

**COMMITTEE OF THE WHOLE NOVEMBER 10, 2009**

**OFFICIAL PLAN AMENDMENT FILE OP.09.002  
ZONING BY-LAW AMENDMENT FILE Z.09.009  
MADISON BATHURST HOLDINGS LIMITED  
WARD 1**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.09.002 (Madison Bathurst Holdings Limited) BE APPROVED, specifically to amend OPA #600 to redesignate the subject lands shown on Attachments #1 and #2 from "Medium Density Residential/Commercial" to "High Density Residential/Commercial" and with the following site-specific policies to facilitate the development of a residential/commercial development shown on Attachments #3 to #5:
  - a) the maximum number of assisted living seniors retirement residence suites permitted in Phase 1 shall be 135, and 162 apartment units (seniors condominium) in Phase 2 of the subject lands;
  - b) permit a maximum building height for the assisted living seniors retirement residence in Phase 1 of 6-storeys (excluding roof top mechanical equipment and penthouse) or 25 m, whichever is lower;
  - c) permit a maximum building height for the seniors retirement residence in Phase 2 of 15-storeys (excluding the mechanical equipment and penthouse) or 52 metres, whichever is lower;
  - d) permit 651 m<sup>2</sup> of ground floor commercial uses within the 15-storey building (Phase 2);
  - e) permit accessory ground floor uses such as personal services and an eating establishment within the proposed 6-storey building (Phase 1) for the use of the residents in Phases 1 and 2;
  - f) permit a maximum density on the subject lands of a Floor Space Index (FSI) of 3.24; and,
  - g) include policies to promote sustainable site and building development features.
2. THAT Zoning By-law Amendment File Z.09.009 (Madison Bathurst Holdings Limited) BE APPROVED, to rezone the subject lands from A Agricultural Zone to:
  - a) RA3 Apartment Residential Zone on Phase 1 of the subject lands to facilitate the development of a 6-storey building comprised of 135 assisted living seniors retirement residence suites;
  - b) RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" on Phase 2 of the subject lands to facilitate a 15-storey, 162 unit apartment (seniors condominium) building with a maximum of 651 m<sup>2</sup> of ground floor retail commercial uses;

3. THAT the implementing Zoning By-law include the following:
  - a) a definition for a "Residence Suite" located within an assisted living seniors retirement residence, as follows:

"Residence Suite – means a suite within an assisted living seniors retirement residence, in which sanitary conveniences are provided, and in which cooking facilities and the installation of cooking equipment shall not be permitted.";
  - b) permit accessory uses on the ground floor of the assisted living seniors retirement residence such as personal services and an eating establishment for the use of the residents in Phases 1 and 2;
  - c) permit the following commercial uses to a maximum combined total of 651 m<sup>2</sup> on the ground floor of the building on Phase 2:
    - one (1) Retail Store;
    - one (1) Pharmacy;
    - one (1) Day Nursery, with a maximum gross floor area of 186 m<sup>2</sup>; and,
  - d) the zoning exceptions to the RA3 Apartment Residential Zone identified in Table 1 of this Report.
4. THAT the Holding Symbol "(H)" shall not be removed from the subject lands zoned RA3(H) Apartment Residential Zone until such time as the following conditions are addressed for Phase 2 of the subject lands, to the satisfaction of the City:
  - a) that a Site Development Application for the Phase 2 portion of subject lands be approved by Vaughan Council; and,
  - b) that Vaughan Council adopt a 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 City's approved Servicing Capacity Distribution Protocol in effect at the time of site plan approval, assigning capacity for the proposed 15-storey, 162 apartment unit (seniors condominium) development.
5. THAT the Owner dedicate a 4.5 m road widening along the Bathurst Street frontage to be dedicated to the Region of York for right-of-way purposes which shall be implemented through the site plan approval process.
6. THAT the Owner shall pay to the City of Vaughan, a Woodlot Fee for each residential dwelling unit in the proposed seniors condominium building (Phase 2) through the Site Plan approval process.

**Contribution to Sustainability**

N/A

**Economic Impact**

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

## **Communications Plan**

On April 17, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, as well as, an extended polling area to property owners within an area of approximately 500m of the subject lands, as shown on Attachment #2. The recommendation to receive the Public Hearing report of May 12, 2009, was ratified by Council on June 11, 2009.

- i) Prior to the Public Hearing, a letter was received from a Richmond Hill resident expressing disapproval with the proposed increase in the density for this development.
- ii) At the Public Hearing, a number of residents also expressed concerns respecting the proposed development. These concerns are addressed later in this report.

On October 30, 2009, a Notice for this Committee of the Whole Meeting was sent to all individuals requesting a notice or having appeared at the Public Hearing.

## **Purpose**

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. An Official Plan Amendment Application (File OP.09.002) specifically to:
  - a) redesignate the subject lands shown on Attachment #3 from "Medium Density Residential/Commercial" to "High Density Residential/Commercial";
  - b) permit a maximum of 135 assisted living seniors retirement residence suites and 162 apartment units (seniors condominium) in Phases 1 and 2, respectively, of the proposed development, yielding a maximum Floor Space Index (FSI) of 3.24;
  - c) increase the maximum building height permitted in the "High Density Residential/Commercial" designation on the Phase 2 portion of the site from 12-storeys to 15-storeys,
  - d) permit 651m<sup>2</sup> of limited ground floor commercial uses within the 15-storey building (Phase 2); and,
  - e) permit accessory ground floor uses within the 6-storey building, such as personal service uses and an eating establishment intended for use by the residents within Phases 1 and 2.
2. A Zoning By-law Amendment Application (File Z.09.009) to amend By-law 1-88, specifically to rezone the subject lands shown on Attachment #3 from A Agricultural Zone to RA3 Apartment Residential Zone (Phase 1) and RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" (Phase 2), together with the zoning exceptions identified in the recommendation of this report, to implement the proposed seniors residential/commercial development.

## **Background - Analysis and Options**

### **Location**

The subject lands shown on Attachment #1, are located at the northwest corner of Bathurst Street and Lebovic Campus Drive, being Part of Lot 17, Concession 2, City of Vaughan. The surrounding land uses are as shown on Attachment #2. The vacant, irregular shaped property

has approximately 70m of frontage on Gesher Crescent, and 84.33m flankage on Lebovic Campus Drive.

#### Supporting Documents

The following supporting reports were submitted for review in consideration of the subject applications:

- i) Planning Justification Report, dated March 2009, prepared by KLM Planning Partners; Addendum Planning Justification Report dated July 2009; and Addendum Planning Justification Report dated August 2009;
- ii) Sun/Shadow Study, prepared by Kirkor Architects dated March 16, 2009;
- iii) Wind Study, prepared by Gradient Microclimate Engineering Inc., dated February 24, 2009;
- iv) Noise Study, prepared by Valcoustics Canada Limited dated March 2009, and updated July 2, 2009;
- v) Phase 1 Environmental Site Assessment by Soil Engineers Ltd., dated January 12, 2007;
- vi) Urban Design Brief, prepared by Kirkor Architects and KLM Planning Partners dated March 2009;
- vii) Transportation and Traffic Study/Parking Study, prepared by Read, Voorhees & Associates Ltd., dated February 2009, and updated June 26, 2009;
- viii) Stage 1-2 and 3-4 Archaeological Assessment prepared by Archaeological Services Inc., dated January 12, 2007; and,
- ix) Functional Servicing Report prepared by Schaeffers Consulting Engineers, dated March 2009.

#### Official Plan

The subject lands are designated "Medium Density Residential/Commercial" by Official Plan Amendment #600, which permits residential uses including detached and semi-detached dwellings, street townhouses, duplex, tri-plex and fourplex units, block townhouses and commercial uses. The 0.86ha site was identified within the Block 11 Plan as a site for Convenience Commercial use. The Official Plan Amendment application for the subject lands proposes to redesignate the property to "High Density Residential/Commercial" to permit the development of a 6-storey assisted living seniors retirement residence building (Phase 1) and a 15-storey senior's residential apartment building as shown on Attachment #3.

#### Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, which does not permit the proposed high density residential development. The applicant is proposing to rezone the subject lands to RA3 and RA3(H) Apartment Residential Zone to permit the seniors apartment uses as shown on Attachment #3.

## Resident's Concerns

As previously mentioned, a letter was received from a Richmond Hill resident expressing disapproval with the proposed increase in density for this development. At the Public Hearing, a number of residents expressed concerns to Council, as follows:

- i) concern regarding the location of the access to the high density residential development;

Access to the development is proposed from Gesher Crescent. The proposed access, the surrounding road layout and development concept have been reviewed by the Vaughan Engineering Department and the Region of York Transportation Services Department with respect to the Region of York's requirements regarding the Bathurst Street right-of-way, turning lanes and intersections, and the City of Vaughan design standards. Both the Region of York and the Vaughan Engineering Department have reviewed the Transportation and Traffic Study and determined it to be acceptable.

- ii) expected a retail commercial development on site;

Many residents indicated they expected a retail commercial plaza on the site. In response to Council and resident comments raised at the Public Hearing in this respect, the Owner revised the application to increase the amount of commercial GFA on the site. Ground floor retail commercial uses totaling 651 m<sup>2</sup> of GFA are now proposed within Phase 2 of the development including a pharmacy, retail store, and a day nursery. In addition, accessory uses such as personal services and an eating establishment are proposed on the ground floor within the assisted living seniors retirement residence in Phase 1, for the intended use of the residents living in both Phases.

- iii) increased traffic and pedestrian activity to be generated by development;

Some residents expressed concerns about the increased vehicular traffic and pedestrian activity expected from the proposed development. The applicant has submitted a Transportation and Traffic Study/Parking Study for the proposed development, which has been reviewed and accepted by the Vaughan Engineering Department and the Region of York Transportation Services Department.

- iv) impact of the Bathurst Street widening and proposed expropriations;

Some residents were aware of the Bathurst Street Environmental Assessment and the required future road widening and questioned the location of possible expropriations to implement the widening. The widening is for a Region of York road improvement to implement the Region's Transportation Plan and Official Plan. The proposed development must provide the appropriate dedications to the Region as required for the Bathurst Street widening, to the satisfaction of the Region of York.

- v) shadowing from proposed buildings;

Shadows from the proposed buildings was raised as a concern. A Sun/Shadow Study demonstrating the shadow impact of the proposed buildings relative to the surrounding lands has been reviewed by the City. The proposed point tower design of the 15-storey building results in narrow shadowing that moves quickly and thereby impacting minimally on the residential dwellings to the west in the early morning in the Spring. The Sun/Shadow Study was reviewed by the Vaughan Development Planning Department and found to be acceptable.

- vi) no other high rise buildings in the area;

The residents commented that there were no other high rise buildings within the area. Although no other high rise buildings have been built within the immediate area, zoning for 4 future 15-storey apartment buildings is in place on the lands located to the immediate north of the subject property. High rise buildings are also proposed within the Carrville District Centre located south-west of the Block, and are also approved for the south-east corner of Dufferin Street and Major Mackenzie Drive within the Block 11 area.

- vii) adequacy of the proposed building setbacks and the proximity of development to low density residential;

The adequacy of the proposed building setbacks and the site's proximity to the low density residential neighbourhood to the west was identified as a concern. The City of Vaughan zoning standards for high density residential uses requires the application of appropriate building setbacks to the lot lines. The proposed high rise development is adjacent to the Bathurst Street frontage and is located approximately 80 metres east of the existing low density residential area to the west and abuts approved high density residential development to the north.

- ix) adequacy of visitor parking and surface parking for day nursery and retail commercial uses;

The applicant has submitted a Transportation and Traffic Study/Parking Study for the proposed development. These reports have been reviewed by the Vaughan Engineering Department and the Region of York Transportation Services Department and found to be acceptable.

#### Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment applications to redesignate and rezone the subject lands shown on Attachment #3, in light of the following land use policies respecting the proposal:

- a) Provincial Policy Statement

Since the approval of OPA #600 and the Block 11 Plan, the Province approved the Provincial Policy Statement (PPS) in 2005, which provides policy direction on matters of Provincial interest related to land use planning and development. The PPS includes policies that encourage the focus of new growth in urban areas. The applications to amend the Official Plan and Zoning By-law must be consistent with the PPS (2005). The PPS identifies that the subject lands are within a Settlement Area. The PPS policies relating to Settlement Areas state that these areas shall be the focus of growth and that Planning authorities shall identify and promote opportunities for intensification and land use patterns within Settlement Areas, which shall be based on, in part, densities and a mix of land uses which:

- i) efficiently use land and resources; and,
- ii) are appropriate for and efficiently use infrastructure and public service facilities which are planned and available and avoid the need for their unjustified and or uneconomical expansion.

The PPS promotes a full range of housing types and densities to meet projected demographics and market requirements for the current and future residents by ensuring all forms of residential intensification to create a supply of housing. The proposed redesignation from "Medium Density Residential/Commercial" to "High Density Residential/Commercial" meets the intent of the PPS

with respect to the efficient use of land and infrastructure and would provide a range of housing types that promote efficient land use and development patterns to support a livable and healthy community. The proposed development also promotes a mix of housing which differs from that which is currently available within the area.

The increased density proposed for the site would also make more efficient use of land resources and public investment in infrastructure and public service facilities currently provided within Block 11 and within the surrounding area.

The "Building Strong Communities" policies in the PPS state that sufficient land shall be made available through intensification and redevelopment and if necessary, designate growth areas to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time frame of up to 20 years.

The policies related to Managing and Directing Land Use state that healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs; and, by promoting cost-effective development standards to minimize land consumption and servicing costs. The subject proposal will broaden the mix of residential uses in the area, which has been predominantly approved for low density residential development. It will also minimize land consumption and servicing costs as it allows more people to live in the area, which is already planned and serviced for urban growth.

The subject lands are within a Settlement Area as defined by the PPS. Bathurst Street is a local corridor recognized in both the City of Vaughan and Region of York Official Plans. The proposal makes efficient use of the land by increasing the residential density along a corridor in a Settlement Area.

The PPS Settlement Area policies also require that "new development within designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for efficient use of land, infrastructure and public service facilities". The subject lands are located within a designated growth area, being the Carrville Urban Village area, as established in OPA #600 and are immediately adjacent to approved high density development and an existing built up area.

The PPS also includes housing policies requiring Planning authorities to provide an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area, and promote compact form and a structure of nodes and corridors. The proposed high-density development will add to the housing types and density within the area. Infrastructure and public service facilities for this development have been provided as part of the larger development that is occurring within Block 11 and the overall Carrville Urban Village Area. The future residents and employees of the proposed development will also help support public transit initiatives. This proposed amendment would allow for ground floor retail commercial uses along with high rise residential uses, provide a wider range of land uses within the designated urban area, and support public transit. The proposed development is in accordance with the policies of the PPS.

b) Places to Grow Plan

The Provincial Places to Grow Plan (2006) is a vision for the Greater Golden Horseshoe to 2031, and requires that a minimum 40% of a municipalities residential development must be located within the existing built up area by 2015, and that municipalities must develop intensification strategies and implement them through their Official Plan.

The Region of York completed the "York Region 2031 Intensification Strategy" as part of the Region's Places to Grow Conformity exercise in February 2009. This strategy requires local

municipalities to use the Region's population and employment growth forecasts; identify and meet intensification targets; and, identify appropriate type and scale of development for residential growth and intensification areas, urban growth centres and intensification corridors. The City of Vaughan's Official Plan Update Study, "Directions on Where and How to Grow", forecasts for 2031 is currently in progress. The draft document recognizes the greenfield areas of the Carrville Urban Village as one of the areas within Vaughan where additional units can be accommodated. It is anticipated that Vaughan's city wide intensification strategy review will be implemented through the Vaughan Official Plan Update. The proposed development located in the Carville Urban Village 2 area, is consistent with the intent of the Places to Grow Plan.

c) Region of York Official Plan

The Region of York reviewed the subject proposal and advised that the subject lands are designated "Urban Area" by the Regional Official Plan, and that the proposed Official Plan Amendment Application is consistent with the Regional Official Plan policies that direct intensive development along local corridors which are supported by public transit services (Section 5.6), and to locate housing specifically geared to senior citizens in close proximity to human services, as well as, other community services and facilities (Section 4.3.13).

