

COMMITTEE OF THE WHOLE FEBRUARY 23, 2010

**SITE DEVELOPMENT FILE DA.09.056
PINE GROVE ON SEVEN INC.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.09.056 (Pine Grove on Seven Inc.) BE APPROVED, to facilitate the development of the subject lands shown on Attachments #1 and #2 with a 12-storey condominium building consisting of 118 residential units and 461m² of ground floor commercial uses as shown on Attachments #3 to #9.
2. THAT prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations and landscape plans shall be approved by the Vaughan Development Planning Department;
 - ii) the elevation plans shall be revised to include pre-cast panels as the exterior building finishing material in place of the proposed EIFS exterior, as red-lined on Attachments #4 to #7, to the satisfaction of the Vaughan Development Planning Department;
 - iii) the final site servicing and grading plans, and storm water management and noise reports shall be approved by the Vaughan Engineering Department; and,
 - iv) the Owner shall provide a list of building features prepared by an Accredited LEED Professional identifying how the proposed building will meet the Regional "Sustainable Development Through LEED" Program, to the satisfaction of the Vaughan Development Planning and Vaughan Building Standards Departments.
3. THAT the Site Plan Letter of Undertaking shall include the following:
 - i) a clause requiring that prior to the issuance of a building permit:
 - a) the Owner shall provide confirmation to the Vaughan Development Planning and Building Standards Departments that they have entered into an Agreement with the Region of York to facilitate the development of the subject lands with a LEED Silver certified building through the Region of York "Sustainable Development Through LEED" Program;
 - b) the Phase 1 Environmental Assessment shall be approved to the satisfaction of the Vaughan Engineering Department;
 - c) the Owner shall provide a construction schedule for the proposed building to the satisfaction of the Vaughan Development Planning and Vaughan Building Standards Departments; and,
 - d) the Owner shall certify the project with the Canada Green Building Council with confirmation provided to the satisfaction of the Vaughan Development Planning and Building Standards Departments;
 - ii) a clause requiring the Owner's Agreement with the Region of York include a requirement that the Owner post a Letter of Credit in the amount of \$151,040 through the Region's "Sustainable Development Through LEED" Program at the time of application for a building permit to secure delivery of a LEED Silver building; and,
 - iii) a clause requiring the Owner to file, together with the application for a building permit, all the necessary plans certified by a LEED Accredited Professional

demonstrating that the proposed building meets the necessary LEED Silver requirements to the satisfaction of the Vaughan Development Planning and Vaughan Building Standards Departments and the Region of York.

4. THAT Council pass the following resolution with respect to the allocation of servicing capacity:

"IT IS HEREBY RESOLVED THAT Site Development File DA.09.056 (Pine Grove on Seven Inc.) be allocated sewage capacity from the York Sewage Servicing System and water supply capacity from the York Water Supply System for a total of 94 residential units. The allocation shall be subject to the proposed development successfully achieving all eligibility criteria to qualify for York Region's Sustainable Development Through LEED Program."

5. THAT the Ontario Municipal Board BE ADVISED THAT City of Vaughan Council:
- i) supports the approval of Site Development File DA.09.056 (Pine Grove on Seven Inc.), subject to the conditions and recommendations set out in this report, and;
 - ii) supports the issuance of the Ontario Municipal Board Decision Order respecting Zoning By-law Amendment File Z.07.049 (Pine Grove on Seven Inc.) (OMB File PL080857) to approve the implementing Zoning By-law.

Contribution to Sustainability

The Owner has informed that the proposed building will be constructed to a certified LEEDS Silver standard which includes, but not limited to, the following building and site development features:

- i) green roof;
- ii) enhanced waste management plan;
- iii) landscaping will be designed with drought resistant vegetation to eliminate the need for permanent irrigation;
- iv) use of dual-flush toilets, ultra-low faucets, low-flow kitchen faucets and ultra-low showerheads; and,
- v) use of recycled drywall, mineral insulation, and steel.

Economic Impact

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

Communications Plan

On February 12, 2010, a notice of this meeting was sent to 34 individuals who had either appeared as a deputant at the Public Hearing for the earlier related Official Plan and Zoning By-law Amendment Applications, had requested notice of this meeting, and those who were Party to the Ontario Municipal Board Hearing respecting the subject development (related to the appeals of the Official Plan and Zoning By-law Amendments).

Purpose

A Site Development Application to permit a 12-storey mixed-use residential/commercial condominium building comprised of 118 units, 461m² of ground floor commercial uses, and a total of 161 parking spaces comprised of 142 parking spaces within 3 underground parking levels, and 19 at-grade spaces as shown on Attachments #3 to #9.

Background - Analysis and Options

Location

The site is 0.274 ha in size, and located at the southwest corner of Kipling Avenue and Regional Road 7 with 45.7 m of frontage on Regional Road 7, and 60.9 m of flankage on Kipling Avenue, as shown on Attachments #1 and #2.

Official Plan

The subject lands shown on Attachments #1 and #2 are designated "Prestige Areas – Centres & Avenue Seven Corridor" by OPA #240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Land Use Futures Study Plan), and site-specific OPA #701, which permits a maximum density of 3.99 FSI (Floor Space Index). The proposed density is 3.86 FSI. This designation permits a range of land uses including office, business, retail, institutional, civic and residential apartment dwellings on the subject lands. The site is also located within 200 m of a designated "Transit Stop Centre" (OPA #661) at the intersection of Kipling Avenue and Regional Road 7. The proposed development conforms to the Official Plan, as amended.

