to ensure appropriate servicing, vehicular and pedestrian connectivity of the site with the heritage house, the lot at the northeast corner of Kipling Avenue and the proposed road, and the lands to the north and south. The site development agreement will contain wording requiring the Owner to secure the appropriate servicing and cross-easements in this respect, to the satisfaction of the City.

# Parking and Access (Condominium units only)

The proposed site plan shows 40 parking spaces, including 2 spaces for each semi-detached unit and 8 visitor parking spaces. Based on the residential parking standards in By-law 1-88, the required parking is calculated as follows:

16 semi-detached units x 2 spaces/unit = 32 spaces

Visitor Parking - 16 semi-units x 0.25 spaces/units = 4 spaces

Total Required Parking = 36 spaces

A total of 40 parking spaces are provided for the proposed development, not including the four single-detached dwellings, which exceeds the minimum parking requirement of By-law 1-88. Parking for the four detached lots will be provided in accordance with the By-law standards for the R3 Zone, once the lands are severed and ready to develop through the Building Permit process.

## Block Elevations (Semi-Detached)

The proposed typical building elevations for the semi-detached dwelling units are shown on Attachments #4 to #6 inclusive. The building elevations for the detached units along Kipling Avenue are not subject to site plan control, and will be considered through the separate Building Permit process. The semi-detached units are proposed to be two-storeys in height and will be constructed with a dark red and yellow coloured clay brick combination as the predominant wall cladding material with elements of wood trim and a variation of traditional roof types such as hip and gables with the applicable roof pitches.

The applicant has utilized a variety of elevations for each model type, introducing detailing around the windows and doors, and pairing the garage doors. The Applicant has also provided Architectural Guidelines for the subject lands as required by OPA #520. The guidelines must be approved by the Development Planning Department to ensure that a high quality development is achieved, which compliments the existing community and the heritage character of the area. In light of the small scale of the development, urban design guidelines as identified in OPA #520 will not be required. The Architectural Guidelines and approval of the landscape plans are appropriate to address the urban design component for the development. The final building elevations will be approved by the Development Planning Department, in accordance with the final approved Architectural Guidelines.

#### Heritage House

The property located at 8161 Kipling Avenue (built in 1881) is designated under Part IV of the Ontario Heritage Act (By-law 228-89) and is included in the City of Vaughan's Listing of Significant Heritage Structures (approved by Council in June 2005), and must be maintained. The Owner is proposing to relocate the building from its current location as shown on Attachment #2 onto the lot located at the southeast corner of Kipling Avenue and the proposed private road. Any changes to the dwelling resulting from its relocation must be reviewed by the Cultural Services Department and by Heritage Vaughan and approved through the Heritage Permit process as required under the Ontario Heritage Act.

#### Landscaping

The proposed landscape plan shown on Attachment #3 consists of a mixture of deciduous trees and shrubbery for the semi-detached condominium portion of the site. A unit paved patio area and sodded areas are provided at the rear of each semi-detached unit, to facilitate private amenity space for the future residents. The periphery of the site along Kipling Avenue should be provided with an entry feature to identify the condominium block, particularly with the eventual severance of the 4 detached homes.

Basic street planting in the form of treed boulevards and minor landscape croppings have been provided in the front of each dwelling unit and along the flankage of certain lots. A landscape buffer comprised of coniferous and deciduous trees and a 1.8m high privacy fence has been provided along the east property line, abutting the existing residential uses. Additional landscaping throughout the site, along the rear lot line (eastern lot line) and along Kipling Avenue may be required upon final review of the landscape plan.

The final landscape plan, cost estimate and the tree preservation assessment must be approved to the satisfaction of the Development Planning Department.

#### Environmental

The policies of the Official Plan require that prior to approving any residential development on lands adjacent to, or in the vicinity of the existing industrial uses, the City and the Ministry of the Environment and Energy shall be satisfied that there are no unacceptable environmental or land use impacts.

In addition to this policy, the subject lands have been used for dumping and as a scrap yard for older vehicles and therefore, the City required the applicant to provide a Phase I Environmental Study to be peer reviewed by the City's consultant, to ensure the suitability of the lands for development prior to site plan approval.

In light of the Provincial downloading to municipalities from the Ministry of Environment, the City has taken on the responsibility of ensuring the suitability of contaminated and potentially contaminated sites for development. On May 14, 2001, Council approved a policy and procedures for dealing with contaminated or potentially contaminated sites. The procedure is to ensure that the potential for adverse effects are kept to a minimum, without unduly restricting or slowing down the development review process.

