

COMMITTEE OF THE WHOLE (PUBLIC HEARING) – APRIL 3, 2012

COMMUNICATIONS

<u>Provided April 3, 2012 (at the meeting)</u>	<u>Item No.</u>
C1. Petition dated April 2, 2012, received by Development Planning and Clerk's Department	4
C2. Mr. Wayne Long, OAA MRAIC, Wayne Long Architect, 23 Lesmill Road, Suite 305, Toronto M3B 3P6, dated April 2, 2012	3
C3. Luka Kot, B.U.R.P., Planning and Development, CORTEL Group, 2800 HWY 7 W, Suite 301, Vaughan L4K 1W8, dated April 3, 2012	1 and 2
C4. June Little, MCIP, RPP, Manager, Development Planning and Regulation, Toronto and Region Conservation Authority, 5 Shoreham Drive, Downsview, M3N 1S4, dated April 3, 2012	1 and 2

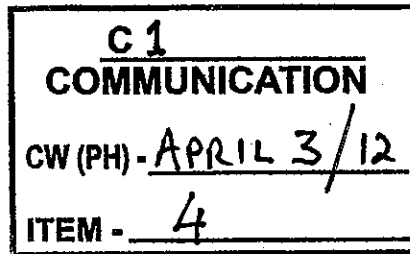
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Please note there may be further Communications.

April 2, 2012

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1



APR 2 2012

RECEIVED BY
DEVELOPMENT PLANNING

cc. Clement Messere, Development Planning Department
cc. Jeffrey A. Abrams, City Clerk

RE: File Number: Z.11.027

APPLICANT: Islington Palisades Ltd. (formerly Michael and Andrea Gabriele)

The proposal, as it exists for a senior citizens' home, does not offer seniors "quality living." The proposed units are only 86.68m² which is 83.32m² shy of the minimum requirement outlined in By-law 1-88. In addition, the units do not have cooking facilities. The units are therefore small and do not offer seniors the freedom to exert their own independence. Furthermore, seniors require outdoor space that facilitates comfortable pedestrian movement. This site, however, is small and provides limited choices as to where walkways could be allocated. Attachment 4 depicts a walkway and a patio on the east side of the building. However, this is not a solution as the patio and walkway will remain in the shade for the majority of the day. Besides, seniors need a garden with a view; not a view of facades of homes. If this proposal truly had senior citizens' best interest at heart, then cramming 89 confining units on an otherwise small and unsuitable site would not have been proposed in the first place. Simply put, the proposal is more of a business venture on the part of Islington Palisades Ltd. than it is to provide a suitable home for seniors.

And, what of our rights as a property owner whose property abuts the proposed site? Do we not deserve to be provided with a clear definition for the proposed unit type? Apartment dwellings are self-contained. The fact that the units do not have cooking facilities and only one common dining room raises the question as to whether the proposed units are truly "apartment dwellings." Added to this concern is the fact there will be a nurse to administer medication at any given time as well as other professionals on staff. This borders on the idea of a privatized nursing home.

We, as long-standing residents, also have other concerns. We originally purchased our homes because of the open, tranquil and private environment. We have also come to appreciate the wildlife that is unique to this area—namely the rabbits, foxes and deer which are seen grazing on the proposed land. Now senior citizens ourselves, we will be subjected to the pollution, noise and/or visual disturbances created by delivery trucks; garbage trucks and emergency vehicles thereby forcing us to keep our windows closed and blinds drawn. Not to mention the lack of privacy from the patios, windows, terraces and walkways that overlook our yards, kitchens and bedrooms. Furthermore, proposing a 3-4 storey building at only a 15m setback from the property line will be an enormous and imposing visual obstruction that is not aesthetically pleasing and certainly not in-keeping with the scale of the adjacent homes. This will do much to devalue our properties. Finally, the proposed development provides 51

total parking spaces, of which 4 are for visitors. That is not enough; a problem that the nursing home at 7890 Pine Valley Drive is currently facing.

And, what of the location of the loading/shipping area and garbage bins?

