

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 1, CW Report No. 10 – Page 2

correspondence of Mr. Anthony G. Tucci, “His dedication to the Maple community was ongoing and without ulterior motive. He took Maple hockey out of the little leagues and helped make it what it is today. He spearheaded the organization of the classic cars club”. It is evident that Mr. Plastina made significant contributions to the quality of life in the City of Vaughan and the Maple community.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

It is recommended that Council considers and approves the renaming of Prestonwood Park in memory of Mr. Mario Plastina. If Council approves this report, Prestonwood Park will be renamed “Mario Plastina Park”.

Attachments

Attachment 1 – Mr. Anthony G. Tucci Correspondence

Report prepared by:

Paul Gardner, Senior Manager of Parks Development, Ext. 3209

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 2, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

2 **ASSUMPTION – SONOMA – PHASE 1**
19T-97V09 / 65M-3305

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That the necessary by-law be passed assuming the municipal services in the Subdivision Agreement for Plan 65M-3305, and that the municipal services letter of credit be released.

Purpose

The subdivision has been completed and is ready to be assumed by the City.

Background - Analysis and Options

The 319 lot development is a residential subdivision. The development is located south of Major Mackenzie Drive, west of Islington Avenue, as shown on Attachment 1.

The Subdivision Agreement was signed on February 19, 1999. The municipal services in Plan 65M-3305 were installed in May 1999 and the top course asphalt was placed in September 2002.

All the documentation required by the Subdivision Agreement for assumption has been submitted. The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Engineering Services, Public Works, Building Standards, Parks Development, Parks Operations and Forestry, Development Planning and Clerks. The Reserves and Investments Department has also confirmed that all of the City's financial requirements regarding this subdivision have been met.

Relationship to Vaughan Vision 2007

The development of this subdivision and the assumption of the municipal services is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA 600 (4.7.1). OPA policies require that development take place in accordance with the requirements and standards of the City and relevant agencies.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

It is therefore appropriate that the municipal services in 65M-3305 be assumed and the municipal services letter of credit be released.

Attachments

1. Location Map

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Item 2, CW Report No. 10 – Page 2

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461

VR/fc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Councillor DiVona declared an interest with respect to the foregoing, as a member of his family owns property within the area, and did not take part in the discussion or vote on the matter.

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Item 3, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

3 **ASSUMPTION – WOODBRIDGE ESTATES**
19T-87100/ 65M-3319

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That the necessary by-law be passed assuming the municipal services in the Subdivision Agreement for Plan 65M-3319, and that the municipal services letter of credit be released.

Purpose

The subdivision has been completed and is ready to be assumed by the City.

Background - Analysis and Options

The 39 lot development is a residential subdivision. The development is located east of Pine Valley Drive, south of Rutherford Road, as shown on Attachment 1.

The Subdivision Agreement was signed on April 20, 1999. The municipal services in Plan 65M-3319 were installed in April 1999 and the top course asphalt was placed in June 2002.

All the documentation required by the Subdivision Agreement for assumption has been submitted. The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Engineering Services, Public Works, Building Standards, Parks Development, Parks Operations and Forestry, Development Planning and Clerks. The Reserves and Investments Department has also confirmed that all of the City's financial requirements regarding this subdivision have been met.

Relationship to Vaughan Vision 2007

The development of this subdivision and the assumption of the municipal services is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA 600 (4.7.1). OPA policies require that development take place in accordance with the requirements and standards of the City and relevant agencies.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

It is therefore appropriate that the municipal services in 65M-3319 be assumed and the municipal services letter of credit be released.

Attachments

1. Location Map

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 3, CW Report No. 10 – Page 2

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461

VR/fc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 4, CW Report No. 10 – Page 2

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461

VR/fc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 5, CW Report No. 10 – Page 2

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461

VR/fc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 6, CW Report No. 10 – Page 2

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461

VR/fc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 7, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

7 TRAFFIC INFILTRATION FOR VELMAR DRIVE AND VILLAGE GREEN DRIVE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That this report on staff's findings regarding an assessment of traffic operations on Velmar Drive and Village Green Drive be received;
2. That no further action be required until after a comprehensive traffic study has been conducted by Engineering staff and a report summarizing the findings provided to Council for consideration; and
3. That a copy of this report be forwarded to Regional Municipality of York Transportation and Works Department and York Regional Police Services.

Purpose

To report on the findings of the traffic studies for both Velmar Drive and Village Green Drive as per Council direction.

Background

At its meeting on November 22, 2004, Council approved:

“That the recommendation contained in the following report of Councillor DiVona, dated November 15, 2004, be approved;

That the left turn advance signal at Weston Road and Astona Boulevard be reviewed; and

That the York Regional Police be requested to increase surveillance in the area.”

The recommendation of Councillor DiVona:

“That the City of Vaughan Engineering Department conduct a review of traffic infiltration onto Velmar Drive and Village Green along Rutherford Road and report on options and opportunities to implement traffic prohibitions or any other measure considered beneficial.”

Velmar Drive and Village Green Drive are feeder residential streets with a 23.0 metre right-of-way with two travel lanes. The existing posted speed limit on both roadways is 40 km/h. Refer to Attachment No. 1.

Velmar Drive

There are existing all-way stop controls on Velmar Drive at: Village Green Drive/Orr Avenue, Cartwright Blvd, Blackburn Boulevard, Santa Barbara Place, Kingsnorth Boulevard, Flushing Drive (south intersection) and at Astona Boulevard.

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There are existing speed humps located on Velmar Drive at: Between #45/#51, between #153/#161, between #243/#249, between Radley Street and Santa Barbara Place, between #440/#446, between #548/#554 and a raised crosswalk on the north approach of the Velmar Drive and Village Green Drive/Orr Avenue intersection.