The procedure states that a Phase 1 ESA will be required if any one or more of the following circumstances apply:

- the completed questionnaire indicates potential for contamination on the subject lands (as the subject application was filed prior to the Procedures, the Questionnaire is not applicable) and the subject lands or adjacent lands are or have been used in the past, for an industrial, automotive, or other non-residential purpose such as automotive repair, or storage of raw materials, land filling or agricultural practices that may generate some level of contamination;
- lands are to be deeded to the municipality including but not limited to roads, parks, valley lands, woodlots, stormwater management facilities; and,
- the City has information by which it has reason to suspect that the subject lands have the potential of being contaminated.

Although the applications were filed with the City prior to the Council policy being in place, given the official plan amendment policies, the existing industrial uses in the vicinity of the subject lands, the destruction (by fire) of an existing residential structure on site, and the site being used as a scrap yard, the Engineering Department and the City's Peer Reviewer have requested that additional environmental work be undertaken through a Phase Two Environmental letter report to be approved by the City.

To date, the environmental letter report (Phase 2) has not yet been approved to the satisfaction of the City's Peer Reviewer, and therefore the suitability of the subject lands for the proposed development cannot be confirmed. Prior to final approval, the Environmental letter report must be approved to the satisfaction of the City.

## Finance

Development Charges and applicable Special Service Area Development Charges will be required to be paid to the City in accordance with the City of Vaughan's Development Charge Bylaw in effect at the time of payment. The Engineering Services component of the Development Charge and applicable Special Service Area Development Charges shall be paid immediately upon entering into the site plan agreement. The balance of the development charges are payable on the date a building permit is issued at the rate in effect at that time, less any applicable credits, if any.

# Cash-In-Lieu of Parkland Dedication

The applicant is required to pay to the City, prior to the issuance of a building permit, cash-in-lieu of parkland dedication, to the satisfaction of the Vaughan Real Estate Division.

#### Servicing/Allocation

The Owner has submitted site servicing and grading plans, slope stability report, and a stormwater management report, which are currently being reviewed by the Engineering Department. To date, a noise study has not been submitted, and is required, prior to final approval. The Owner must satisfy all requirements of the Engineering Department.

The proposed development is located within the Woodbridge Sanitary Service Area and is a tributary to the Islington Street Collector. In addition, based on the City's current Vaughan Water Pressure Districts (2026 Condition) Plan, the development falls within the servicing area of Pressure District 4 (PDA) of the York Water Supply System. The existing watermain and sanitary sewer lines on Kipling Avenue will provide for the water and sanitary connections. There are no storm sewers immediately within the vicinity of the subject area. Connections to the existing infrastructure will be subject to confirmation that there are no downstream constraints in the existing system.

On November 14, 2005, Council ratified the "Strategy for Allocation/Reservation of Servicing Capacity" report (Item #12, Report #61) from the Commissioners of Engineering and Public Works and Planning recommending the reservation of water and sewage capacity to Ennio Liorti and 787290 Ontario Limited for 20 units which includes the four single-detached units to be provided along Kipling Avenue. Should Council concur, servicing should be allocated for this development, as well as, the four detached dwellings. A resolution to this effect has been included in the recommendation of this report, should the OMB approve the site plan application.

#### Canadian Pacific Railway Company (CPR)

A Canadian Pacific Railway (CPR) rail line is located to the south, and west of the subject lands. Comments from CPR have not been provided for the site development application. However, the previous comments for the Official Plan and Zoning By-law amendment were provided as follows:

- "i) dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A Noise Study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of the proposed development and to recommend mitigation measures, if required. The recommendations of the study shall be implemented; and
- ii) a clause should be inserted in all offers of purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating railway right-of way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may effect the living

environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations."

A condition has been included in the recommendation requiring the Owner to satisfy the requirements of CPR.

## 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

The Development Planning Department has reviewed the proposed Site Development Application in accordance with the site-specific Official Plan Amendment (OPA #520), the approved Zoning By-law Amendment Application (Z.98.064), the comments provided by City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposed infill development is consistent with the site-specific policies of the Official Plan and is compatible with development within the immediate area. Prior to final approval, the necessary environmental and noise reports must be approved, to the satisfaction of the Engineering Department. Accordingly, the Development Planning Department can support the Site Development Application, subject to the recommendations in this report.