Overall, all seniors should have a place to live. However, the integrity of the project itself is questionable and the amendment to change the zoning from RR Rural Residential Zone to RA1 Apartment Residential Zone should be reconsidered. If not, then the proposed development definitely needs to be scaled back. The 15m setback from the East property line is not enough, the 8.5m required setback from the South property line should be abided by as stipulated in By-law 1-88, and the number of storeys should be reduced. Simply put, "quality living" for seniors should not come at the expense of other seniors who are now facing the possibility of being enclosed by brick walls themselves.

Signed,

Resident's Signature	Resident's Printed Name	Resident's Address
<i>B. A. Venkramini</i>	B. A. VENKRAMINI	71 TIMBER LANE
<i>A. Venkramini</i>	A. VENKRAMINI	71 TIMBER LANE
<i>T. Schultz</i>	T. Schultz	44 Marevan Place
<i>Emile Schultz</i>	E. Schultz	44 Marevan Place
<i>Kathy Rea</i>	KATHY REA	75 Timber Lane
<i>Tony Rea</i>	TONY REA	75 Timber Lane
<i>Carol Alfonso</i>	CAROL ALPHONSO	78 Timber Lane
<i>Irene Binni</i>	IRENE BINNI	84 TIMBER LANE
<i>Ermanno Salini</i>	ERMANDO SALINI	7409 ISLINGTON AV
<i>Rita Salini</i>	RITA SALINI	7409 ISLINGTON

W A Y N E L O N G

A R C H I T E C T

April 2, 2012

City of Vaughan Civic Centre
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Att: Mr. John MacKenzie, Commissioner of Planning

RE: 7890 Pine Valley Drive
Vaughan, Ontario

Your File Number – Z.12.006

Dear Mr. MacKenzie,

We have been retained by Mr. and Mrs. Bruno Nicolini, residents of 23 Queen Post Drive, which back directly onto the subject property.

They have retained our firm to comment on the proposed rezoning in the context of the existing building and previous zoning approvals as set out by the OMB decision dated

The current site specific zoning allows for a nursing home/long term care facility, with ancillary uses that support this primary use.

By way of background, Wayne Long Architect was the original Architect for the development. The current site specific zoning is the result of an OMB ruling with very specific requirements

The key components of the OMB approval were:

- Nursing home use which governs the activity on site,
- Building massing which maintained a residential scale, From the north the building massing has 3 distinct components and setbacks to break up the overall length
- Minimize overlook to the residences to the north
- Restrict unit count to parking ratio
- Move building 5 metres west to reduce impact on residence to east
- Restrict uses within the north yard

The new application for rezoning intends to infill the central block which will create a monolithic wall over the entire length of the site. A reduction of the set back from approximately 11.5 metres to 6 metres in a significant reduction of the setback and not in keeping with the original design intent and OMB ruling..

The increased unit count, while in itself is not a significant increase, the change of use triggers a significant increase in parking requirements. The use of valet parking will not alleviate the parking issue but will generate twice the number of trips to the site as would be created by onsite parking.

C 2
COMMUNICATION
CW (PH) - APRIL 3/12
ITEM - 3

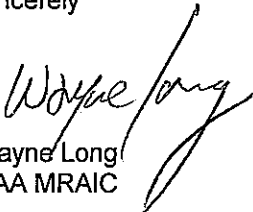
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APR 03 2012
CITY OF VAUGHAN
CLERKS DEPARTMENT

My client opposes this application for the following reasons:

1. The solarium addition to the building will significantly change the building massing and setbacks
2. The change of use triggers a significant shortfall of onsite parking that cannot reasonably be accommodated on a long term basis through lease arrangements, given the ever changing nature of land development.
3. The OMB ruling (see attached) should be reviewed in detail to ensure the intent of the ruling is maintained.
4. The application should be referred back to the OMB as it significantly changes the ruling.