Ontario Municipal Board

On June 2, 2008, the applicant appealed the City's OPA #661 (The Avenue Seven Futures Land Use Study) to the Ontario Municipal Board (OMB) on the basis that more than 180 days had elapsed since OPA #661 was received by the Region of York (the approval authority) and that the Region failed to give notice of a decision in respect of all or any part of OPA #661. On October 23, 2008, the Owner appealed their site-specific applications to amend the Official Plan and Zoning By-law (Files OP.07.009 and Z.07.049) to the OMB citing that the City failed to make a decision on the applications within the time frames prescribed by the Planning Act. The Owner, the City of Vaughan, and the West Woodbridge Homeowners Association Inc. were the Parties represented at the OMB Hearing which was held in June 2009. On June 22, 2009, a resolution to the appeals was reached and formalized in the form of signed Minutes of Settlement which were approved by the OMB. Ultimately, OPA #701 which includes site-specific policies related to height, density and landscaping buffers regarding development on the subject lands was approved by the OMB. On August 28, 2009, the OMB issued a Memorandum of Oral Decision (PL080857) and Order of the Board, respecting the approval of OPA #701. The proposed development conforms with OPA #701.

Zoning

The subject lands are currently split-zoned C1 Restricted Commercial Zone (5263 Regional Road 7) and R2 Residential Zone (7720 Kipling Avenue) by By-law 1-88, as shown on Attachment #2. The subject lands must be rezoned to RA3 Apartment Residential Zone in order to implement the proposed development. The Minutes of Settlement dated June 22, 2009 and an OMB Order issued on September 8, 2009, approved the site-specific Zoning By-law Amendment Application, subject to the Zoning By-law to implement the proposal being approved by the OMB upon the City of Vaughan approving a site plan. A draft of the Zoning By-law was considered at the OMB Hearing. Should Council adopt the recommendation of this report, and approve Site Development File DA.09.056, the OMB will formally approve the implementing zoning by-law that is before it.

The Table below summarizes the site-specific zoning by-law exceptions required to facilitate the proposal, which were considered and supported by all parties at the OMB Hearing.

Standard	By-law 1-88 Requirement (RA3 Residential Apartment Zone)	Proposed Exceptions to the RA3 Residential Apartment Zone
Permitted Uses	<ul style="list-style-type: none"> - Apartment Dwelling - Day Nursery - Home Occupations - Private Home Day Care - Private Home Tutoring - Church - Community Centre - Public or Private School - Public Library - Recreational Use (As defined in Section 2) 	<ul style="list-style-type: none"> - Apartment Dwelling - Bank or Financial Institution - Business or Professional Office - Personal Service Shop - Photography Studio - Retail Store - Video Store - Convenience Retail Store - Pharmacy - Eating Establishment, not exceeding 185m² in gross floor area - Print Shop
Minimum Building Setbacks	<ul style="list-style-type: none"> a) Front Yard (north) - 7.5 m b) Interior Side Yard (west) – 24.25 m c) Exterior Side Yard (east) – 7.5 m d) To Sight Triangle – 7.5 m 	<ul style="list-style-type: none"> a) 0 m b) 1.5 m c) 0 m d) 0 m
Minimum Parking Spaces/Unit	1.5	1.05
Minimum Visitor Parking	0.25 spaces/unit	0.2 spaces/unit
Minimum Parking Commercial	6 spaces/100m ²	4 spaces/100 m ²
Minimum Parking Space Size	2.7 m X 6.0 m	2.7 m X 5.8 m
Minimum Handicap Parking Space Size	3.9 m X 6.0 m	3.65 m X 6.0 m
Minimum Number of Handicap Parking Spaces	2 spaces	1 space

Maximum Building Height	44 m	12-storeys or 38.4m, whichever is less, stepping down to a height of 4 storeys or 12.8 m, which ever is less, and in accordance with a 45 degree angular plane as shown on Attachment #5
Minimum Lot Area Per Unit/Total	67 m ² /unit	18.7 m ² /unit
Minimum Landscaped Area abutting a Street (Regional Road 7 and Kipling Avenue)	6.0 m	0m
Minimum Landscaped Area of Lot	10%	8.5%
Minimum Amenity Area Per Unit	Bachelor Unit - 15 m ² One Bedroom - 20 m ² Two Bedroom - 55 m ² Three Bedroom - 90 m ²	15.8m ² /unit regardless of unit type
Minimum Setback to Underground Garage	1.8 m	0 m
Minimum Landscaped Strip Surrounding an Outdoor Parking Area	3.0 m	0 m

It is noted that the zoning exceptions shown in Table 1 are included in the implementing draft zoning by-law to be approved by the OMB, and may be revised should any other exceptions be required to implement the final site plan, if approved.

Site Plan Review

The Development Planning Department is generally satisfied that the proposed site plan, building elevations and landscaping plan, as shown on Attachments #3 to #9 are satisfactory and conform to the policies of OPA #701, the Minutes of Settlement as approved by the Ontario Municipal Board, and the draft implementing Zoning By-law that was considered and is pending approval by the OMB.