#### **Attachments**

- 1. Location Map
- 2. Site Plan
- Landscape Plan
- 4. Typical Elevation Plans (Semi-detached dwellings)
- 5. Typical Elevation Plans (Semi-detached dwellings)
- 6. Typical Elevation Plans (Semi-detached dwellings)

# Report prepared by:

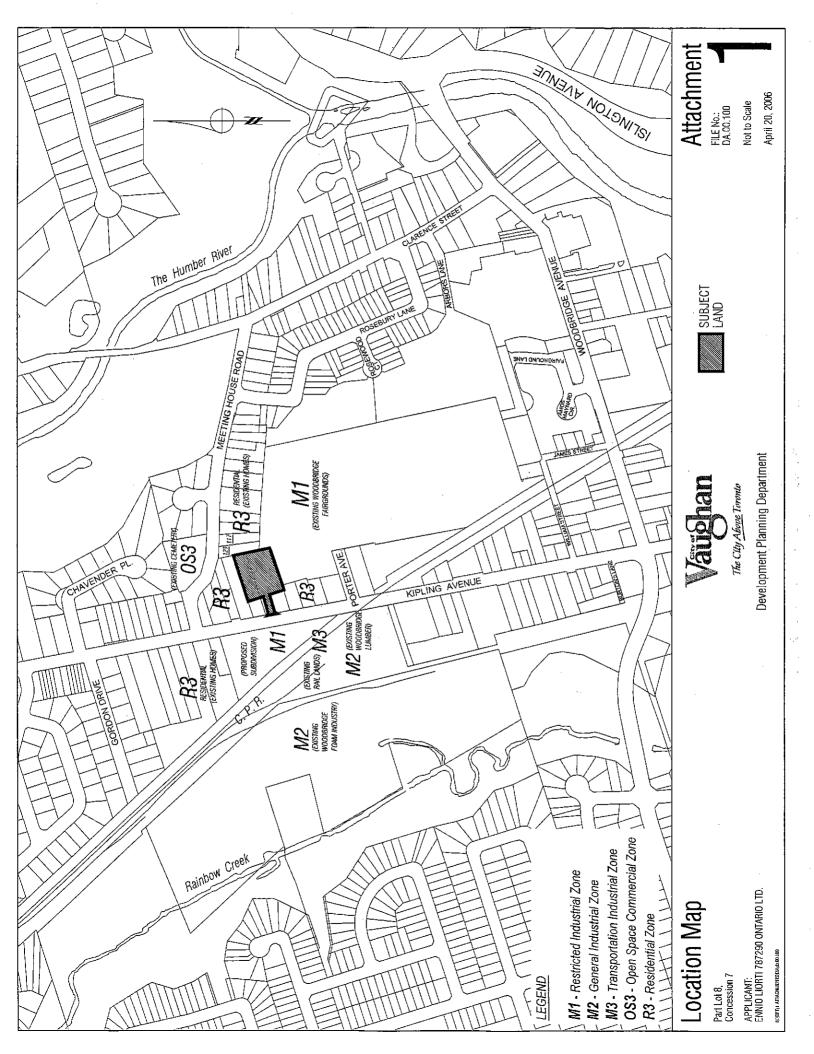
Eugene Fera, Planner, ext. 8064 Mauro Peverini, Senior Planner, ext. 8407 Grant Uyeyama, Manager of Development Planning, ext. 8635