On behalf of Mr. and Mrs. Nicolini, they also reserve the right to provide additional comments as a result of further issues arising out of the processing of this application

Sincerely


Wayne Long
OAA MRAIC

APR 30 2003

ISSUE DATE:

April 28, 2003

DECISION/ORDER NO:

0525

PL020499



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Bruno Nicolini has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to approve an amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands municipally known as 7890 Pine Valley Drive, from Residential (R1) to Residential (RM2) and Open Space (OS-1) to permit a 44-bed three storey nursing home with amenities
OMB File No. Z020076

Bruno Nicolini has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands municipally known as 7890 Pine Valley Drive, in the City of Vaughan
OMB File No. M020085

APPEARANCES:Parties

City of Vaughan

Bruno Nicolini

Counsel

J. Alati

N. J. Pepino

**DECISION DELIVERED BY G.J. DALY AND CONTINGENT ORDER
OF THE BOARD**

Nestled among subdivisions along Pine Valley Drive north of Highway 7 in Vaughan is a remnant residential property, which until recently supported a single detached residential dwelling. The owner wishes to obtain approval for a senior adult nursing home on the subject property. To that end, applications to amend By-law 1-88 for the City of Vaughan, and site plan approval were filed

with Vaughan. Both of these applications were refused by Vaughan and are now before the Board.

The property is 0.425 hectares in size. About 0.25 hectares is tableland at the top of a slope. The remaining 0.17 hectares of land forms part of the slope and valley floor adjacent to Jersey Creek. The creek runs east west and is carried by means of a culvert across the easterly portion of the property where it turns north and also runs under Pine Valley Drive. A small portion of the creek flows over the southeasterly part of the lands. Immediately to the south are lands owned by Vaughan and south of that a residential subdivision constructed some fifteen to twenty years ago. A medical arts building with access to Pine Valley Drive is located just to the south at the northwest corner of Pine Valley and Highway No. 7.

To the north is another residential plan of subdivision also constructed some fifteen to twenty years ago. The rear lot lines of four properties abut the subject property. One of these is owned by the applicant, another by a family member. The other two owners appeared in opposition to the proposal.

The applicant proposes to develop a five-storey 45-bed nursing home. Given the changing elevation of land, the building would appear to be five storeys from the front and the south elevations, however the north and rear elevations would present as a three storey structure.

Proposed access to the property is from a single six metre wide circular driveway that accesses Pine Valley Drive. All parking and a required garbage enclosure would be contained on the lowest level, or first floor of the building. The main level, or second floor is proposed to contain primary amenities including reception, dining, lounge, and activity rooms. Personal service shops intended to serve only the facility, are included at this level as well. On the levels that are fully above grade, in essence floors 3, 4 and 5, there are resident rooms, nursing stations and lounge areas. Fifteen rooms are proposed on each floor, seven facing north and eight facing south.

The Toronto Region Conservation Authority has walked the property and established a top-of-bank line on the subject property. There are no fill regulation

lines affecting the lands. All areas below the established top-of-bank are to be zoned for open space purposes.

The Board heard from three registered professional planners, two opposed and one in support, an architect called by the applicant, and eleven area residents opposed to the development. All of their evidence was evaluated and assessed in making this decision. The Board will not recite the evidence here but provide a summary and positions taken. The Board's analysis and conclusions rely on the evidence presented.

It is the Board's conclusion that, with some modification, the proposed nursing home represents good planning and should be approved. The reasons for this decision follow.

The subject property is designated 'Residential' and 'Open Space' by Official Plan Amendment No. 240, the Woodbridge Community Plan. Section 3.1(d) indicates that institutional uses are permitted within all residential areas of the Plan. Section 3.2 General Policies goes further in (e) indicating that housing suitable for seniors is a desired goal within the residential areas of the Plan.

These policies are further supported by Section 7.5(e), under the Institutional Policies of the Plan, which identify locations of nursing homes as being residential areas. The Plan establishes tests for their location in Section 7.1(c) requiring any proposed nursing home to be compatible with existing adjacent areas and front on a commercial or arterial road.

Here, all agree that the proposal meets the second test, however the issue of compatibility with adjacent open space and residential uses is hotly contested. The relationship between the proposed building and residential uses to the north was the focus of most attention.

The proponent's planner believes that compatibility with open space uses is met because no alteration to areas below the established top-of-bank are proposed. The TRCA has indicated its support for the proposal subject to certain conditions being met through site plan approval. They had originally requested a 10-metre setback from established top-of-bank, but have accepted lesser setbacks at some locations on the subject lands.