On all approaches of the intersection of Velmar Drive and Village Green Drive/Orr Avenue there are raised centre medians.

Vaughan Fire and Rescue Services has advised that Velmar Drive is designated as a primary fire response route.

Village Green Drive

There are existing all-way stop controls on Village Green Drive at: Polo Crescent (east intersection) and at Woolacott Road.

There are no speed humps located on Village Green Avenue.

Vaughan Fire and Rescue Services has advised that Village Green Drive is designated as a primary fire response route

Traffic Studies

Staff collected speed and volume data on Velmar Drive south of Flushing Avenue from June 21, 2004 to June 23, 2004. The collected speed and volume data covered a 24-hour time period and is summarized below.

TIME	LOCATION	DIRECTION	AVERAGE SPEED	24 HOUR VOLUME
24 hour	South of Flushing Avenue	Northbound	43	1197
24 hour	South of Flushing Avenue	Southbound	44	1102

The average speeds on Velmar Drive range from 38 to 44 km/h. The total 24-hour traffic volume for the roadway is 2,299 vehicles. Typically, a roadway such as Velmar Drive can accommodate 24-hour traffic volumes not exceeding 8,000 vehicles.

Staff collected volume data on Velmar Drive south of Village Green Drive from November 29, 2004 to December 1, 2004. The collected volume data covered a 24-hour time period and is summarized below.

TIME	LOCATION	DIRECTION	24 HOUR VOLUME
24 hour	South of Village Green Drive	Northbound	1988
24 hour	South of Village Green Drive	Southbound	1772

The total 24-hour traffic volume for the roadway is, 3,760 vehicles. Typically, a roadway such as Velmar Drive can accommodate 24-hour traffic volumes not exceeding 8,000 vehicles.

Staff collected speed and volume data on Village Green Drive from November 29, 2004 to December 1, 2004. The collected speed and volume data covered a 24-hour time period and is summarized below.

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TIME	LOCATION	DIRECTION	AVERAGE SPEED	24 HOUR VOLUME
24 hour	West of Novaview Crescent	Eastbound	41	1137
24 hour	South of Novaview Crescent	Westbound	41	1363

The average speed on Village Green Drive is 41 km/h for both directions. The total 24-hour traffic volume for the roadway is 2,500 vehicles. Typically, a roadway such as Village Green Drive can accommodate 24-hour traffic volumes not exceeding 8,000 vehicles.

Staff conducted an infiltration study for Village Green Drive between Rutherford Road/Velmar Drive and Weston Road/Astona Boulevard intersections during the AM and PM peak periods on September 21, 2004 in order to determine the amount of “cut through traffic”. The following table summarizes the results of this investigation.

Infiltration Pattern	AM Peak Period 7:00-9:00		PM Peak Period 3:30-6:00	
	Inbound Volume	% of Entering Traffic	Inbound Volume	% of Entering Traffic
Rutherford Road to Weston Road	375	174, 46%		
Weston Road to Rutherford Road			741	230, 31%

Traffic infiltration is normally defined as “vehicular traffic passing through an area when the vehicle operator does not have a destination in the area”. Generally, the threshold value above which through traffic is defined as infiltration is 30%. From the table above, the cut through traffic greatly exceeds the threshold.

Collision History

Staff reviewed the collision history for Velmar Drive and Village Green Drive for the period from January 1, 2001 to December 31, 2004. The following collisions occurred and are summarized below.

Date	Location/Intersection	Description
August 2001	Velmar Dr/Village Green Dr/Orr Ave	Eastbound vehicle made a left turn in front of northbound through vehicle
July 2003	Velmar Dr/Santa Barbara Pl	Northbound vehicle lost control through the intersection
March 2003	Velmar Dr 200 metres south of Rutherford Rd	Southbound vehicle 1 slowed for speed hump and southbound vehicle 2 did not slow hitting vehicle 1
December 2003	Velmar Drive near Topper Ct	Northbound vehicle lost control approaching Village Green Dr
February 2004	Village Green Dr near #203	Eastbound vehicle 1 hit westbound vehicle 2 making a turn into the driveway

Staff has requested York Region Transportation to review the existing northbound left turn advance phase at the Weston Road and Astona Boulevard intersection. A letter has been sent from staff to York Regional Police requesting frequent surveillance of the Weston Downs community.

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Item 7, CW Report No. 10 – Page 4

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to ensure enhanced safety standards are incorporated in community designs (1.1.2).

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

This report details staff's findings to date regarding an assessment of the traffic operations on Velmar Drive and Village Green Drive.

Given earlier Council direction based on the Santa Barbara Place Review report at the January 17, 2005 Committee of the Whole Meeting, staff will conduct a comprehensive traffic infiltration study for the entire Weston Downs community and report back on the findings to a future Committee of the Whole meeting of May 2, 2005.

Attachments

1. Location Map

Report prepared by

Mike Dokman, Supervisor, Traffic Engineering, ext. 8031

:MD

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 8, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

8

**CASTLE PARK BOULEVARD
ALL-WAY STOP/TRAFFIC CALMING**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That an all-way stop control not be installed at the intersection of Castle Park Boulevard and Sarno Street;
2. That an all-way stop control not be installed at the intersection of Castle Park Boulevard and Laura Sabrina Drive; and
3. That speed humps not be installed on Castle Park Boulevard.

Purpose

To review the feasibility of implementing an all-way stop control at the intersections of Castle Park Boulevard and Sarno Street and at Castle Park Boulevard and Laura Sabrina Drive and the installation of speed humps on Castle Park Boulevard, in response to direction from Council.