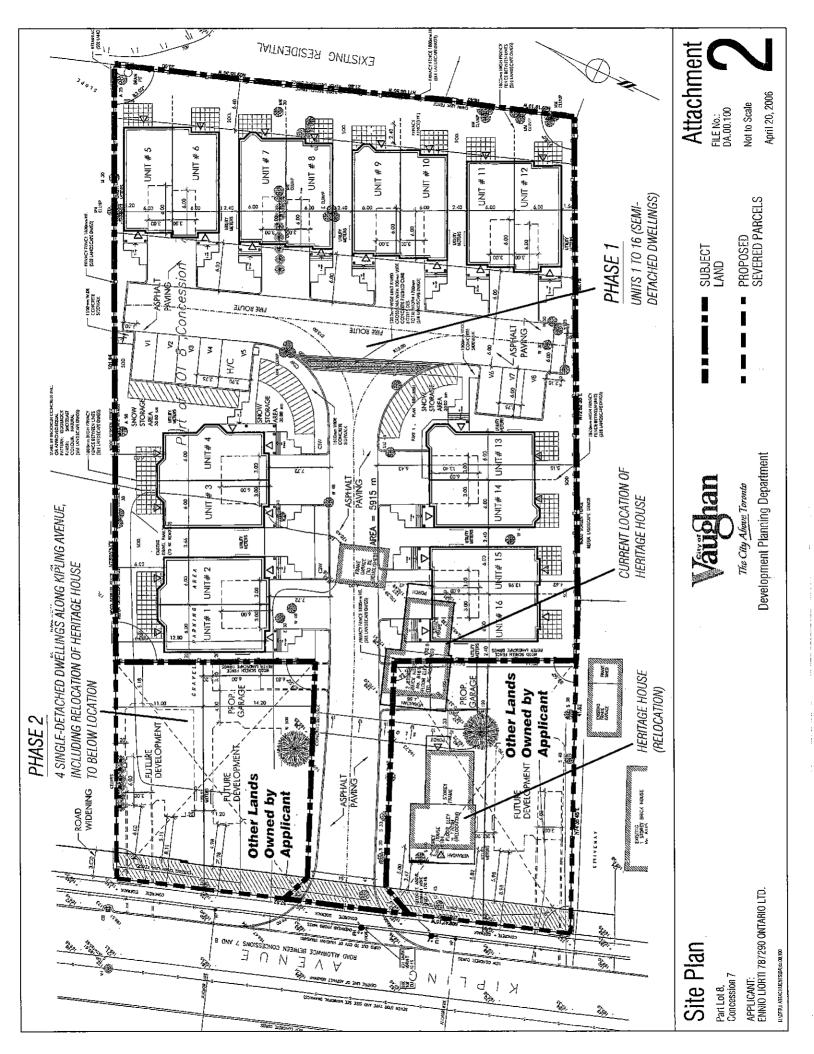
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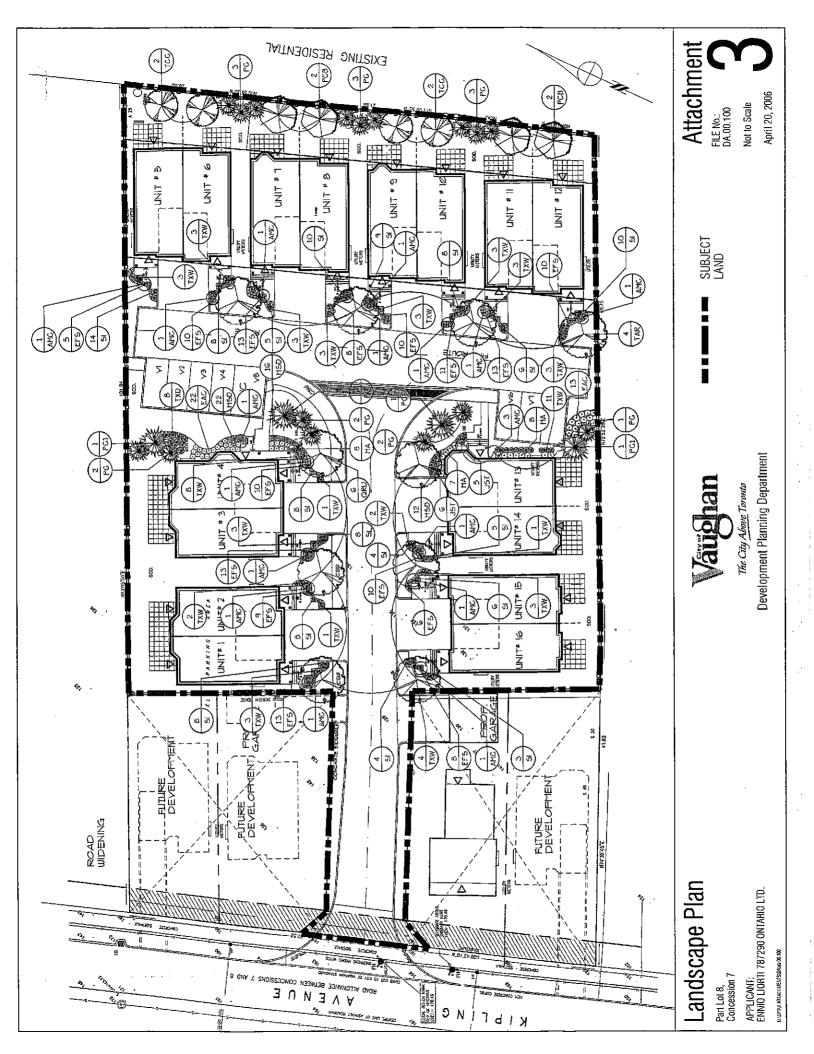
JOHN ZIPAY Commissioner of Planning MARCO RAMUNNO
Director of Development Planning