The proponent's planner also believes that compatibility is achieved with residential uses to the north through the inclusion of setbacks, height limitations and activity restrictions in the north yard area of the proposed building. At the front of the property, he opines that differences in grade minimize impacts from vehicle movement and noise. In addition, he has no concerns with residential areas to the south of Jersey Creek. He believes they are sufficiently removed as to preclude any planning impact.

The City planner however is concerned about the relationship between the proposed north face of the building, its entrance and front yard area to four residential properties located to the north of the proposal. As indicated two of these properties are related in some way to the applicant. As a result, the City planner focuses on two properties situated closer to the front of the proposed building in giving his opinions: Lot 35 and Lot 36. These are the lots owned by the owners who appeared in opposition. He is concerned with the scale and massing of the proposal and the resultant setbacks, coverage and gross floor area.

He advises that institutional uses are not defined by the Official Plan or zoning by-law but interprets this proposal to be an institutional use. The by-law requires 15 metre setbacks from all yards for such a use, and an 11 metre-building height restriction. He opines that the increased institutional setback is intended to separate uses and less impact results. If the building were setback 15 metres from the property line instead of the 6 metres, 11.5 metres and 7 metres currently proposed, he would have no difficulty with the development. It is his opinion that the development relies on the existing setbacks in the rear yard of adjacent residential buildings to achieve compatibility.

He brought to the Board's attention two other facilities in the City of Vaughan as examples of what he feels is more appropriate. A third facility also approved by Vaughan and in closer proximity to the proposal was put to him in cross-examination as a similar circumstance.

The residents identified concerns similar to the City but articulated them in a different fashion. The Board groups them as follows:

- 1 Compatibility expressed through concerns over massing and design, privacy and enjoyment, top-of-bank alteration and tree loss.
- 2 Public safety concerns expressed through comments on fire protection, child safety and rodents.
- 3 Nuisance issues expressed through comments on odour, garbage and noise.
- 4 Transportation issues focussed on adequacy of parking to prevent on street overflow, increased traffic on local streets and adequacy of ingress/egress to Pine Valley Drive.

Although the residents raised property values as a consideration, the Board will not address them as part of this decision. They are not a land use consideration and therefore do not factor in the analysis.

The residents' planner believes that in order for a nursing home to be established it must have sufficient frontage and a functional connection to the neighbourhood including proper visual connectivity, setbacks and design. He does not believe that these considerations have been adequately addressed. He opines that if a nursing home were to be developed it should have taken place as part of the original planning of the community and this represents an isolated remnant, which is being developed to the disadvantage of adjoining landowners.

He produced a line drawing showing the subject lands developed with two single detached dwellings. He interpreted his letter submitted to the City of Vaughan suggesting that several homes could potentially be developed on the site to mean no more than two homes. He did not advise the Board of what impact, if any might arise from such a scenario.

The relevant issues for the Board arise from the concerns raised by residents who reside immediately to the north of the proposed development. Massing, overlook, privacy and shadow form an integral part of considerations to establish compatibility or lack thereof. Other matters such as public safety, nuisance issues and transportation are considered first below.

Firstly, parking on residential side streets does not give the Board cause for concern. Both the applicant and the City advise that parking standards for the proposal can be met on site. The City planner advised that there is no consideration being given by the City to changing that standard or that issues with parking have arisen at other nursing homes. Parking on side streets in proximity, like Villa Park or Royal Garden, would not be a convenient exercise by any means for someone visiting the facility and the Board does not agree that parking presents a potential problem for area residents.

Similarly, the Board comes to the same conclusion on matters of traffic. The applicant, the City and Region have all commented and indicated that the traffic generated by the proposal is limited. The opportunities to gain access to Pine Valley are not impeded by site line issues and there are traffic signals in relatively close proximity to both the south and the north, which facilitate outbound north movements and inbound west movements. Traffic on side streets, given the low traffic generation from this proposal would be negligible and the inconvenience associated with parking on side streets means that this will not result in additional traffic. Regardless, if people persist in going to these lengths to park on local streets, the City can take action to prohibit it under the *Municipal Act*.