The proposed 12-storey building includes 118 residential units and 461m² of ground floor commercial uses including Bank or Financial Institution, Business or Professional Office, Personal Service Shop, and other uses identified in Table 1. The building is proposed to be a

LEED Silver certified building and includes a green roof, as shown on Attachment #9. The proposed site plan shows an access/egress on Kipling Avenue at the most southerly portion of the property which leads to 19 surface parking spaces and 142 parking spaces located in 3 underground parking levels. The south and west property limits include 1.5 m and 1.1 m of buffer areas, respectively. The building elevations will be comprised of precast stone for the first 4 floors and EIFS finishing system for the balance of the structure (floors 5 - 12), as shown on Attachments #4 to #7. The Development Planning Department has reviewed the elevations and recommends that for the longevity of the building exterior that the 5th to 12th floors be constructed of pre-cast instead of the proposed EIFS system. A condition of approval has been included in this respect. The design of the building steps in ascending manner from the south to the north. This is generally consistent with a 45 degree angular plane from the south property line included in the Minutes of Settlement and reflected in OPA #701, as shown on Attachment #5. The building setbacks are generally 0m along both Regional Road 7 and Kipling Avenue, which will result in a building that will have a strong street presence.

The Minutes of Settlement approved by the OMB, includes a reduced parking standard for this project including:

- 1.05 spaces per residential dwelling unit (118 units x 1.05 = 124 spaces);
- 0.2 visitor spaces per residential unit (118 units x 0.2 = 24 spaces);
- 4 spaces per 100 m² of commercial space (461m² x 4/100 =19 spaces);
- a parking stall size of 2.7m by 5.8m;
- a minimum of 1 handicapped parking space; and,
- a maximum of six (6) above grade required commercial/retail surface spaces to be shared between the commercial use and visitor parking spaces.

The proposed site includes a total of 162 parking spaces including 19 that will serve the commercial use.

The proposed site plan is consistent with the plan which formed the basis for the Minutes of Settlement.

The Vaughan Engineering Department is generally satisfied with the servicing, grading and storm water management plans. The Development Planning Department, together with other relevant City Departments, will continue to work with the Owner to ensure that the final plans reflect the OMB's Decision Order.

Region of York's "Sustainable Development Through LEED" Program

The Owner has advised the Vaughan Development Planning Department that the proposed building will be designed to meet a LEED Silver certification and that the building will be enrolled in the Region of York's "Sustainable Development Through LEED" (SDTL) Program. As a result, servicing allocation for the proposed development is available through the City's Servicing Capacity Distribution Protocol.

In order to ensure that the building is constructed to a LEED Silver standard, the Owner will be required to:

- a) post a Letter of Credit with the Region of York in the amount of \$151,040 (\$6400/unit x 20% servicing credit) in accordance with the SDTL Program, at the time of filing for a building permit. This Letter of Credit will not be returned to the Owner until after the construction of the building and it is certified by a LEED Accredited Professional;
- b) register the building with the Green Building Council of Canada;
- c) enter into an Agreement with the Region of York through the SDTL Program; and,

- d) file all the necessary plans with the application for a building permit, certified by an Accredited LEED professional, that demonstrates that the proposed building will include the required building features to meet a LEED Silver certification.

Conditions of approval have been included in the recommendation in this respect.

Zoning By-law

As noted above, the Ontario Municipal Board (OMB) approved OPA #701 and the site-specific Zoning By-law Amendment Application and withheld its Decision Order respecting the implementing Zoning By-law pending approval of a Site Development Application by the City of Vaughan. Upon final approval of all required site plan drawings, additional zoning exceptions may be identified that are required to facilitate the proposed site plan.

A clause has been included in the recommendation of this report with respect to advising the OMB that the City supports the Site Development Application and has no objection to the release of the OMB Decision Order to approve the implementing Zoning By-law that is required to facilitate the proposed site plan.

Phase 1 Environmental Report

The Owner has submitted a Phase 1 Environmental Report prepared by Forward Engineering & Associates Inc. dated September 26, 2008, in support of the proposed development. A condition of approval is included requiring that prior to the issuance of a building permit, the Environmental Report must be approved to the satisfaction of the Vaughan Engineering Department.

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 Owner must enter into an Agreement(s) with the Region of York with respect to conveyances, encroachments, and servicing works. As the building will be built with 0m setbacks along Regional Road 7 and the daylighting triangle at its intersection with Kipling Avenue, the landscaping and building canopies shown on Attachment #8 in this area will encroach into the municipal right-of-way. The Owner will be required to satisfy all conditions of the Region.

Conclusion

Site Development File DA.09.056 has been reviewed in accordance with OPA #661, as amended by OPA #701, the Minutes of Settlement from the Ontario Municipal Board Hearing, the comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development for a 12-storey mixed-use building conforms to the decision of the OMB, is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Site Development Application, subject to the conditions in this report. Should the Site Plan Application be approved, it will be necessary for the City to advise the OMB so that it can approve the implementing zoning by-law that is before it.