Background - Analysis and Options

At its meeting on September 27, 2004 Council directed:

- "1. The attached petition be received as information.***
- 2. That staff be directed to investigate and report to a future Committee of the Whole the need for an all-way stop at Castle Park Boulevard and Laura Sabrina Drive and/or Castle Park Boulevard and Sarno Street.***
- 3. That staff be directed to investigate and report to a future Committee of the Whole the possibility of installing speed humps on Castle Park Boulevard."***

A petition was received from area residents requesting speed humps on Castle Park Boulevard and all-way stop controls at Castle Park Boulevard and Laura Sabrina Drive, and at Castle Park Boulevard and Sarno Street. Refer to Attachment No. 2.

Castle Park Boulevard is a two lane primary feeder roadway with a 23.0 metre right-of-way and both Laura Sabrina Drive and Sarno Street are local residential roadways with a 17.5 metre right-of-way. The existing speed limit on all three streets is a statutory 50 km/h. The existing stop controls are located on Laura Sabrina Drive and on Sarno Street at Castle Park Boulevard. The area is shown on Attachment No. 1.

Staff conducted a turning movement count at the intersection of Castle Park Boulevard and Laura Sabrina Drive on November 4, 2004, and at the intersection of Castle Park Boulevard and Sarno Street on November 11, 2004 during peak travel periods. The traffic counts were conducted from 7:00am to 9:00am and 4:00pm to 6:00pm. The collected traffic volumes compared to the Provincial Warrant for All-Way Stop Control are as shown below.

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Castle Park Boulevard and Laura Sabrina Drive

- Warrant 1 – Minimum Vehicular Volumes Warranted 43%
- Warrant 2 – Accident Hazard Warranted 0%
- Warrant 3 – Sight Restriction Warranted 0%

Castle Park Boulevard and Sarno Street

- Warrant 1 – Minimum Vehicular Volumes Warranted 11%
- Warrant 2 – Accident Hazard Warranted 0%
- Warrant 3 – Sight Restriction Warranted 0%

For an all-way stop control to be warranted, one or more of the 3 warrants must be satisfied 100% or more. The results of both turning movement counts do not meet the requirements of the Provincial Warrant for All-Way Stop Control. The above results reflect the highest peak traffic hour at these intersections.

There are no sight distance restrictions noted at either intersection. There were also no reported vehicle collisions at either intersection. Castle Park Boulevard is designated as a through street with the stop control located on the side streets.

In addition, radar speed studies were conducted on November 30, 2004 from 7:30am to 8:30am and from 4:15pm to 5:15pm on Castle Park Boulevard near Laura Sabrina Drive. The following table summarizes the results of this investigation.

DATE	TIME	LOCATION	DIRECTION	AVERAGE SPEED
November 30, 2004	7:30am – 8:30am	Near Laura Sabrina Drive	Northbound	46.5
	7:30am – 8:30am		Southbound	44.0
November 30, 2004	4:15pm – 5:15pm	Near Laura Sabrina Drive	Northbound	43.8
	4:15pm – 5:15pm		Southbound	45.0

The average speeds range from 44 to 47 km/h indicating a high level of compliance with the existing speed limit. As the speed limit is a statutory 50 km/h, no changes to the speed limit are recommended.

Vaughan Fire and Rescue Services has advised that Castle Park is not designated as a primary fire response route.

In accordance with the Council's Neighbourhood Traffic Committee Policy and Procedure;

Warrant 1 - speed humps shall be considered only when the following three warrants are met; the street is not a primary emergency response route, the speed limit is 50 km/h or less, and the average speed is measured to be 10 km/h greater than the speed limit.

The collected speeds do not exceed the posted speed limit by 10 km/h. Based on the above warrant, the warrant for the installation of speed humps on Castle Park Boulevard is not met.

Warrant 2 – the installation of medians, curb extensions or road narrowings shall be considered in existing areas only where the following two warrants are met; the speed limit is 50 km/h or less and the average speed on the street is measured to be 10 km/h greater than the speed limit.

Based on the above warrant, the warrant for the installation of medians, curb extensions or road narrowings on Castle Park Boulevard is not met.

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Environmental Assessment Act Requirements

As required under the Environmental Assessment Act, whenever traffic calming measures are installed or removed a Schedule B Environmental Assessment process must be followed. This process requires public notification and consultation, the identification of alternates, and the filing of a Notice of Completion with the Ontario Ministry of the Environment and publication in local media.

Should Council approve traffic calming measures for installation on Castle Park Boulevard then the City would be required to publish a Notice of Commencement, develop a plan for review by the public and publish a Notice of Completion. The notices would also have to be filed with the Ministry of the Environment and published in editions of the Vaughan Citizen, Lo Specchio and Vaughan Weekly newspapers.

Prior to construction, the City's normal practice is to mail letters to the residents of Castle Park Boulevard should traffic calming measures be approved informing them of their installation.

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to identify and implement innovative traffic management alternatives to improve general traffic safety (1.1.3).

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Based on staff's review, it is recommended that an all-way stop control not be installed at the intersection of Castle Park Boulevard and Laura Sabrina Drive, or at the intersection of Castle Park Boulevard and Sarno Street. It is also recommended that speed humps not be installed on Castle Park Boulevard.

Attachments

1. Location Map
2. Petition from Area Residents

Report prepared by

Mark Ranstoller, Senior Transportation Technologist, ext. 8251
Mike Dokman, Supervisor, Traffic Engineering, ext. 8031

:MR

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Councillor Carella declared an interest with respect to the foregoing, as he has relatives living in the area, and relinquished the chair and did not take part in the discussion or vote on the matter.

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Item 9, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

9

**MAXWELL COURT
PARKING CONCERNS**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That parking of vehicles in the centre of cul-de-sac bulbs not be permitted.