Ingress and egress for visitor, staff and service vehicles are all part of site plan considerations and agreed upon conditions deal with this matter. The same can be said for garbage storage and pickup, pest control and noise considerations. To the extent that they qualify as a threshold test for zoning, the Board is fully satisfied that sufficient flexibility exists on the lands to respond to these matters through the final site design and implementing agreement.

The Vaughan Fire Department is charged with providing comments to the Planning Department on the adequacy of driveway access and configuration. In a preliminary sense, this has occurred and no issues were raised. The site plan approval process affords an additional opportunity to fine-tune any concerns raised by the Fire Department. Their mandate is sufficiently broad to include all of the concerns raised by the residents. The Board is not here to second-guess the expertise of these fire professionals and thus does not share the concern of the residents.

On the matter of land use compatibility, the Board must make a threshold determination on whether a nursing home can be considered from a policy standpoint before assessing the specifics of the proposal.

The Official Plan clearly provides for the proposed use and establishes a test for compatibility. All participating planners agree with this. Here, the Board will adopt the approach of the residents' planner to assess compatibility. He advised that there must be sufficient frontage, a functional connection to the neighbourhood including proper visual connectivity, proper setbacks and good design in fulfillment of Section 3.1(d) of the Plan, which states:

In all residential areas, institutional and public open space uses shall be permitted in accordance with the policies of this Plan, and provided these are suitably designed and landscaped in a manner consistent with that of the surrounding neighbourhood.

And, Section 3.2(c), which states:

In order to minimize the impact of permitted uses such as institutional, recreational and social facilities in residential areas, visual screening, planting, fencing, and other similar forms of buffering shall be provided where appropriate.

With this in mind, the Board regards the paramount consideration to be the 'fit' of any institutional use. It must be judged by the placement of structures, their impact, and the extent or adequacy of mitigation to respond to identified impacts.

The Board does not agree with the residents' planner that a nursing home must have been part of a planned community. His evidence did not in any way address the reality of infill properties in Vaughan or elsewhere. The reality of planning is that things change over time. What was once a remnant residential parcel, excluded from a planned area in the past is now a redevelopment site where the test of compatibility becomes paramount. Provincial policy demands that intensification be considered in all built up areas in order to respond to a desire to maximize use of infrastructure. This is why compatibility is the Board's focus. Any new use must be tested against existing development and a balance struck between the policy direction and the reality of the site circumstances.

Here the Board finds that there has been extensive assessment and detailed attention given to the critical relationship with lands to the north. In undertaking this assessment the Board must consider what the as-of-right opportunity for development of the lands is. To ignore or dismiss this reality is misguided at best and for a planner to do so is unacceptable.

The Board heard that the existing R1 zoning of the lands would permit a dwelling, with no restriction on length, to be constructed at a height of 9.5 metres, 1.5 metres from the north property line, with minimal limitation on the number of windows. Reality dictates that such a dwelling would not likely be 49 metres long as currently proposed however, a substantive dwelling could be conceived and constructed. The rear lot line of Lot 36 is approximately 21 metres long. The rear lot line of Lot 35 is approximately 34 metres. It is not outside the realm of possibility for a dwelling to be constructed immediately adjacent to their property lines substantially affecting privacy, view and enjoyment of rear yard areas. Whatever the current circumstance is and whatever perceptions they had when they purchased their properties, this is the reality of the rights afforded the owner of the subject lands.

Here, the applicant has worked to minimize the potential incompatibility of this relationship by respecting the height restriction of the residential zone adjacent and attempting to the greatest extent possible to respond to the need for setbacks to address privacy and enjoyment issues. The general by-law standard is 15 metres for an institution. This setback would apply equally to a nursing home, a hospital, a secondary school, or a group home. It is clear to the Board that the impact associated with the range of undefined institutional uses can vary with the nature of the use proposed. The Board agrees that a nursing home is an institutional use, but it is an institutional use of a residential nature. Some institutional uses are not. This is the context within which the Board makes its decision.