The proposed development will constitute the first LEEDS Silver residential condominium building in Vaughan, and will be subject to the conditions identified in this report to facilitate certification and the necessary securities to ensure a LEEDS Silver certified building.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. North Elevation
5. East Elevation (45° Angular Plane)
6. South Elevation
7. West Elevation
8. Landscape Plan
9. Green Roof Plan

Report prepared by:

Clement Messere, Planner, ext. 8409

Carmela Marrelli, Senior Planner, ext. 8791

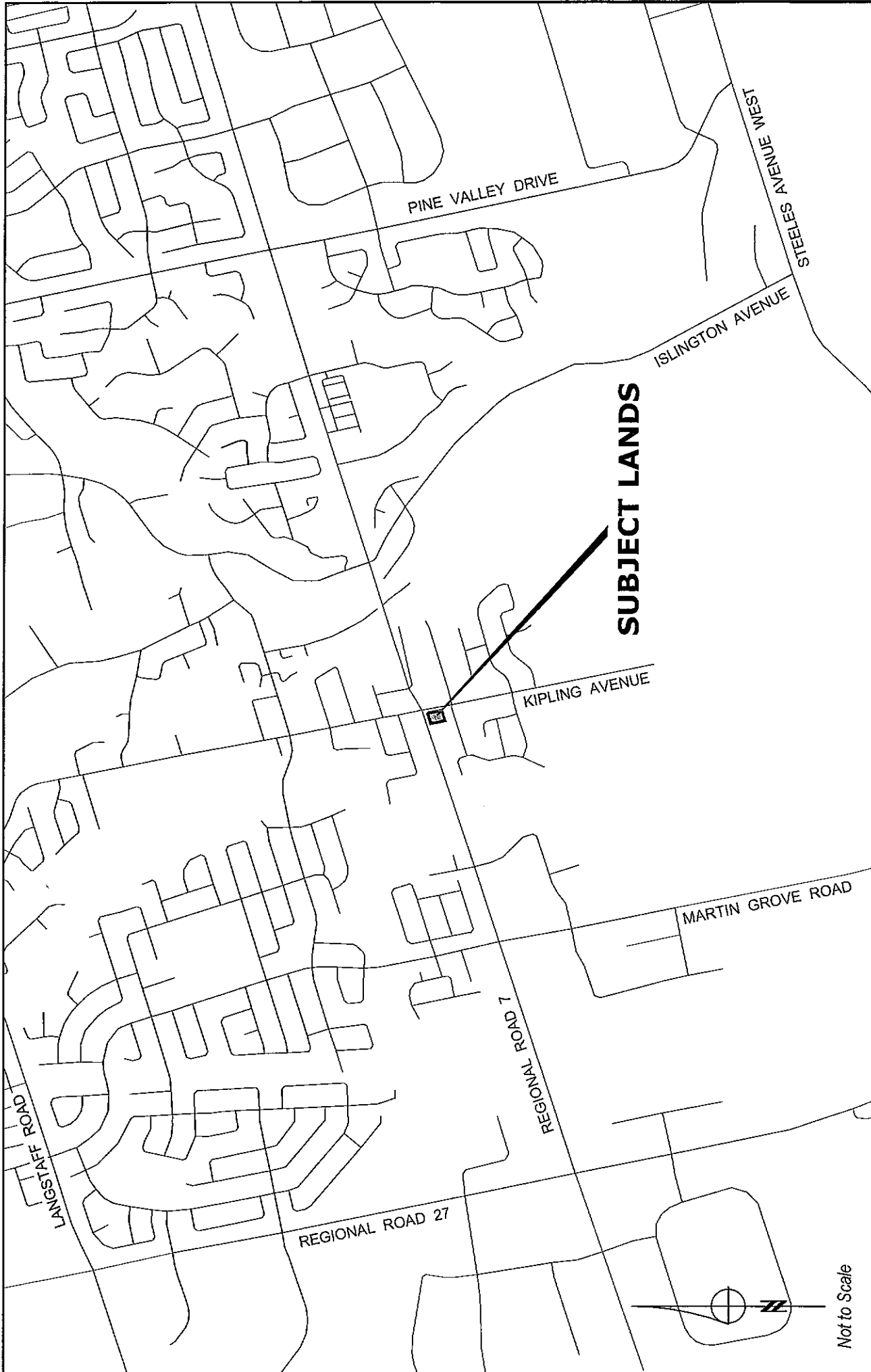
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



Context Location Map

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pine Grove On Seven Inc.

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The City Above Toronto

Development Planning Department

Attachment

FILE: DA.09.056
RELATED FILES: OP.07.009 & Z.07.049

DATE:
February 16, 2010





Location Map

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pine Grove On Seven Inc.