Under the current Draft York Region Transportation Master Plan Update (endorsed by Regional Council on May 28, 2009), Bathurst Street was identified as a Rapid Transit corridor through this area. An Environmental Assessment (EA) has been completed for this section of Bathurst Street and subject to the approval of the EA, a 4.5m right-of-way is required on Bathurst Street to accommodate Rapid Transit facilities in the future. The Region has requested that a 4.5m widening along Bathurst be dedicated by the Owner to the Region, should this application be approved, and that a policy regarding the 4.5m widening be included in the implementing Official Plan Amendment requiring that the widening be dedicated to the Region at the Site Development stage.

The Region also indicated that the Parking and Traffic Study dated February 2009 anticipates that car ownership rates among residents of the proposed buildings will be low and the Region recognizes that this site may become a destination for YRT Mobility Plus services. Prior to site plan approval for the proposed development concept, the Region has requested that the Parking Study be amended to reflect the YRT Mobility Plus service. The Region of York has indicated that additional comments will be provided at the site plan review stage.

d) Vaughan Official Plan Amendment #600

The subject lands are located in Block 11 of the "Carrville Urban Village 2" area and are designated "Medium Density Residential/Commercial" by OPA #600 (approved in 2001). The Block 11 Plan (approved in 2003) further identified this site as Convenience Commercial. The "Medium Density Residential/Commercial" designation permits detached and semi-detached houses, street and en-block townhouses, duplexes, triplexes and fourplexes, as well as commercial uses. The commercial use policies would have permitted small-scale, limited commercial facilities that were generally to be integrated with both the residential development and building forms, and were to be located at grade level. The commercial component of a development within this designation was intended to be limited to a density relative to the residential density permitted on the lot. Under the existing "Medium Density Residential/Commercial" designation, a maximum net residential density of 40 uph (units per hectare) and an additional commercial density of 0.5 times the area of the lot is permitted on the site. The applicant has indicated that approximately 1,207m<sup>2</sup> of commercial GFA could have been developed on the site under this designation.

The Official Plan Amendment application requests a redesignation of the property from "Medium Density Residential Commercial" to "High Density Residential/Commercial". This designation is intended to contain higher order retail, office and residential uses, in a mixed use form, or as



single use buildings, and recognizes that such uses would generate higher levels of activity supportive of transit services. Stacked townhouses, apartment buildings to a maximum of 12-storeys in height, and commercial uses are permitted within this designation. OPA #600 also requires that such development transition in building scale toward lower density housing forms. Buildings are to be sited close to the street rights-of-way and commercial uses shall front directly onto the public sidewalk with parking located at the rear and on-street. OPA #600 permits a maximum density within the "High Density Residential/Commercial" designation of 150 uph (units per hectare).

To facilitate the proposed development, the applicant has requested an increase in the maximum building height permitted in the "High Density Residential/Commercial" designation from 12-storeys to 15-storeys for the proposed Phase 2 building, and requested a site density of 3.24 Floor Space Index (FSI), to accommodate 162 apartment units (seniors condominium), 135 assisted living seniors retirement residence suites, and limited ground floor commercial uses. The applicant has requested approximately 651 m<sup>2</sup> of ground floor commercial uses within the base of the proposed 15-storey apartment building, and other accessory uses in the base of the assisted living seniors retirement residence such as personal service uses and an eating establishment that are intended for the use of the residents of the Phase 1 and Phase 2 buildings. The proposed use represents a mixed use form of development.

The proposed retail commercial use would be conveniently located to the future residents of the proposed buildings and to the existing community. The proposed development concept responds to the surrounding community context. The adjacent lands to the north were previously approved (OPA #674) for high density residential-commercial development (15-storeys); the land to the south was approved for the Lebovic Jewish Community Campus (private institutional use buildings); and the adjacent lands to the west are being developed as a low density residential subdivision. The conceptual site design locates the tallest building along the easterly edge of the property, adjacent to Bathurst Street and the approved high-density residential development to the north, and away from the low density residential subdivision to the west of the site. The 6-storey assisted living seniors retirement residence building provides a transition in building form between the low density residential development to the west and high density residential uses proposed on the site. The developing Lebovic Campus immediately south of the site will provide community facilities including a community centre, places of worship, schools, and special needs housing in close proximity to the subject lands.

The proposed buildings are sited close to the street rights-of-way, and the retail commercial uses in the 15-storey building have direct access to the Bathurst Street sidewalk. The majority of the proposed retail space also has direct access to the parking area. Parking for the proposed development is internal to the site. Transit is available along Bathurst Street, with a stop in front of the proposed buildings making accessibility convenient for future residents and future employees within the proposed buildings.

A Floor Space Index or FSI of 3.24 is proposed for the entire site, which is an alternative and more current way of calculating density than using the units per hectare measurement. Density based on FSI takes into consideration the mass and scale of a building, rather than the total maximum number of units permitted, which can be misleading, given the varying sizes of the residential suites, particularly when smaller seniors units are proposed. The FSI has been calculated based on a total site area of 8,640.98 m<sup>2</sup> (not including the road widening), and a proposed GFA for the Phase 1 and 2 buildings of 27,961.67 m<sup>2</sup>.

The application to amend the Official Plan to allow a 6-storey assisted living seniors retirement residence and a 15-storey seniors condominium building with ground floor commercial uses, provides for a wider range of land uses within a designated urban area.

Proposed Development Concept

The proposed conceptual site plan as shown on Attachment #3, divides the development into two phases. Phase 1 provides for a 6-storey, 135 assisted living seniors retirement residence suites, with accessory uses such as personal service uses and an eating establishment located on the ground floor intended for the use of the residents of the Phase 1 and Phase 2 buildings. The retirement residence includes suites with a common kitchen and dining facilities and the individual residents' suites do not contain cooking facilities. This building will be attached to Phase 2 of the development as shown on Attachment #3, which provides for a 15-storey, 162 apartment unit (seniors condominium) building with a maximum of 651m<sup>2</sup> of ground floor retail and commercial uses comprised of one retail store, one pharmacy, and one day nursery within the ground floor of the building.

The proposed 15-storey building is located adjacent to Bathurst Street with the 6-storey building being located at the northeast location of Lebovic Campus Drive and Geshur Crescent to create a street presence and to transition between the low density residential development to the west. Pedestrian accesses to the surrounding streets is proposed from each building. Vehicular access to the site is from Geshur Crescent via an internal driveway and internal parking area. A surface parking area for 30 vehicles is provided, and an additional 259 parking spaces are provided underground. A landscaped outdoor amenity area ("Victory Garden") and interior amenity areas are provided for the shared use by residents of both the condominium and retirement residences.

The Owner must submit a Site Development Application to facilitate the proposed development, to be considered in a future report(s) to the Committee of the Whole, should the subject applications be approved.