The proposed block style architecture works to break the mass of the building into smaller components. On their own these blocks are no larger than the footprint of individual homes to the north. The footprint of even three of the four dwellings to the north is greater than the footprint of the proposed structure. Because of the rezoning of a portion of the subject lands to open space, the coverage figure is higher than that generally considered for institutional uses,

however when taken across the whole of the site, in essence in its context, it is 16.8% less than the general standard. In areas where height is an important consideration, the building is to be constructed at 1.5 metres less than the standard 11 metres. Adjacent to the ravine where height requirements are exceeded, the Board does not consider height an issue.

The applicant's design represents a sensitive realistic response to the need for a balanced approach.

The applicant meets the tests set out in Section 3.1(d), 3.2(c) and 7.1(c) of the Official Plan. The Board's assessment of the massing of the proposed structure, including its length, height and relationship to property lines and top-of-bank is that it responds well to the circumstance it is in. To draw from words given in evidence in the hearing, the Board finds that, 'it fits in'. For the Board, this means that both the opportunities and limitations of the site have been assessed and responded to with good design and good planning. The opportunities are the redevelopment of a large remnant parcel with acknowledged development capability on a prime site adjacent to a ravine. It is clear that future residents will benefit from this relationship. The limitations arise from the relationship of top-of-bank to the site as a whole and the residential development to the north. The applicant has worked closely with the TRCA to address their issues with top-of-bank and ravine protection. The City acknowledges there is no issue remaining in this respect. The applicant has worked to develop a design that creates building blocks, which are similar in size to the residential dwellings to the north in order to minimize bulk and massing concerns. The Board finds that they have done this effectively so as to mitigate overlook and massing. The impacts have been properly addressed.

There will be windows on the north side of the proposed building. The applicant has indicated that window size has been minimized at the north to respond to the proximity of single detached dwellings and their yard area. Further, they are willing to look at materials through the site plan process that could limit overlook from central window areas. In respect of overlook and privacy, the Board sees no difference with this proposal than what could result from an as-of-right development. More telling is that one of the residents suggested that 2, 3 or even 4 homes might be developed, and that would not be

a bad thing. This alternative is clearly something that the planners must consider as a potential and realistic alternative result.

One of the opposing landowners advised that the difference was that they would not know who was looking out the windows in a nursing home but with a residential dwelling they could be friends. This fear of the unknown is a natural human response, but the Board challenges all the residents, particularly those who will live immediately to the north to meet these new neighbours in the same way. This is the reality of urban or suburban living.

The Board does not share the concerns of residents on Royal Garden, some 50+ metres to the south. There is no inherent right to a view of this ravine, nor would buildings proposed interrupt any view. The Board agrees with residents to the south, yes, they will see this development at certain times of the year: but it is a filtered view, so distant that there can be no expectation of impact on privacy or enjoyment.

Having made a determination on the appropriateness of the development in keeping with Official Plan policy, the Board can conclude that the proposed by-law represents good planning and should be approved. Impacts of mass, overlook, privacy and shadow have been properly addressed and the Board can make a finding of compatibility. The Board also finds however that there is some opportunity to further buffer Lot 36 by moving the building further back on the site at least five metres. The applicant's planner advised that this could be accomplished with little interruption to outdoor activity requirements and that alterations could be made. It would also potentially provide more flexibility at the front of the property in terms of vehicle movements, landscaping and tree retention. The Board sees this as meritorious and directs that the proposed by-law implement this change.

The applicant offered to address window treatment, such as frosted glass or glass block in some locations and consideration of this will be incorporated into the conditions of site plan approval. Other potential mitigation such as landscaping and fencing are part of the conditions of site plan approval, as is noise attenuation. The Board is satisfied that the City of Vaughan retains sufficient control over the implementation of this Plan that any details can be addressed through the final site plan agreement.