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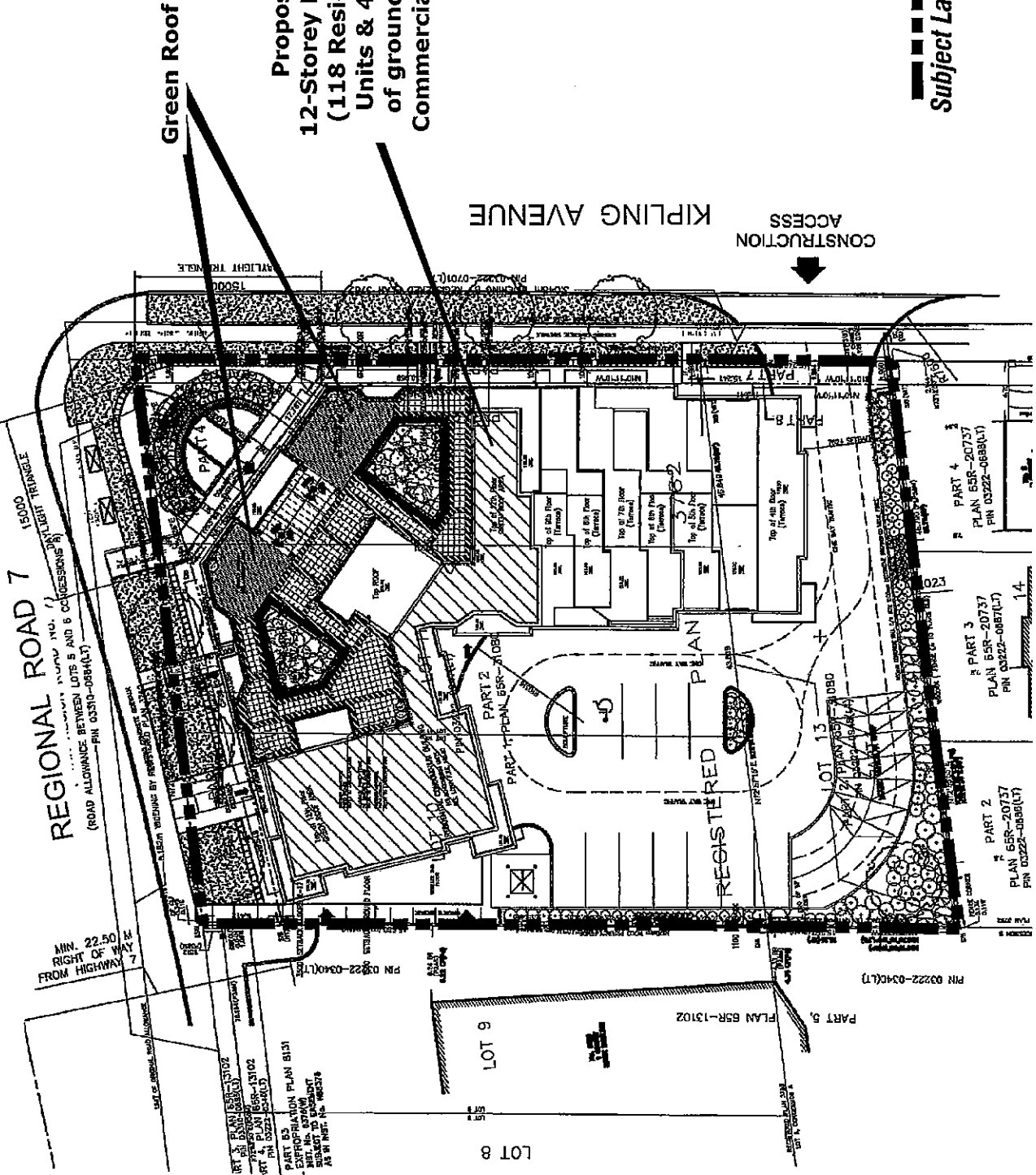
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DATE:
February 16, 2010

2



Green Roof

Proposed
12-Storey Building
(118 Residential
Units & 461m²
of ground floor
Commercial Uses)

KIPLING AVENUE
CONSTRUCTION ACCESS

Subject Lands

REGIONAL ROAD 7 15000
RIGHT TRIANGLE
(ROAD ALLOWANCE BETWEEN LOTS 5 AND 6 CONCESSIONS 8)
PIN 03210-0884(LT)

MIN. 22.50 M
RIGHT OF WAY
FROM HIGHWAY 7

PART 1 PLAN BSR-13102
PLAN BSR-13102
PART 2 PLAN BSR-13102
PART 3 PLAN BSR-13102
PART 4 PLAN BSR-13102
PART 5 PLAN BSR-13102
PART 6 PLAN BSR-13102
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Not to Scale

Site Plan

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pine Grove On Seven Inc.