Proposed Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88, as shown on Attachment #2, which does not permit the proposed high density residential-commercial development. To facilitate the proposed development, as shown on Attachments #3 to #5, an amendment to By-law 1-88 is required, to rezone the property from A Agricultural Zone to RA3 Apartment Residential Zone, and to provide the following site-specific zoning exceptions to By-law 1-88:

Table 1: Proposed Zoning Exceptions

By-law 1-88 Standard	By-law 1-88 (Minimum Requirements of the RA3 Apartment Residential Zone)	Proposed Exceptions to By-law 1-88 (RA3 Apartment Residential Zone)
Minimum Parking Requirements	i) Total Parking Required: 552 spaces  <u>Phase "1"</u> (Assisted Living Building)  No parking standard in By-law 1-88 for an Assisted Living Seniors Retirement Residence (calculation based on each unit within an Assisted Living	i) 289 spaces:  <u>Phase "1"</u> (Assisted Living Building)  135 suites @ 0.4 spaces/unit (54 spaces)  <u>Phase "2"</u> (Seniors Condominium Building) 162 units @ 1.1 spaces/unit (179 spaces)

By-law 1-88 Standard	By-law 1-88 (Minimum Requirements of the RA3 Apartment Residential Zone)	Proposed Exceptions to By-law 1-88 (RA3 Apartment Residential Zone)
	<p>Seniors Retirement Residence being the equivalent of an apartment unit 135 units @ 1.5 spaces/unit plus 0.25 visitor spaces/unit = 237 spaces)</p> <p><u>Phase "2"</u> (Seniors Condominium Building)</p> <p>162 units @ 1.5 spaces/unit (243 spaces)</p> <p><u>Visitor Parking</u> 0.25 spaces/unit (41 spaces)</p> <p><u>Retail Uses</u> 465 m<sup>2</sup> @ 6 spaces/100 m<sup>2</sup> (28 spaces)</p> <p><u>Day Nursery (186 m<sup>2</sup>)</u> @ 1.5 spaces/employee (2 employees = 3 spaces)</p>	<p><u>Visitor Parking</u> 0.2 spaces/unit (33 spaces)</p> <p><u>Retail Uses</u> Retail uses (465 m<sup>2</sup>) @ 1 space/31 m<sup>2</sup> = 15 spaces</p> <p>Day Nursery (186 m<sup>2</sup>) = 3 spaces + 5 additional spaces</p>
Minimum Landscaped Strip Widths	6.0 m abutting street line and 2.4 m abutting a Residential Zone	<ul style="list-style-type: none"> <li>i) 2.3 m abutting Bathurst Street;</li> <li>ii) 2.7m abutting Lebovic Campus Drive;</li> <li>iii) 3.8 m abutting Geshher Crescent;</li> <li>iv) 1.5 m abutting a RA3 Apartment Residential Zone (north property line)</li> </ul>
Permitted Uses	<ul style="list-style-type: none"> <li>i) Apartment Dwelling</li> <li>ii) Day Nursery</li> </ul>	<ul style="list-style-type: none"> <li>i) Phase "1" – Assisted Living Seniors Retirement Residence, with ancillary uses</li> <li>ii) Phase "2" – commercial uses including, one (1) Retail Store, (1) Pharmacy, and (1) Day Nursery Use (maximum of 186 m<sup>2</sup>), total combined GFA not to exceed of 651 m<sup>2</sup></li> </ul>

Minimum Amenity Area	Bachelor unit - 15 m <sup>2</sup> 1 bedroom unit - 20 m <sup>2</sup> 2 bedroom unit - 55 m <sup>2</sup> Total Required: 8,170 m <sup>2</sup>	Total Minimum Site Amenity of 6,070 m <sup>2</sup>
Minimum Lot Area per Unit	67 m <sup>2</sup> /unit	29 m <sup>2</sup> /unit
Minimum Yards	Front (Gesher Cres.) - 7.5 m Rear(Bathurst Street) - 7.5m Interior (North property line) -½ building height - 28.2 m Exterior (Lebovic Campus) - 7.5m	Front - 3.8 m Rear - 2.3 m  Interior - 5.4 m  Exterior - 2.7 m
Definition of a Lot	Lot – Means a parcel of land fronting onto a street separate from any abutting land to the extent that a consent would not be required for its conveyance.	Revise the definition of a “lot” to consider the subject lands as one lot for the purposes of zoning conformity regardless of any future consents, easements, etc.
Loading space	Not permitted between a building and a street	Permit a loading space between a building and Gesher Crescent
Maximum Building Height	44 m	i) Restrict Phase “1” to a maximum of 6-storeys or 25 m, whichever is less ii) Restrict Phase “2” to a maximum of 15-storeys or 52 m, whichever is less

The proposed zoning exceptions are supportable and will contribute to creating a development that is consistent with good urban design principles and is compatible with the surrounding land use context, and consistent with the applicable Regional and local planning policies. The Development Planning Department has no objections to the proposed exceptions to By-law 1-88. The addition of the Holding Symbol “(H)” is required for the northerly portion of the subject lands (Phase 2) and will be removed upon the identification and allocation of servicing capacity and water by Council for the proposed 15-storey, 162 apartment unit condominium apartment building. In addition, it is recommended that the Owner be required to obtain Site Plan approval for Phase 2, prior to the Holding Symbol “(H)” being removed from the property.

The proposed assisted living seniors retirement residence is not an apartment dwelling as defined in By-law 1-88. The proposed residence will contain individual resident suites without cooking

facilities. Meals are to be prepared in a common kitchen and served to residents in common dining areas. A definition for a "Residence Suite" is proposed for this development to permit a residence suite, which is defined as a suite within an assisted living seniors retirement residence, in which sanitary conveniences are provided and in which cooking facilities and the installation of cooking equipment shall not be permitted. The accessory uses, intended for the exclusive use of the residents of the Phase 1 and Phase 2 buildings such as personal service shops and an eating establishment are proposed on the ground floor and must be recognized in the implementing zoning by-law.

Ground floor commercial uses are proposed to be provided in Phase 2. If approved, zoning exceptions will be included in the implementing Zoning By-law to permit one (1) retail store, one (1) pharmacy, and one (1) day nursery to a total maximum of 651 m<sup>2</sup> on the ground floor of the building on Phase 2. The implementing Zoning By-law would also include all the zoning exceptions identified above, and any other exceptions that may be required to facilitate the proposed development, if approved.

#### Site Plan Approval

The subject lands are to be developed in two phases and the proposed development requires the submission of a Site Development Application for the review and approval by Vaughan Council. The maximum density on the subject lands shall be a FSI of 3.24. At the Site Development Plan stage, details such as sustainability (site and building design features), landscaping, building elevations, amenity area, stormwater management, site circulation, site servicing, lot grading, an updated Noise Report, external lighting plan, and servicing will be reviewed. The proposed development Concept Plan (Attachment #3) shows the buildings adjacent to the Bathurst Street and Lebovic Campus Drive rights-of-way. Enhanced building elevations will be required to ensure that high quality building facades will be developed along these street frontages. The site plan process will require approvals from the City and the Region of York.

#### Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the applications and provides the following comments:

##### a) Sewage and Water Allocation

A Functional Servicing Report and Site Servicing Plan was reviewed by the Engineering Department. In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on April 14, 2009, formal allocation of Servicing Capacity is required for the 15-storey, 162 apartment unit (senior's condominium) building (Phase 2). The approved Servicing Capacity Distribution Protocol breakdown did not include these development applications and servicing allocation capacity is currently not available to support the proposed development concept to allow the 15-storey building to proceed to be developed at this time. If Council supports the approval of the proposal, a Holding Symbol "(H)" will be placed on the proposed RA3 Apartment Residential Zone for Phase 2, to ensure that the development of this building does not proceed until Council allocates servicing capacity. The condition for removing the Holding Symbol "(H)" will be Council approval of the allocation for the proposed 162 apartment units and site plan approval.

The assisted living senior's retirement residence (Phase 1) does not require formal servicing allocation by Vaughan Council given the Region's Servicing Allocation Protocol for senior's residences. The Phase 1 component of this application meets the Region's requirements for consideration under this protocol and no servicing allocation is required.

The Engineering Department has indicated that a stormwater management report, site servicing plan, lot grading, an updated (detailed) noise report, and an external lighting plan will be required at the site plan approval stage of the development.

The Transportation and Traffic Study/Parking Study submitted in support of the application was reviewed by both the Region of York and the Vaughan Engineering Department. The study justified a reduction in the number of resident parking spaces based on the senior's use of the building. The traffic impact of the proposed development was assessed. Only small volumes of traffic will be generated by the proposed development and will not have any significant impact on the traffic in the area. Further comments from the Vaughan Transportation Engineering Section will be provided at the Site Plan stage.

The Phase 1, ESA (Environmental Site Assessment) report submitted in support of the application has been approved to the satisfaction of the Vaughan Engineering Department.