Purpose

To review the feasibility of permitting the parking of vehicles in the centre of the cul-de-sac bulb on Maxwell Court, in response to a deputation received from an area resident.

Background - Analysis and Options

At its meeting on October 12, 2004 Council directed:

“The Committee of the Whole recommends that the deputation of Mr. Jason Kendal, 109A Rose Green Drive, Thornhill, L4J 4R6, and written submission, dated September 13, 2004, photographs and petition, be received and referred to staff to review and report on the issues raised regarding the Parking By-Law and to explore alternatives similar to Richmond Hill with respect to parking and access to mail box locations.”

Maxwell Court is a local residential cul-de-sac roadway. The speed limit on the roadway is a statutory 50 km/h. The area is shown on Attachment No. 1.

The deputation details a request to amend Parking By-Law 1-96, Part 4 (7)(m). This section of the Parking By-Law reads “No person shall park a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.”

The deputation requests that on-street parking be permitted in the centre of the cul-de-sac bulb on Maxwell Court, and further to this request, painted lines be provided in the centre of the cul-de-sac bulb for approximately five vehicles.

Staff consulted with Fire and Rescue Services and received an email response stating that parking in the centre of the cul-de-sac bulb should not be permitted, as the entire roadway would be required for fire apparatus to negotiate the bulb section. Any parking in the centre of the bulb would interfere with fire apparatus turning and would interfere with snow removal.

The Town of Richmond Hill does not allow parking in the middle of cul-de-sacs, where signed. The Town of Richmond Hill Municipal Code states: Under Section 1116.3.7, item (K) as follows:

Where a sign has been erected indicating that parking and stopping is prohibited or that stopping is prohibited, no person shall park or stop a motor vehicle in any of the following places:

(K) in a cul-de-sac

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There is no other cul-de-sac roadway in the City of Vaughan where this type of parking is permitted. Parking at mailbox locations has not been an issue in the City and therefore, parking prohibition limits have not been implemented at these locations.

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to improve community safety through design, prevention, enforcement and education (1.1) and provide effective and efficient delivery of services (1.3).

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Based on staff's review, it is recommended that parking not be permitted in the centre of the cul-de-sac bulb on Maxwell Court or any other cul-de-sac due to interference with fire apparatus and snow removal.

Attachments

1. Location Map
2. Deputation and Petition to October 4, 2004 Committee of the Whole Meeting, Jason D. Kendal, 109A Rose Green Drive

Report prepared by

Mark Ranstoller, Senior Transportation Technologist, ext. 8251
Mike Dokman, Supervisor, Traffic Engineering, ext. 8031

:MR

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

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Item 10, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

10

**SONOMA BOULEVARD AND CASTILLIAN DRIVE
ALL-WAY STOP CONTROL AND SCHOOL CROSSING GUARD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That an all-way stop control not be installed at the intersection of Sonoma Boulevard and Castillian Drive; and
2. That a supervised school crosswalk not be implemented at the intersection of Sonoma Boulevard and Castillian Drive.

Purpose

To review the feasibility of implementing an all-way stop control at the intersection of Sonoma Boulevard and Castillian Drive, as well as implementing a supervised school crosswalk at this intersection, in response to direction from Council.

Background - Analysis and Options

At its meeting on October 25, 2004 Council directed:

“Councillor Tony Carella recommends that staff conduct a traffic study at the intersection of Sonoma Boulevard and Castillian Drive, to establish whether stop signs and a crosswalk are warranted across Sonoma Boulevard and Castillian Drive at this location.”

Sonoma Boulevard is a two lane primary feeder roadway with a 23.0 metre right-of-way and Castillian Drive is a local residential roadway with a 17.5 metre right-of-way. The existing speed limit on both streets is a statutory 50 km/h. The existing stop control is located on Castillian Drive at Sonoma Boulevard. The area is shown on Attachment No. 1.

Staff conducted a turning movement count on November 23, 2004 at the subject intersection during peak travel periods. The traffic count was conducted from 7:00am to 9:00am and 3:00pm to 6:00pm. The collected traffic volumes compared to the Provincial Warrant for All-Way Stop Control are as shown below.

- | | |
|---|---------------|
| • Warrant 1 – Minimum Vehicular Volumes | Warranted 51% |
| • Warrant 2 – Accident Hazard | Warranted 0% |
| • Warrant 3 – Sight Restriction | Warranted 0% |

For an all-way stop control to be warranted, one or more of the 3 warrants must be satisfied 100% or more. The results of the turning movement count do not meet the requirements of the Provincial Warrant for All-Way Stop Control. The above results reflect the highest peak traffic hour at this intersection.

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There are no sight distance restrictions noted at this intersection. Sidewalks are available on both sides of Sonoma Boulevard. There was one reported vehicle collision in 2003 at this intersection, where an eastbound car hit a parked construction vehicle. Sonoma Boulevard is designated as a through street with the stop control located on Castillian Drive.

Staff also conducted a pedestrian crossing study on November 23, 2004 at the subject intersection during the same peak travel periods, which included the start and dismissal periods at St. Andrew’s School. Students crossing on both the east and west sides of the subject intersection were counted. The results of the study are shown below.

Location	Time	Number of Students Crossing
Sonoma Boulevard and Castillian Drive (crossing Sonoma Boulevard)	7:00 – 9:00am	11
	3:00 – 6:00pm	7

Based on the Council approved Guidelines/Criteria for Placement of a School Crossing Guard, there are an insufficient number of students crossing at this intersection to warrant the implementation of a supervised school crosswalk.

In addition, an existing supervised school crosswalk is located on the east leg of Sonoma Boulevard and Forest Fountain Drive. This nearby crosswalk location is sufficient to assist students to cross Sonoma Boulevard.

Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to identify and implement innovative traffic management alternatives to improve general traffic safety (1.1.3).

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Based on staff’s review, it is recommended that an all-way stop control not be installed at the intersection of Sonoma Boulevard and Castillian Drive. It is also recommended that a supervised school crosswalk not be implemented at this intersection.

Attachments

1. Location Map

Report prepared by

Mark Ranstoller, Senior Transportation Technologist, ext. 8251
Mike Dokman, Supervisor, Traffic Engineering, ext. 8031

:MR

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Councillor Carella declared an interest with respect to the foregoing, as he has relatives living in the area, and relinquished the chair and did not take part in the discussion or vote on the matter.

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Item 11, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

11

**BROWNRIDGE DRIVE AND ZAHAVY DRIVE
PROPOSED ALL-WAY STOP CONTROL**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That an all-way stop control not be installed at the intersection of Brownridge Drive and Zahavy Drive.

Purpose

To review the feasibility of implementing an all-way stop control at the intersection of Brownridge Drive and Zahavy Drive, in response to direction from Council.

Background - Analysis and Options

At its meeting on December 6, 2004 Council directed:

“That staff be requested to investigate the need for and the feasibility of installing an allway stop control at Zahavy Drive and Brownridge Drive.”

Brownridge Drive is a primary feeder roadway with a 23.0 metre right-of-way and Zahavy Drive is a local residential roadway with a 20.0 metre right-of-way. The posted speed limit on Brownridge Drive is 40 km/h, and the speed limit on Zahavy Drive is a statutory 50 km/h. The existing stop control is located on Zahavy Drive at Brownridge Drive. The area is shown on Attachment No. 1.

A turning movement count was conducted on November 23, 2004 at the intersection during peak travel periods. The traffic count was conducted from 7:30am to 9:30am and 2:30pm to 5:30pm. The collected traffic volumes compared to the Provincial Warrant for All-Way Stop Control are as shown below.

- | | |
|---|---------------|
| • Warrant 1 – Minimum Vehicular Volumes | Warranted 73% |
| • Warrant 2 – Accident Hazard | Warranted 0% |
| • Warrant 3 – Sight Restriction | Warranted 0% |

For an all-way stop control to be warranted, one or more of the 3 warrants must be satisfied 100% or more. The results of the turning movement count do not meet the requirements of the Provincial Warrant for All-Way Stop Control. The above results reflect the highest peak traffic hour at this intersection.

As part of the Brownridge Drive Neighbourhood Traffic Committee, a curb extension was installed on the southeast corner of the Brownridge Drive/Zahavy Drive intersection.

There are no sight distance restrictions noted at this intersection. There were also no reported vehicle collisions at this intersection. Brownridge Drive is designated as a through street with the stop control located on Zahavy Drive.

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Relationship to Vaughan Vision 2007

This traffic study is consistent with Vaughan Vision 2007 as to identify and implement innovative traffic management alternatives to improve general traffic safety (1.1.3).

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Based on staff's review, it is recommended that an all-way stop control not be installed at the intersection of Brownridge Drive and Zahavy Drive.

Attachments

1. Location Map

Report prepared by

Mark Ranstoller, Senior Transportation Technologist, ext. 8251
Mike Dokman, Supervisor, Traffic Engineering, ext. 8031

:MR

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 12, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

12

INTERIM PROPERTY TAX LEVY FOR 2005

The Committee of the Whole recommendation was dealt with and adopted at the Special Council Meeting (2) of February 21, 2005 under Minute No. 55.

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Item 13, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

13

**PROCLAMATION REQUEST –
ONTARIO FAMILY FISHING WEEKEND**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated February 21, 2005:

Recommendation

The City Clerk recommends:

- 1) That July 8 through July 10, 2005 be proclaimed as “Ontario Family Fishing Weekend”; and
- 2) That the proclamation be posted on the City’s website, published on the City Page, space permitting, and that staff issue a news release.

Purpose

To respond to the request received from the Steering Committee, Ontario Family Fishing Weekend.

Background - Analysis and Options

The correspondence received from the Ontario Family Fishing Week Steering Committee, dated November 26, 2004, is attached (Attachment #1).

The proclamation request meets the requirements of the City’s Proclamation Policy: *“That upon request, the City of Vaughan issue proclamations for events, campaigns or other similar matters: which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act”*.

The Ontario Family Fishing Weekend Steering Committee has requested the City publicize this proclamation to declare one summer weekend a licence-free-fishing weekend. The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations”. Publishing proclamations on the City Page depends on space availability. Corporate Communications will, given sufficient lead-time, issue news releases in support of the proclamation.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Staff is recommending that July 8 through July 10, 2005 be proclaimed as “Ontario Family Fishing Weekend” and that the proclamation be posted on the City’s website and published on the City Page, space permitting.

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Attachments

Attachment 1 - Correspondence from the Ontario Family Fishing Weekend Steering Committee, dated November 26, 2004

Report prepared by:

John D. Leach, City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 14, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

14

**PROCLAMATION REQUEST –
RED CROSS MONTH**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated February 21, 2005:

Recommendation

The City Clerk recommends:

- 1) That March 2005 be proclaimed as “Red Cross Month”; and
- 2) That the proclamation be posted on the City’s website, published on the City Page, space permitting, and that staff issue a news release.

Purpose

To respond to the request received from the Community Services Coordinator of the Canadian Red Cross.

Background - Analysis and Options

The correspondence received from the Community Services Coordinator of the Canadian Red Cross, dated February 1, 2005, is attached (Attachment #1).

The proclamation request meets the requirements of the City’s Proclamation Policy: “*That upon request, the City of Vaughan issue proclamations for events, campaigns or other similar matters: which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act*”..