The Board finds that the appellant's request, with modification, represents good planning and is in the public interest, ~~conforms to the Official Plan and should be approved.~~ The Board therefore allows the appeal under Section 34(11) of the *Planning Act*, File No. Z020076 of the City of Vaughan's refusal to approve an amendment to By-law 1-88 in the form in Exhibit 2(b), Tab 42 with the following modifications:

- 1 Wherever the by-law reads 'Residential Multiple Zone' it should read: 'Multiple Residential Zone';
- 2 That a definition of Personal Service Shop restricted to a ~~hair salon~~ and ~~tuck shop~~ be established and linked to a particular size restriction;
- 3 That the use of all areas in the ~~north interior side yard adjacent to~~ the north wall of the building be limited to ~~passive recreation uses~~;
- 4 That the by-law schedule reference southerly setbacks from the cantilevered portion of the building to established top-of-bank;
- 5 That paragraph 1(ei)(a) is amended to add the following words 'after ~~accessory to a nursing home~~: 'internal thereto with no direct access to the outside';
- 6 That the by-law schedule increase the front yard setback by at least ~~5 metres~~ and decrease the rear yard setback by at least 5 metres.

The Board also finds that the appellant's request for site plan approval properly implements the proposed zoning and represents good planning for the subject lands. The Board allows the appeal under Section 41(12) of the *Planning Act*, File No. M020085 and approves the site plan substantially in accordance with the plans found at Exhibits 7, 8 and 14, ~~with the proviso that the building be shifted a minimum of five metres to the west in keeping with the Board's decision.~~ This approval shall be subject to conditions found at Exhibit 2(b), Tab 44. Additional conditions related to limitations on signage and a requirement for discussions regarding window materials shall also be employed.

elevation notes

Pursuant to Section 87(1) of the *Ontario Municipal Board Act* this decision is contingent on the City of Vaughan being satisfied with the final site plan and the Toronto Region Conservation Authority confirming that an environmental site management agreement and a conservation easement agreement has been executed between the TRCA and the owner.

The Board so orders.

"G.J. Daly"

G.J. DALY
MEMBER



C 3 COMMUNICATION
CW (PH) - <u>APRIL 3/12</u>
ITEMS: <u>1 AND 2</u>

CORTEL GROUP

April 3, 2012

John Mackenzie, M. Sc. (Pl) MCIP, RPP
Commissioner of Planning
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON, L6A 1T1

Dear Commissioner Mackenzie,

RE: Official Plan Amendment File OP.11.014 & OP.11.015 / Zoning By-Law Amendment File Z.11.046 & Z.11.047
Midvale Estate Limited, C/O Goldpark Group / 2117969 Ontario Inc., C/O ZZen Developments Ltd.
Lands owned by the City of Vaughan.

We are the owners of Expo City (Royal 7 Developments) municipally known as 2900 Highway 7 West located in Vaughan, Ontario within the Vaughan Metropolitan Centre Secondary Plan area. While we are generally supportive and continue to promote all development within the Vaughan Metropolitan Centre we would like to ensure that all developments are reviewed in an equitable and fair manner. Upon reviewing the development application (Official Plan amendment and Zoning By-law amendment) for the neighbouring properties municipally known as 2938, 2966, and 2986 Highway 7 West we would like to provide you with a few general comments.

City Owned Lands between 2938 Highway 7 and 2900 Highway 7

Within the Official Plan and Zoning By-law applications being brought forward at the public meeting on April 3rd, 2012 by the applicant there is a suggestion that the applicant would like to acquire lands owned by the City of Vaughan, that are currently being used for access to the Black Creek Stormwater Management Pond area for maintenance purposes. In the applicants proposal they are suggesting that a private driveway access off of Highway 7 be given through the City lands onto their site. Furthermore the City, in its comments, has asked the applicant to look at the possibilities of connecting to the Maplecrete and Highway 7 Intersection which dissects the Expo City Site.

Discussions were had regarding access to the Maplecrete Intersection between the City and the developers for the larger part of 2011. This subsequently was dismissed as an option by both development interests and it is believed that both neighbouring parcels will proceed with their own access to Highway 7. Furthermore, it has been proposed through the Expo City development application (Fall 2010) that the lands in question are to be acquired for future use. The proposal also included a land swap that would continue to allow for the City of Vaughan to access the Black Creek Storm Water Management Pond for maintenance use via Barnes Court through the Expo City site. Please formally accept this letter as a request by Expo City care of Royal 7

April 3, 2012

Developments to acquire the City owned lands. If you have any questions comments and or concerns please contact me at your earliest convenience.