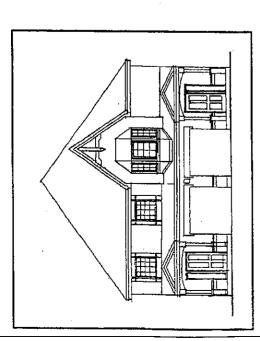
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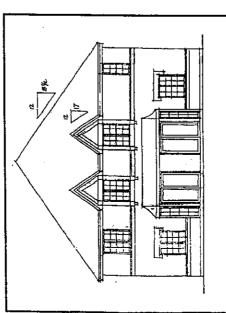




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REAR ELEVATION UNITS 3 & 4

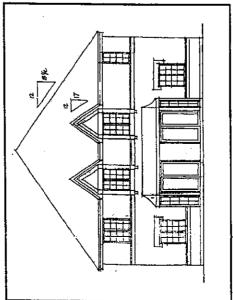
FRONT ELEVATION UNITS 3 & 4



REAR ELEVATION UNITS 1 & 2

**UNITS 3 & 4** 

SIDE ELEVATION SCALE: NTS





Parl Lot 8, Concession 7

APPLICANT: ENNIO LIORTI 787290 ONTARIO LTD.

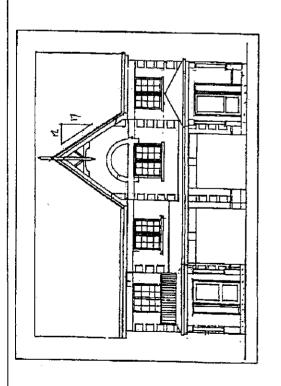
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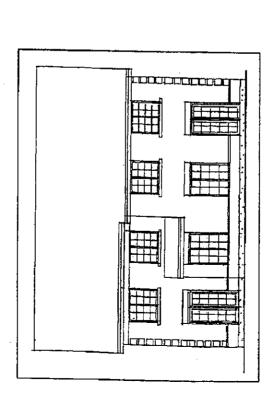
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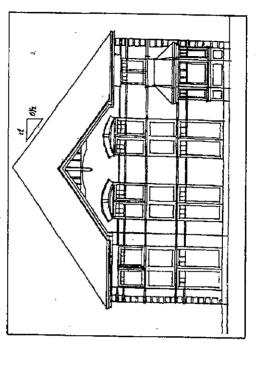


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REAR ELEVATION UNITS 5, 6, 11, 12



REAR ELEVATION UNITS 7, 8, 9, 10

# Typical Elevation Plans

Part Lot 8, Concession 7

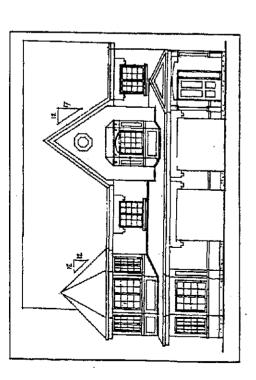
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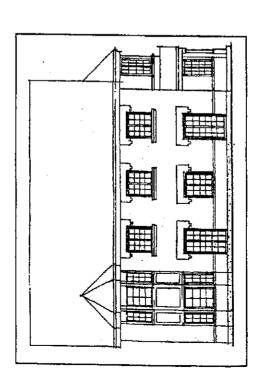
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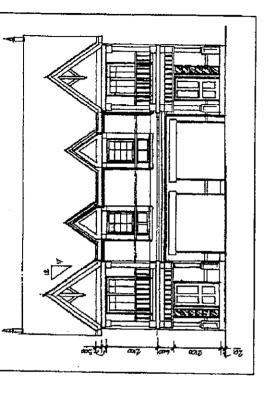
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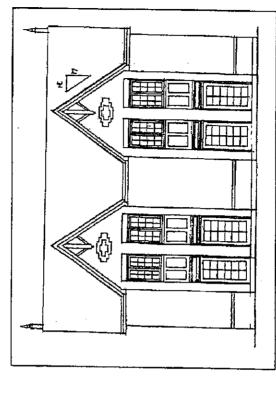
FRONT ELEVATION UNITS 13 & 14 south



REAR ELEVATION UNITS 13 & 14 SCUE. NIS



FRONT ELEVATION UNITS 15 & 16 scue. NTS



REAR ELEVATION UNITS 15 & 16 south

Typical Elevation Plans

Part Lot 8, Concession 7

The City Above Toronto

**Development Planning Department** 

Attachment FILE No.: DA.00.100 Not to Scale

April 20, 2006

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APPLICANT: ENNIO LIORTI 787290 ONTARIO LTD.