DATE: February 16, 2010

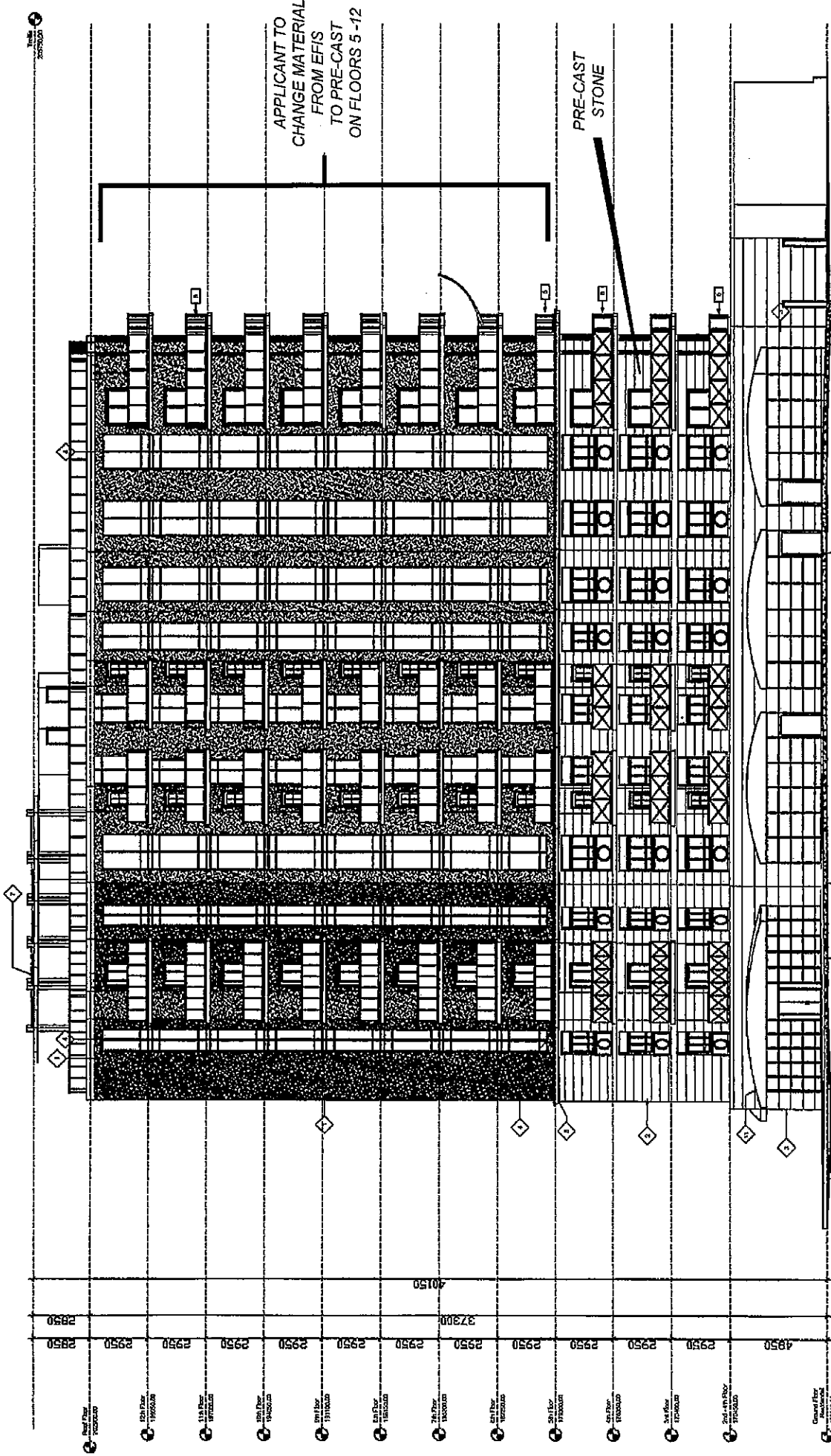


The City Above Toronto
Development Planning Department

Attachment

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DATE: February 16, 2010

3



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North Elevation

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pine Grove On Seven Inc.

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The City Above Toronto

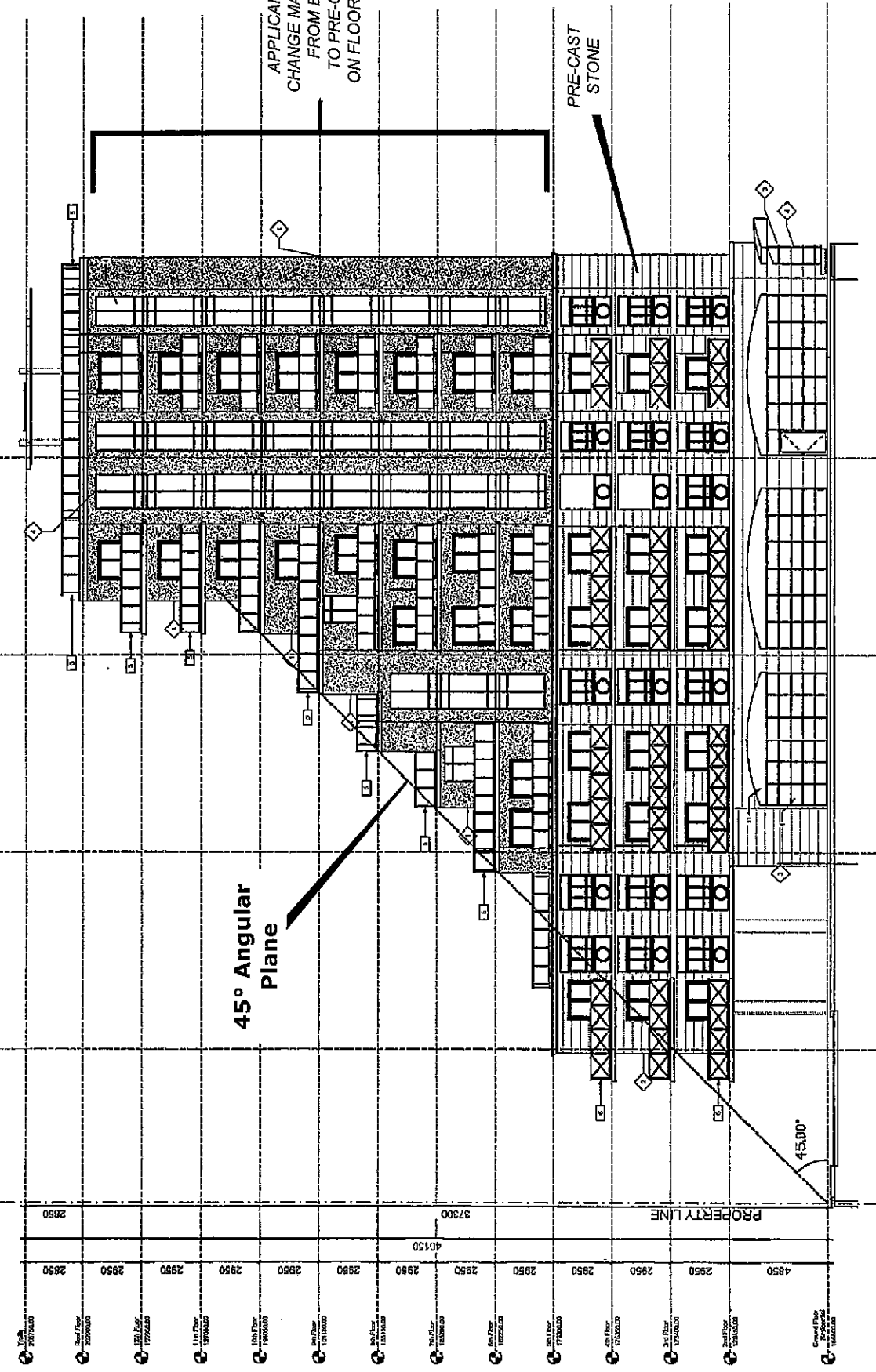
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4