The applicant has also submitted a Wind Study and a Noise Study. These studies have been reviewed by the Engineering Department and the Development Planning Department. The Engineering Department has indicated that an updated (detailed) Noise Report will be required at the site plan stage of development.

### Parking

The Owner has proposed that parking for the proposed development be provided as follows:

Assisted living seniors retirement residence suites 135 suites @ 0.4 spaces/suite	54 spaces
Residential Units (Seniors Condominium) 162 units @ 1.1 spaces/unit	179 spaces
Visitor spaces @ 0.2/unit	33 spaces
Commercial Uses: 465 m <sup>2</sup> @ 1 space/31 m <sup>2</sup>	15 spaces
Day Nursery 186 m <sup>2</sup>	3 spaces
Additional Spaces	<u>5 spaces</u>
Total Parking Proposed	289 spaces

By-law 1-88 does not provide a parking standard for an "assisted living seniors retirement residence", however, if each suite was considered to be a unit, parking for the proposed development would be calculated as follows:

Assisted living seniors retirement residence suites 135 suites @ 1.75 spaces/unit (including visitors)	= 237 spaces
Residential Units (Seniors Condominium) 162 apartment units @ 1.75 spaces/unit (including visitors)	= 284 spaces
Commercial Uses @ 6 spaces/100 m <sup>2</sup> + Day Nursery	= 28 spaces
	<u>3 spaces</u>
Total Parking Required	552 spaces

The Owner has submitted a Transportation and Traffic Study/Parking Study prepared by Read, Voorhees & Associates Limited, dated February 20, 2009, and updated June 26, 2009, which concludes that the parking ratios proposed by the applicant and identified above, are appropriate. The report was updated on June 26, 2009, to address a reduction in the number of condominium units from 163 to 162, and the addition of 465 m<sup>2</sup> of limited ground floor commercial retail GFA in the building on the Phase 2 portion of the site. The addendum Parking Report/Traffic Study

concludes the parking supply continues to be adequate with the addition of retail uses. The report has been reviewed and approved by the Vaughan Engineering Department and the Region of York.

#### Vaughan Development Planning Department

An Urban Design Brief was submitted by the applicant, which was reviewed and approved by the Vaughan Development Planning Department to determine conformity of the proposed development with the applicable Block 11 Urban Design and Architectural Guidelines. The impact of shadows on the surrounding lands was also reviewed through the Sun/Shadow Study, which demonstrated the shadow impact of the proposed buildings relative to the surrounding lands. The proposed point tower design of the 15-storey building results in shadowing that moves quickly, thereby impacting minimally on the residential dwellings to the west in the early morning in the Spring. The Sun/Shadow Study was found to be acceptable by the Development Planning Department.

Conceptual elevations have been provided along with a conceptual site plan which has been reviewed by the Development Planning Department. Should Council approve the Official Plan and Zoning By-law Amendment Applications, additional information will be required with the Site Development application. This shall include a fully dimensioned and labeled site plan, colour rendered and dimensioned elevations which present realistic views of the proposed building, sustainable site and building features, textures and colours, shadows, landscaping, building cross sections, streetscape elevations, a landscape master plan, existing vegetation assessment, tree preservation plan and sample building finish and cladding materials. The elevations will require Council approval through the Site Development approval process.

#### Vaughan Finance Department

The Vaughan Finance Department has indicated that the Owner will be required to pay a woodlot fee for each residential apartment dwelling unit proposed on the Phase 2 portion of the site, which is payable at the site plan approval stage. In addition, development charges will be required, prior to the issuance of a building permit.

#### Vaughan Economic Development Department

As noted in the Communications Plan section of this report, residents and Council expressed concerns at the May 12, 2009, Public Hearing that there was no commercial use in the original proposal, whereas the Block 11 Plan had envisioned a 0.86 ha Convenience Commercial site for these lands. The subject application has been revised to include a total of 651m<sup>2</sup> of ground floor commercial uses, and ground floor commercial uses accessory to both the assisted living senior's retirement residence use in the proposed building in Phase 1 and the apartment units (seniors condominium) in Phase 2 which is supported by the applicant's Planning Justification Report. The report further indicates that the proposed amount of commercial GFA is approximately 60% of the GFA that could have been developed on the property, if it had been developed as a single storey commercial plaza and that the proposed retail commercial GFA within the proposed development would maintain the "convenience" nature of the commercial designation for the immediate residents.

The applicant's Planning Justification and addendum reports further indicate that assuming an average FSI of 0.25 for commercial development (which is reflective of ground-related retail development), that there is approximately 561,883m<sup>2</sup> of estimated commercial GFA available (both under construction and available for development) within the limits of Block 11, and another 78,780m<sup>2</sup> of estimated commercial GFA on commercial designated sites along the adjacent arterial roads bounding Block 11. The Development Planning Department is satisfied that Block 11 is well served by existing and approved commercial uses and that there is a sufficient amount of commercially designated GFA to serve the residents of Block 11. The Economic Development

Department has no comments regarding this application and the Development Planning Department is satisfied that the proposed ground floor commercial uses and the extent of the uses within the base of the buildings would maintain the "convenience" nature of the commercial designation as originally envisioned by OPA #600 and the location of the commercial use as identified in the Block 11 Plan.

#### Parkland Dedication

The Vaughan Real Estate Division has identified that as a condition of future site plan approval, that the Owner will be required to pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the Planning Act, and Vaughan's Cash-in-Lieu of Parkland Policy in effect at the time. 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.

#### Contribution to Sustainability

The sustainable features for the development of the subject lands shown on Attachment #3 will be determined at the Site Development stage.

#### Comments from Other Agencies

The York Region District School Board has indicated no objection to the proposed development.

Bell Canada may require an easement to service the subject property and has requested the opportunity to comment on the future site plan application.

Canada Post has no comments on the subject application but will provide comment on the future site plan circulation to include Canada Post's Mail Delivery Policy requirements for multi-unit buildings.

#### Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

#### Regional Implications

The Region of York Planning Department has commented that the subject Official Plan Amendment application was considered by the Regional Development Review Committee. The subject site is designated "Urban Area" by the York Region Official Plan and is consistent with the Regional Official Plan policies that direct intensive development along local corridors, which are supported by public transit, and the policies to locate housing that is specifically geared to senior citizens in close proximity to human services and other community services and facilities. The Region has requested a policy be added to the implementing OPA, should the application be approved, to identify that a 4.5m road widening along the Bathurst Street frontage be dedicated to the Region of York by the Owner at the Site Development approval stage. The Region of York will be the approval authority for the subject Official Plan Amendment, should Council approve the application, since Regional Exemption from the approval of the Amendment for the development has not been requested by the Owner. The Region will also provide additional comments at the Site Development Application review process, to implement the proposed development of the site.



The Region of York no longer requires municipal Council allocation of Servicing Capacity for retirement home type facilities where:

- i) individual units/rooms do not contain kitchen facilities;
- ii) food preparation and dining areas are centralized functions/facilities; and,
- iii) assisted living and/or health care are offered to the residents who are dependant on this service (although the facilities do not necessarily need to be registered under the Nursing Home Act).

### **Conclusion**

The Vaughan Development Planning Department has reviewed the Official Plan and Zoning By-law Amendment Applications to permit the development of a 6-storey, 135 suite assisted living seniors retirement residence, and a 15-storey, 162 apartment unit (seniors condominium) building. The Official Plan Amendment to redesignate the subject lands from "Medium Density Residential" to "High Density Residential" and the required site-specific exceptions to facilitate the proposal are consistent with the Provincial Policy Statement, particularly with respect to efficient use of land, resources, infrastructure and public services, the Growth Plan, the Region of York Official Plan and the City's OPA #600. The proposal is consistent with the existing land use context in the surrounding area, and represents good planning.

The proposed rezoning of the subject lands from A Agricultural Zone to RA3 and RA3(H) Apartment Residential Zone and the proposed zoning exceptions to By-law 1-88 are considered to be appropriate and will result in development that is compatible with the surrounding area. Accordingly, the Development Planning Department recommends that the proposed applications be approved, subject to the conditions in the Recommendation section of this report.