The Canadian Red Cross wishes to raise awareness of the services Red Cross provides; not only around the world, but in each and every Canadian community. The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations”. Publishing proclamations on the City Page depends on space availability. Corporate Communications will, given sufficient lead-time, issue news releases in support of the proclamation.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Staff is recommending March 2005 be proclaimed as “Red Cross Month” and that the proclamation be posted on the City’s website and published on the City Page, space permitting.

Attachments

Attachment #1 - Correspondence from the Canadian Red Cross, dated February 1, 2005

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 14, CW Report No. 10 – Page 2

Report prepared by:

John D. Leach, City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 15, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

15

ZONING BY-LAW AMENDMENT FILE Z.03.034

SITE DEVELOPMENT FILE DA.03.019

PETER EDREY

REPORT #P.2003.46

(Referred from the Council Meeting of January 24, 2005)

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated November 15, 2004, be approved;
- 2) That the following be approved in accordance with the memorandum from the Commissioner of Planning, dated February 21, 2005:
 1. That the revised site plan and elevations attached to this memorandum be approved and that the conditions applicable to the Site Development Application DA.03.019 (Peter Edrey), included in the report of the Commissioner of Planning, dated November 15, 2004, also be approved; and
 2. That the following exceptions to the R1V Old Village Residential Zone, be approved:
 - a) Require a minimum interior side yard (east) of 2.29 m for the house; and
 - b) Permit a maximum lot coverage of 26.45%; and
- 3) That the heritage nature of this neighbourhood be preserved and the coverage exception being allowed herein are in recognition of the particular quality of the project and that the additional coverage relates to the addition of an unenclosed porch adding to the historical architectural value of the plan.

Council, at its meeting of January 24, 2005, adopted the following:

That this matter be referred to the Committee of the Whole meeting of February 21, 2005.

Council, at its meeting of November 22, 2004, adopted the following:

That this matter be referred to the Council meeting of January 24, 2005, allowing for the election of the Ward 5 Local Councillor and subsequently a Ward 5 Sub-Committee meeting;

That the memorandum from the Commissioner of Planning, dated November 19, 2004, be received; and

That the following written submissions be received:

- a) Mr. & Ms. Jack and Ann Westerhoek, 12 Elizabeth Street, Thornhill, L4J 1X8, dated November 21, 2004; and
- b) Mr. Atul Gupta and Ms. Shirley Porjes, 26 Elizabeth Street, Thornhill, L4J 1Y1, dated November 21, 2004.

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

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Recommendation of the Committee of the Whole meeting of November 15, 2004:

- 1) That this matter be referred to the Council meeting of November 22, 2004; and
- 2) That the coloured renderings submitted, by the applicant, be received.

Report of the Commissioner of Planning dated November 15, 2004

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.034 (Peter Edrey) BE APPROVED, to permit a business or professional office use (an accountant's office) to operate as a home occupation use, notwithstanding home occupation uses are restricted to regulated health professionals.
2. THAT the following exceptions to the RIV Old Village Residential Zone BE APPROVED:
 - i) require a minimum interior side yard (east) of 2.29 m for the house and 1.2 m for the garage;
 - ii) require a minimum rear yard (south) of 1.2 m for the garage; and
 - iii) permit a maximum lot coverage of 26.45%
3. THAT Site Development Application DA.03.019 (Peter Edrey) BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:
 - i) the final site plan, landscape plan and building elevations shall be approved by the Development Planning Department in consultation with Cultural Services Division;
 - ii) all engineering requirements shall be approved by the Engineering Department; and
 - iii) the implementing zoning by-law shall be in full force and effect.

Purpose

The Owner has submitted an application to amend the Zoning By-law to permit a business or professional office use (an accountant's office) to operate as a home occupation within a residential dwelling. The by-law currently permits only regulated health professionals as home occupation uses. The application also proposes the following exceptions to the RIV Old Village Residential Zone standards:

- a minimum interior side yard (east) of 2.29 m for the house and 1.2 m for the garage, whereas 2.5 m is required;
- a minimum rear yard (south) of 1.2 m for the garage, whereas 7.5 m is required; and
- a maximum lot coverage of 26.45%, whereas 23% is permitted.

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The proposed exceptions would facilitate a Site Development Application to permit a 50m², 2-storey addition to the existing 294m² single-detached residential heritage dwelling, and to enclose the existing stairwell on the east side of the building, and a new garage, as shown on Attachments #3, #4 and #5.

Background - Analysis and Options

On September 17, 1998, the Applicant was granted permission (application for Permission A256/98) from the Committee of Adjustment to operate an accountant's office from his residential dwelling, subject to applying for a Site Plan Application and obtaining Council's approval of the site plan to facilitate the use on the subject lands. The Applicant did not address this condition of approval within the required 12 months, and the permission lapsed.

In September of 2001, the Applicant went before the Committee of Adjustment seeking relief in respect to the minimum rear yard setback proposed at 1.7m, rather than the By-law requirement of 7.5m, and a maximum lot coverage of 29.6% whereas the By-law permits a maximum of 23%. The Committee of Adjustment did not grant relief (application for Minor Variance A202/01) and were of the opinion that the variances sought were not minor and were not appropriate for the development and use of the land.

Subsequently, the Applicant revised his plans and in October of 2002 proceeded to the Committee of Adjustment for a third time (application for Minor Variance A411/02) requesting the following relief:

- a maximum lot coverage of 27.11%, whereas a maximum of 23% is permitted; and
- a minimum interior side yard of 2.11 m, whereas a minimum of 2.5m is required.