45° Angular Plane

APPLICANT TO CHANGE MATERIAL FROM EFIS TO PRE-CAST ON FLOORS 5-12

PRE-CAST STONE

45.00°

PROPERTY LINE

- 1st Floor 2850-2900
- 2nd Floor 2900-2950
- 3rd Floor 2950-3000
- 4th Floor 3000-3050
- 5th Floor 3050-3100
- 6th Floor 3100-3150
- 7th Floor 3150-3200
- 8th Floor 3200-3250
- 9th Floor 3250-3300
- 10th Floor 3300-3350
- 11th Floor 3350-3400
- 12th Floor 3400-3450
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- 23rd Floor 3950-4000
- 24th Floor 4000-4050
- 25th Floor 4050-4100
- 26th Floor 4100-4150
- 27th Floor 4150-4200
- 28th Floor 4200-4250
- 29th Floor 4250-4300
- 30th Floor 4300-4350
- 31st Floor 4350-4400
- 32nd Floor 4400-4450
- 33rd Floor 4450-4500
- 34th Floor 4500-4550
- 35th Floor 4550-4600
- 36th Floor 4600-4650
- 37th Floor 4650-4700
- 38th Floor 4700-4750
- 39th Floor 4750-4800
- 40th Floor 4800-4850

Not to Scale

East Elevation

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pinegrove On Seven Inc.

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Development Planning Department

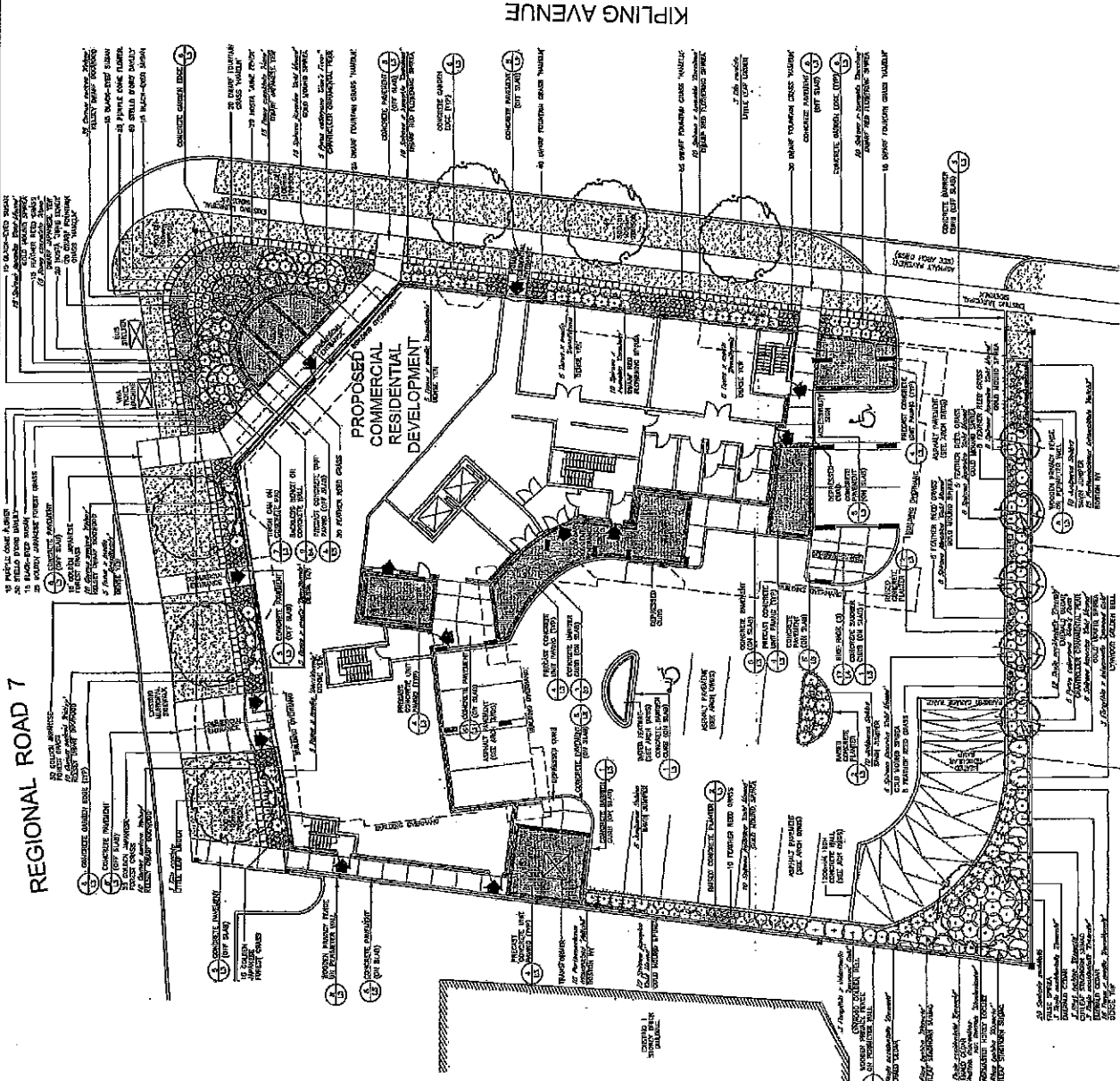
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REGIONAL ROAD 7