### **Attachments**

1. Context Location Map
2. Location Map
3. Conceptual Site Plan
4. Conceptual East and South Elevations
5. Conceptual West and North Elevations

### **Report prepared by:**

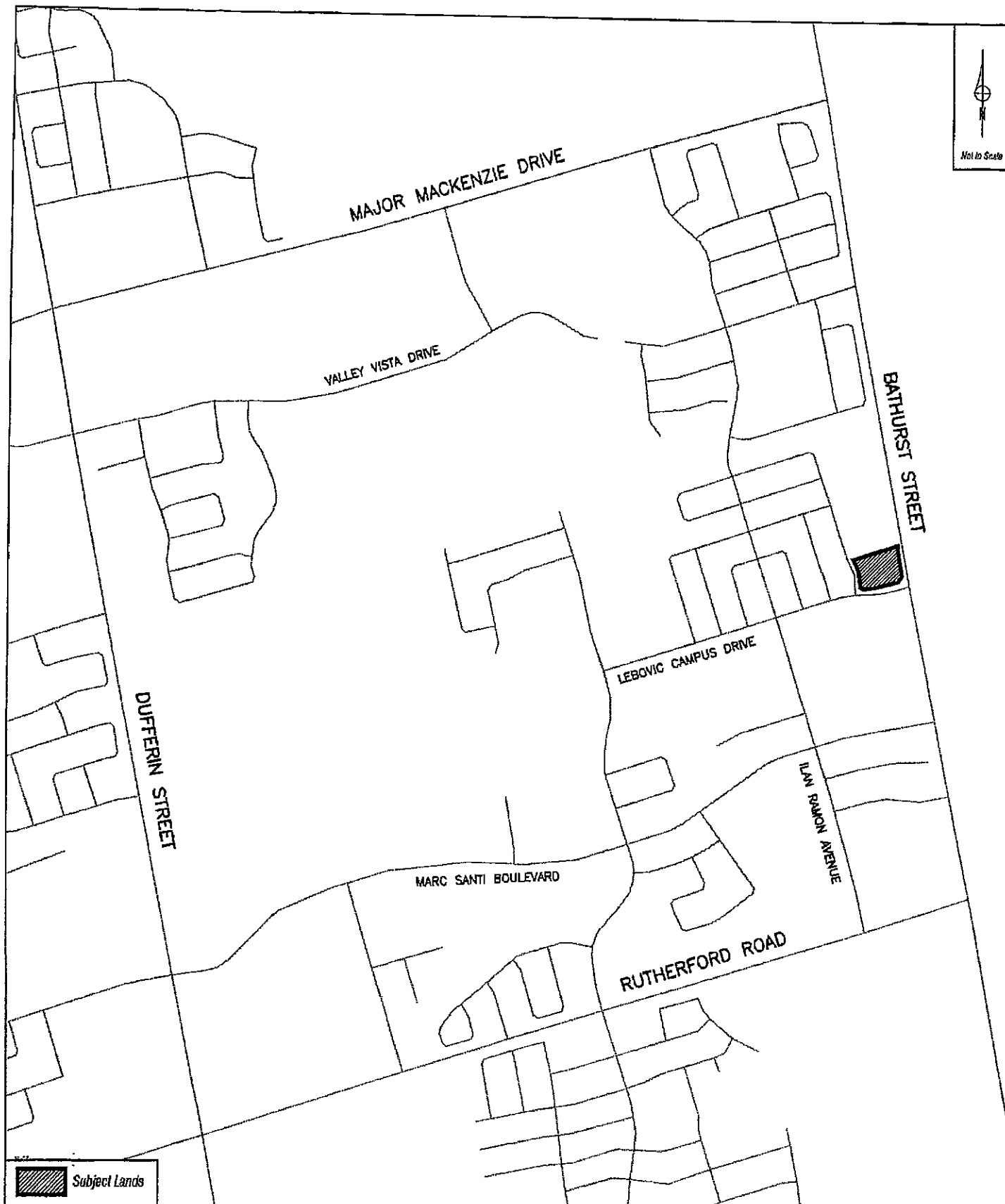
Laura Janotta, Planner, ext. 8634  
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Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEVAMA  
Director of Development Planning