Through this process the Applicant was made aware that his permission for a change in use had lapsed as a result of not addressing the condition of Site Plan Approval. As a number of issues remained outstanding, the Applicant withdrew Minor Variance Application A411/02, and instead would address the deficiencies and use issue through a Zoning By-law Amendment Application which would run concurrently with the required Site Plan Application to facilitate the home occupation use for an accountant's office.

The site is located at the southeast corner of Centre Street and Elizabeth Street (39 Centre Street), being Lot 52 on Registrar's Compiled Plan 9834, in Part of Lot 30, Concession 1, City of Vaughan. The 640.20m² site has 21.9 m frontage on Centre Street and 27.9m flankage on Elizabeth Street.

The site is designated "Low Density Residential" by OPA No.210 (Thornhill-Vaughan Community Plan) and zoned R1V Old Village Residential Zone by By-law 1-88, subject to Exception 9(662). The surrounding land uses are:

- North – Centre Street; residential (R1 Residential Zone)
- South – residential (R1V Old Village Residential Zone)
- East – residential (R1V Old Village Residential Zone)
- West – Elizabeth Street; residential (R1V Old Village Residential Zone)

On May 23, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands, the Society for the Preservation of Historical Thornhill, and to the Town of Markham. Staff has received written comments from the public outlining the following concerns:

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- the proposed lot coverage and interior side yard setback are excessive;
- the latest application significantly changes the overall look of the house and it would not fit the historic character of the neighbourhood;
- the proposed building would become a ‘monster building’ on a corner lot in an area where there are ‘small-size’ historic houses; and
- the approval of this application would set a dangerous precedent for development in the designated historic conservation area.

The recommendation of the Committee of the Whole on June 16, 2003, to receive the public hearing and forward a technical report to a future Committee meeting was ratified by Council on June 23, 2003.

Official Plan

The subject lands are designated “Low Density Residential” by OPA No. 210 (Thornhill-Vaughan Community Plan). This designation provides opportunities for single-detached residential lots fronting on Centre Street, east of Brooke Street, within the Village of Thornhill Heritage District, to be used for residential, and business and professional offices and/or retail commercial uses not exceeding 167.2 m² in total gross floor area. The proposed use for an accountant’s office would conform to the Official Plan.

Zoning

The subject lands are zoned R1V Old Village Residential Zone by By-law 1-88, subject to site-specific Exception 9(662), which permits only a single-detached residential dwelling. The applicant has proposed to amend the existing zoning in order to permit a business or professional office use, specifically an accountant’s office as a home occupation. In respect to home occupation uses, By-law 1-88 states:

- “a) Such use shall be limited to the office of a regulated health professional (notwithstanding the definition of a regulated health professional, a body-rub parlour is not permitted as an accessory use to a home occupation);”

The following exceptions are also required to facilitate an addition to the east side of the existing residential dwelling, and the east and south sides of the proposed garage, as shown on Attachment #3:

	<u>Required</u>	<u>Proposed</u>
Min. Interior Side Yard (east)	2.5m	2.29m (to house)
Min. Interior Side Yard (east)	2.5m	1.2m (to garage)
Min. Rear Yard (south)	7.5m	1.2m (to garage)
Max. Lot Coverage	23%	26.45%

The existing site-specific Exception 9(662) previously addressed deficiencies for lot frontage, lot area, and front and exterior side yards.

Site Design

The existing heritage building shown on Attachment #2 is 2-storeys along Centre Street, and 1-storey in the southerly half of the building, and is located centrally on the subject lands. The applicant is proposing (see Attachment #3) a second-storey addition to the south half of the building, which would also include the enclosure of the exterior stairs on the east side of the building, and a detached garage to be located at the southeast corner of the lot. The site is to be

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accessed from Elizabeth Street by a 6.0m wide driveway leading to the detached garage. There is no driveway along Centre Street, thereby creating a continuous landscape strip along the lot frontage. A precast concrete walkway extends from the sidewalk on Centre Street along the exterior side (west) of the dwelling and wraps around the corner of the home. The proposed accountant's office use will be located in the front of the building, with the residential component at the rear.

Building Elevations

The north and west elevations (see Attachment #5) both contain entrances to the dwelling. The existing north elevation (no changes are proposed) facing Centre Street has a single door entrance centrally located and framed by glass. A small porch supported by columns adds detail to the north elevation, which aside from the entrance contains 2 windows with shutters on the ground floor. Directly above the entranceway and beneath the peak in the roofline, is a third window.

The west elevation also contains a single door entry framed by glass and covered by a porch extending almost the entire length of this elevation. Windows have been proposed throughout this elevation and includes a recessed balcony on the second-storey. The main building material used on the north and west elevations is stucco in a light yellow/beige colour, restoring the original building material. All the wood trim, including balcony railings, porch columns and railings, and window trims and shutters will be painted in a light neutral colour complimenting the stucco. The building height to the mid-point of the roof measures 6.85m and the roof is to be constructed with asphalt shingles in a grey colour.

The remainder of the building being the east and south elevations (see Attachment #4) will be constructed with the same material, but also introduces a light grey vertical board and batten, which is also being used for the detached garage.

Landscaping

The landscaping on site (see Attachment #3) is to be maintained, except in the rear yard, which will be paved with a hard surface for the driveway. A new cedar hedge is proposed along the south property line, with the existing cedar hedge located between the south lot line and the driveway on Elizabeth Street to remain, and provide screening of the parking area.

Access and Parking

The site plan (see Attachment #3) proposes 5 parking spaces, consisting of 2 within the detached garage, 2 tandem parking spaces in the driveway and a single spot in front of the residence, in compliance with the residential (3 parking spaces) and home occupation (2 parking spaces) parking standards in By-law 1-88.

Servicing

The site has access to municipal services, including sanitary and storm sewers and water. The final site plan is to be approved by the Engineering Department, and satisfy all engineering requirements.