Not to Scale

Landscape Plan

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pine Grove On Seven Inc.

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Development Planning Department

Attachment

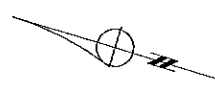
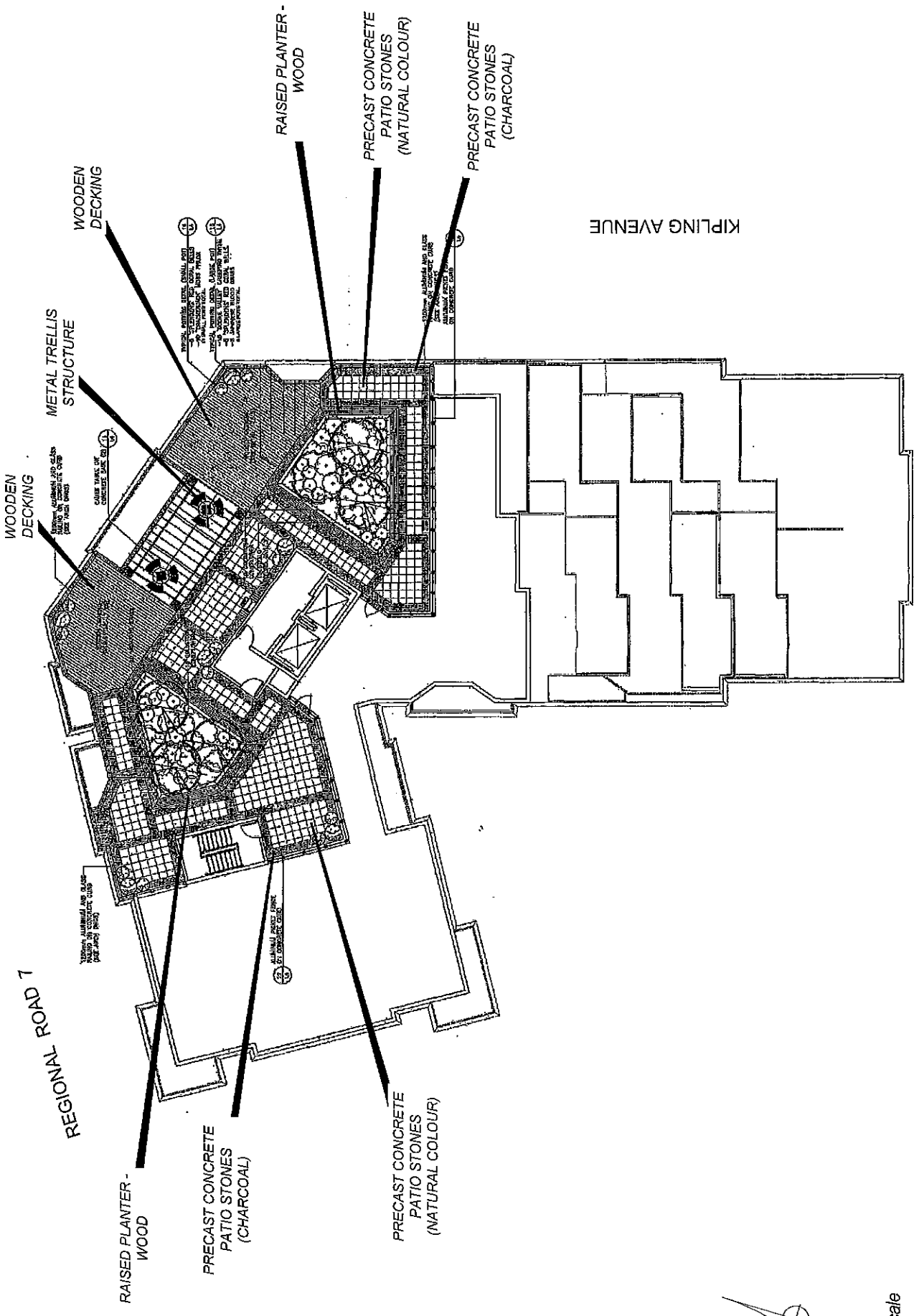
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8

DATE:
February 16, 2010

REGIONAL ROAD 7

KIPLING AVENUE



Not to Scale

Green Roof Plan

LOCATION:
Part of Lot 5, Concession 8

APPLICANT:
Pine Grove On Seven Inc.

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