/CM



## Context Location Map

Part of Lot 17,  
Concession 2

APPLICANT:  
MADISON BATHURST HOLDINGS LIMITED

MAPFILE: ATTACHMENTS\OP\_09.002\_09.009.dwg



*The City Above Toronto*

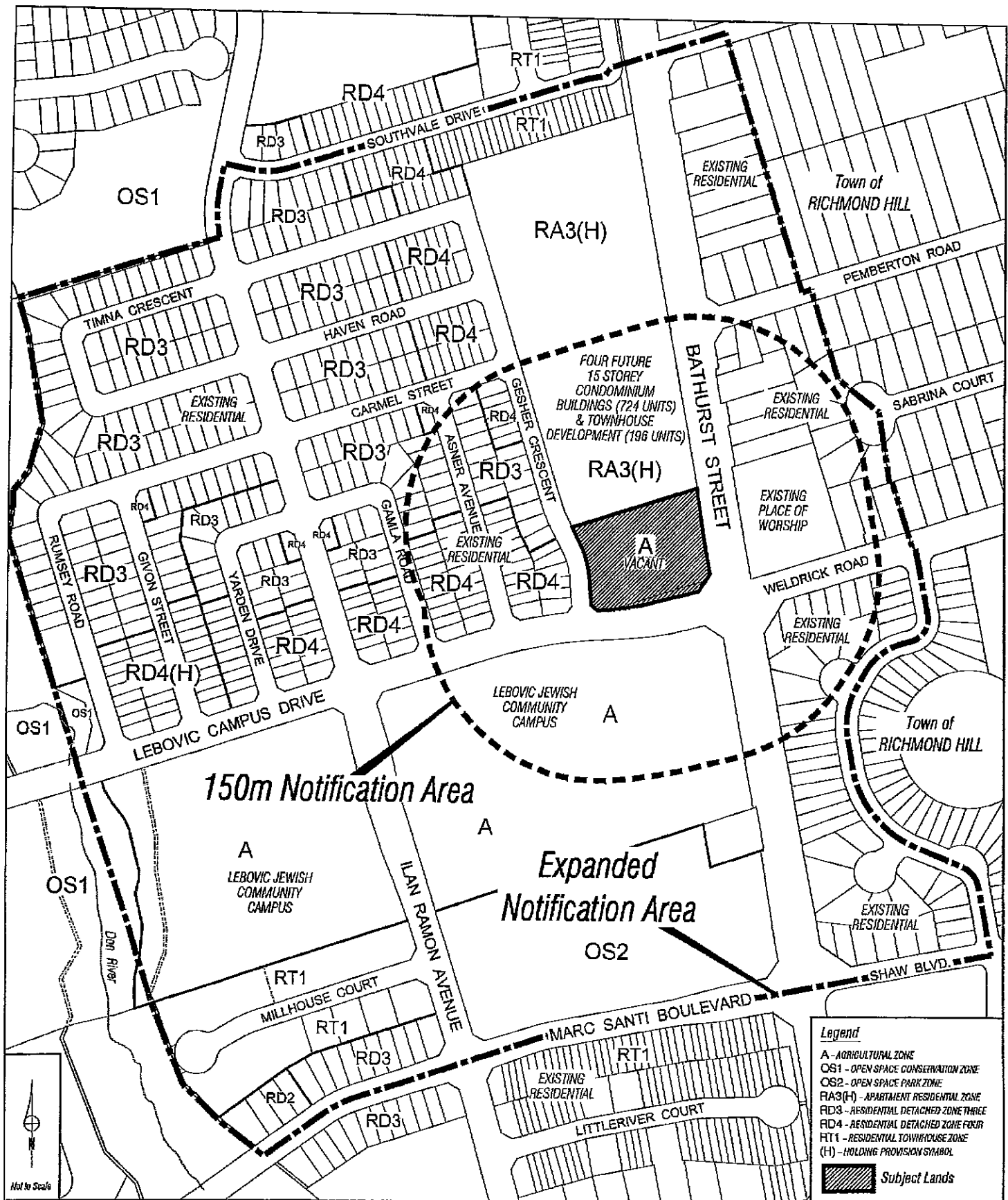
Development Planning Department

## Attachment

FILES:  
OP.09.002, Z.09.009

November 10, 2009





# Location Map

Part of Lot 17,  
Concession 2

APPLICANT:  
MADISON BATHURST HOLDINGS LIMITED

16/09/11 ATTACHMENTS/OP/Pop/20.0922.03.009.dwg



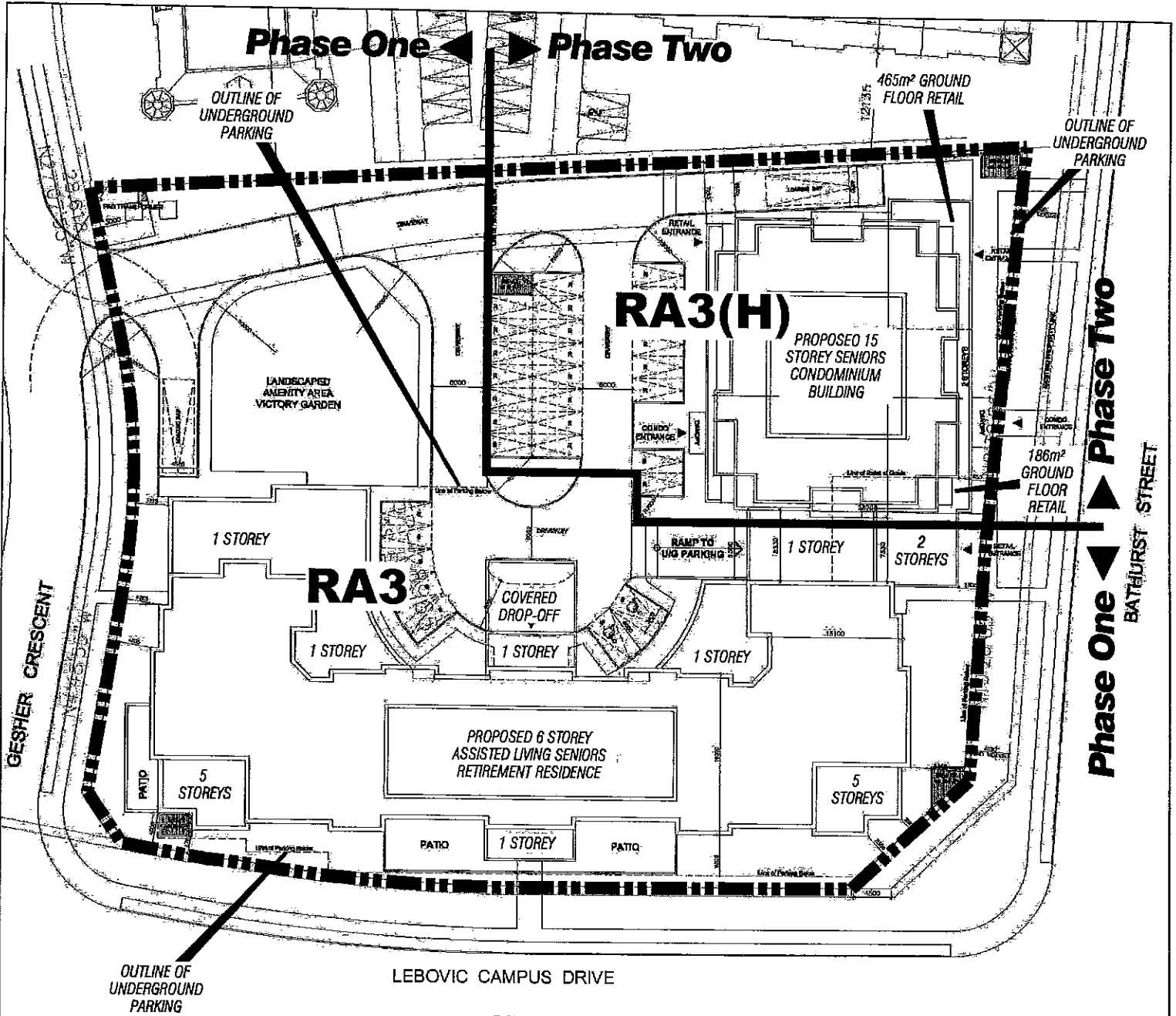
The City Above Toronto  
Development Planning Department

# Attachment

FILES:  
OP.09.002, Z.09.009

November 10, 2009

# 2



Official Plan Amendment

Amend OPA 600 to redesignate the Subject Lands from 'Medium Density Residential-Commercial' to 'High Density Residential-Commercial' and permit the following amendments:

- i) increase the maximum permitted building height from 4 storeys to 15 storeys;
- ii) permit a maximum of 162 apartment units and 135 assisted living seniors retirement residence suites;
- iii) permit 651m<sup>2</sup> of ground floor commercial uses within the 15 storey building and;
- iv) permit accessory ground floor commercial uses within the 6 storey building.

Zoning By-Law Amendment

Amend By-Law 1-88 to rezone the Subject Lands from 'A' Agricultural Zone to 'RA3' Apartment Residential Zone with and without the Holding Symbol "H", together with site-specific zoning exceptions.