Sincerely,



Luka Kot, B.URPl
Planning and Development

Cc. Clayton Harris, City Manager, City of Vaughan
Paul Jankowski, Commissioner of Engineering and Public Works, City of Vaughan
Janice Atwood-Petkovski, Commissioner of Legal and Administrative Services, City of Vaughan
Jeffrey A. Abrams, City Clerk, City of Vaughan
Peter Cortellucci, VP., Cortel Group

 **TORONTO AND REGION**
Conservation
for The Living City

April 3, 2012

By email (jeffrey.abrams@vaughan.ca)

Mr. J. Abrams, City Clerk
City of Vaughan Clerk's Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Abrams,

RE: Proposed Corporate Centre Development - 2117969 Ontario Limited & Midvale Estates Limited, 2938, 2986 & 2966 Regional Road 7, Files: OP.11.014 & Z.11.046 & OP.11.015 & Z.11.047

Thank you for providing the notice of the public meeting. We understand the proposals to be two forty storey apartment buildings with ground floor commercial, designed to function as one site.

The eastern portion of the site, along Jane Street, and the abutting property to the north, accommodate the Black Creek, a tributary of the Humber River. Depths of flooding in this area during a regional storm are estimated to over top Regional Road 7 to a depth of almost 1 metre (.94 metre). Water quality and quantity and the creek channel have been impacted by development in the area.

This site is in a strategic location within the Vaughan Metropolitan Centre (VMC). From a natural heritage and infrastructure perspective, the channel of the Black Creek and abutting stormwater pond to the north may be utilized to serve other portions of the VMC. Many land use and infrastructure studies have been completed and are underway to comprehensively provide for the future development. How this site is developed has the potential to impact the benefits obtainable from the implementation of the Black Creek Optimization Study and future improvements to Black Creek.

From a site specific perspective, it is anticipated by the Authority that the design of the pond and watercourse be based on ecological design principles and that it achieve a net benefit. This has not been demonstrated to date.

In order to further consider these applications, the following information is required:

- A determination of development limits and associated buffers taking into consideration Black Creek at the west end and also to the north;
- An assessment of the impacts on groundwater from the 5 levels of parking;
- Consultation with MNR respecting endangered species;
- Justification for the proposed alternative to the Black Creek Optimization Study from flood attenuation and ecological perspectives;
- Justification for the proposed filling to create developable area and a balanced cut/fill analysis;
- A hydraulic analysis using a HEC-RAS model for upstream and downstream areas demonstrating that the proposed culverts will have no adverse hydraulic impacts upstream and downstream of the site;

Member of Conservation Ontario



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- Given that the proposed culverts bend to accommodate flows and three are proposed side-by-side, an analysis is required demonstrating how the culverts can accommodate existing flows without jamming as a result of debris and ice;
- Further detail pertaining to the treatment of stormwater for quality and quantity and water balance are necessary to ensure all facilities can be provided.

The conclusions of the material outlined above have the potential to impact the amount of development the site can accommodate. Two (2) new Environmental Assessment studies are initiated to respond to the Black Creek Optimization Study requirements; namely the Vaughan Stormwater Management Pond EA and the Black Creek Channel Realignment EA. These studies will provide important technical analysis and solutions to improve the stream corridor, reduce flood vulnerability and facilitate stormwater management improvements supporting redevelopment of the area. The information from these EA's will assist define the parameters for the final development form at the intersection of Jane and Highway 7.

Based on the above, TRCA would suggest that the above matters need to be addressed prior to determining the amount of development the subject lands can sustain. We look forward to working with the City and Applicants toward the successful development of the property.

Yours truly,



June Little, MCIP, RPP
Manager, Development Planning and Regulation
York West

JL/dli

Copy: John Mackenzie, Commissioner of Planning
Tony Iacobelli, Senior Planner, Environmental
Stephen Lue, Development Planner
Brian Denney, CAO, TRCA
Carolyn Woodland, Director of Development, TRCA
Dan Hipple, Sameer Dhalla, Engineering, TRCA
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