■■■■■■■■ Subject Lands

Not to Scale

**Conceptual Site Plan**

Part of Lot 17,  
Concession 2

APPLICANT:  
MADISON BATHURST HOLDINGS LIMITED

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The City Above Toronto

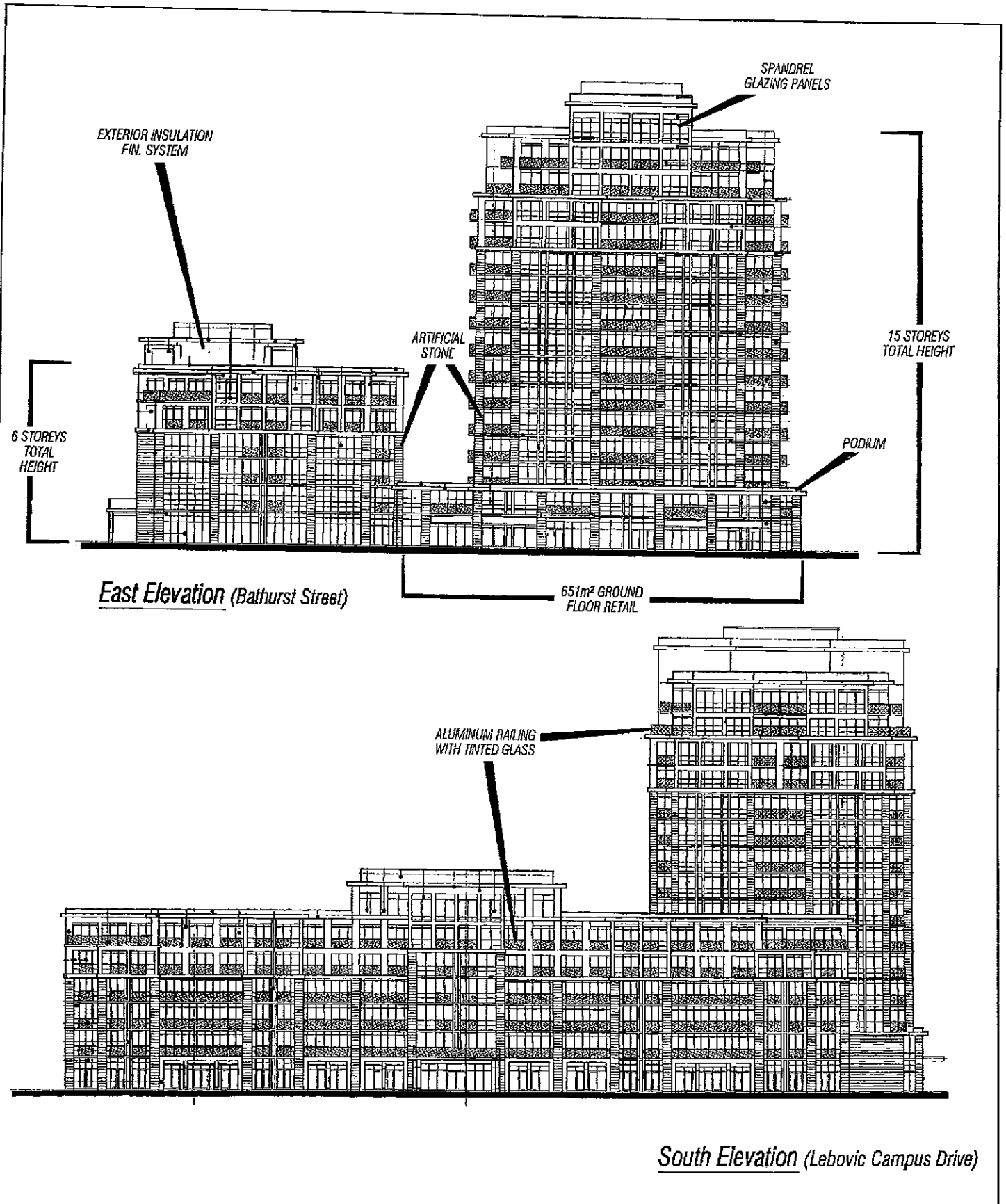
Development Planning Department

**Attachment**

FILES:  
OP.09.002, Z.09.009

November 10, 2009

**3**



**Conceptual East & South Elevations**

APPLICANT: MADISON BATHURST HOLDINGS LIMITED  
 Part of Lot 17, Concession 2

16:0971 ATTACHMENT OP.09.002.09.009.dwg



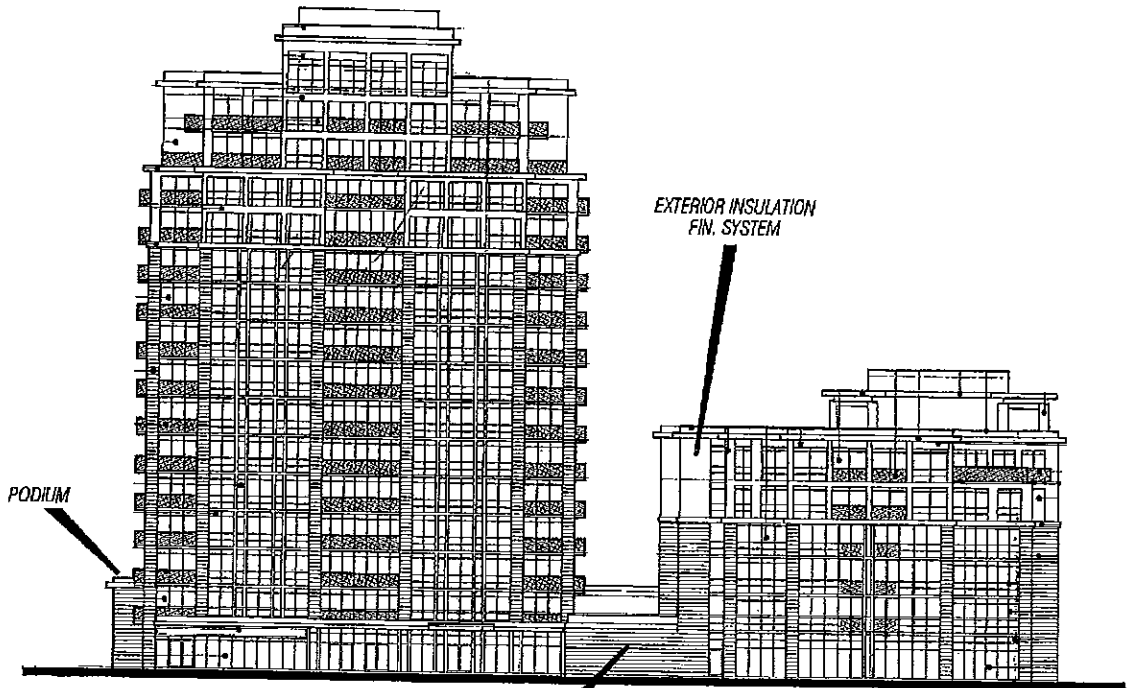
*The City Above Toronto*  
 Development Planning Department

**Attachment**

FILES:  
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**4**

November 10, 2009

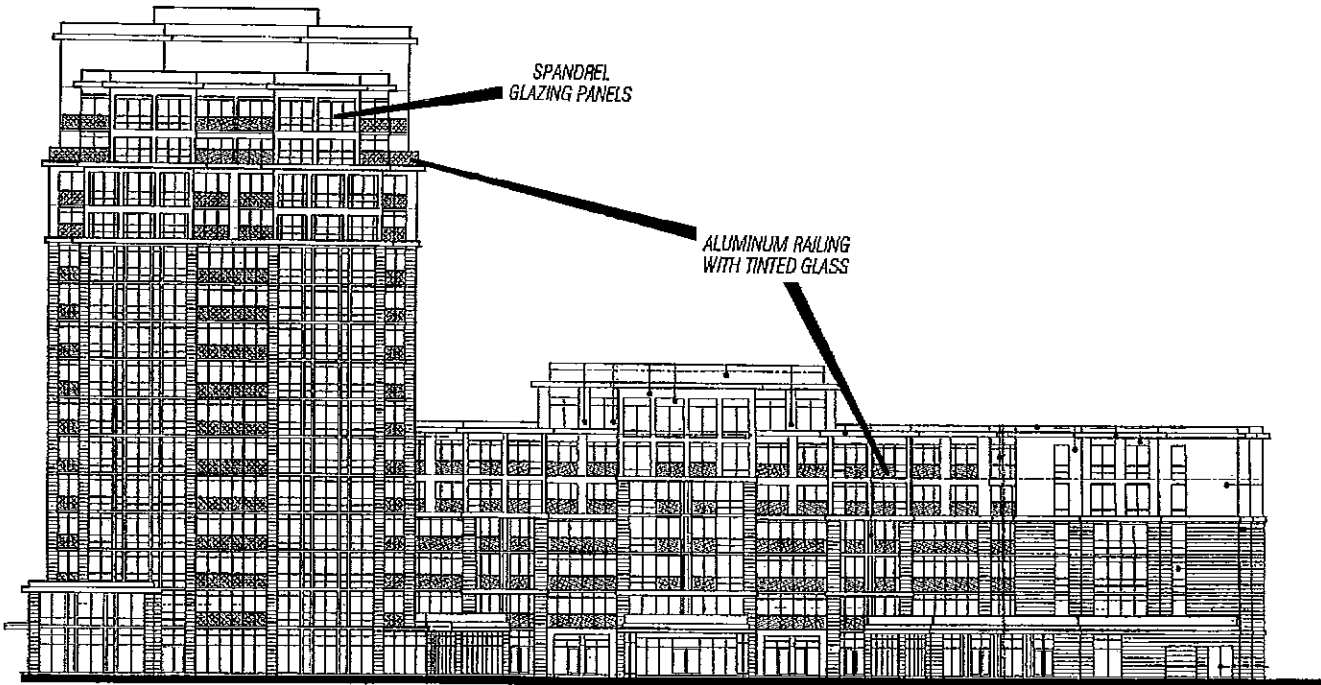


PODIUM

EXTERIOR INSULATION FIN. SYSTEM

ARTIFICIAL STONE

*West Elevation (Gesher Crescent)*



SPANDREL GLAZING PANELS

ALUMINUM RAILING WITH TINTED GLASS

651m<sup>2</sup> GROUND FLOOR RETAIL

*North Elevation*

# Conceptual West & North Elevations

APPLICANT: MADISON BATHURST HOLDINGS LIMITED

Part of Lot 17, Concession 2



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Development Planning Department

Attachment

FILES: OP.09.002, Z.09.009

5

November 10, 2009