Cultural Services/Heritage Vaughan

The subject lands are located in the Thornhill Heritage Conservation District, designated under the Ontario Heritage Act (Part V), and is therefore subject to the Heritage District Plan.

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Heritage Vaughan at its meeting on September 15, 2004, approved the proposed site plan application and provided the following comments:

- "1. That the applicant submit specifications regarding the restoration of the heritage building;
2. That the applicant submit details regarding materials, colours and signage to Cultural Services staff for review in accordance with the Heritage Conservation District Plan; and
3. The Building Permit plans be in substantial conformance with the approved site plan application drawings."

The proposed addition to the heritage structure adheres to the guidelines requiring the retention and restoration of existing heritage buildings, and that additions are consistent/complimentary to the architectural style of the existing heritage structure. Development Planning Staff are satisfied that the proposed zoning exceptions noted in the "Zoning" section of this report are appropriate for the Thornhill Heritage District with respect to the site layout and building elevations, and supported by Heritage Vaughan.

Final details regarding materials, colours and signage are to be approved to the satisfaction of the Cultural Services Division.

Land Use/Compatibility

The application proposes permitting business or professional office uses, in particularly an accountant's office at 39 Centre Street to operate as a home occupation use. Many of the neighbouring properties have been converted to some form of commercial use or a combination of commercial and residential uses. The proposed application would be in keeping with the evolution of uses along this segment of Centre Street. OPA No.210 encourages this form of redevelopment within the Village of Thornhill Heritage District provided the character of the residence is not altered in any manner that would not be in keeping with the historical preservation of the district. Incorporating the original building material into the design, and producing an addition to the existing building reflecting the architectural style of the era will result in a proposed development which is compatible with those in the surrounding area and which is of an appropriate mass and scale.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #210.

Conclusion

Staff is of the opinion that the proposed zoning amendment for 39 Centre Street to permit an accountant's office as a home occupation use and the associated exceptions requested to facilitate the development of the second-storey and easterly additions to the heritage house and a new garage are appropriate and compatible with the existing structure and uses in the surrounding area. The proposal implements the policies of the Official Plan, which encourages low-intensity office/commercial uses within existing dwellings in the Village of Thornhill Heritage District.

In light of the above, Staff can support approval of the zoning amendment and site plan applications. Should the Committee concur, the recommendation in this report can be adopted.

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Attachments

1. Location Map
2. Existing Site Plan
3. Proposed Site and Landscape Plan
4. South & East Elevations
5. North & West Elevations

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368

Grant A. Uyeyama, Manager of Development Planning, ext. 8635

/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 16, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

16

**SITE DEVELOPMENT FILE DA.04.073
2748355 CANADA INC.**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005, be approved; and
- 2) That the coloured elevation renderings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.04.073 (2748355 Canada Inc.) BE APPROVED, for a 6 storey hotel (Hilton-150 rooms) and convention centre with ancillary offices, as shown on Attachment #3, subject to the following conditions:
 - a) that prior to the registration of the site plan agreement:
 - i) the final site plan, building elevations, landscaping and signage plans shall be approved by the Development Planning Department;
 - ii) the final site grading and servicing plans, and stormwater management report, shall be approved by the Engineering Department;
 - iii) access, parking and on-site vehicular circulation, shall be approved by the Engineering Department;
 - iv) all requirements of the Region of York Transportation and Works Department shall be satisfied;
 - v) the traffic study shall be approved to the satisfaction of the Engineering Department and the Region of York Transportation and Works Department;
 - vi) all hydro requirements of Power Stream Inc. shall be satisfied;
 - vii) the required variances to implement the final site plan shall be obtained from the Committee of Adjustment to address the reductions to the parking space dimensions (underground), build-to-zone, loading spaces, and landscaping strip widths, and such variances shall be final and binding
 - b) that the site plan agreement contain the following provision:
 - i) the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a building permit, in accordance with the Planning Act. The Owner shall submit an appraisal 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.

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Purpose

The Owner has submitted a Site Development Application to permit a 6 storey hotel (150 rooms) and convention centre with ancillary offices as follows:

Site Area:	1.18 ha
Floor Area:	
- 6 storey hotel (Hilton Garden Inn):	8468.9m ²
- Convention Centre:	1200.0m ²
- Ancillary office:	<u>341.6m²</u>
Total Gross Floor Area:	10010.5m ²
Total Parking Proposed:	242 spaces

Background - Analysis and Options

The 1.18 ha vacant site is located on the southeast corner of Regional Road 7 and Interchange Way, in Lot 5, Concession 5, City of Vaughan (Attachment #1).

The subject lands are designated "Corporate Centre Node" by OPA #500 (Corporate Centre Plan), and zoned C9 Corporate Centre Zone by By-law 1-88, subject to Exception 9(957). The surrounding land uses are:

- North - Regional Road 7; vacant (C9 Corporate Centre Zone)
- South - vacant, proposed hotel (C9 Zone)
- East - employment use (EM1 Prestige Employment Area Zone)
- West - Interchange Way; vacant (C9 Zone)

Official Plan

The subject lands are designated "Corporate Centre Node" by OPA #500 (Corporate Centre Plan). The Secondary Plan Area, of approximately 600 ha, establishes a focal point of major commercial development within the City. This area is comprised of two main components: the "Corporate Centre Node", which includes lands east of Highway #400 and straddling the north and south sides of Regional Road 7, and the "Corporate Centre District", which surrounds the Node and includes lands east and west of Highway #400, and north and south of Regional Road 7. The area is one of four Regional Centres in the Region of York.

The "Corporate Centre Node" is intended to become an "urban centre" with a mix of commercial, residential and institutional uses and facilities. The Secondary Plan allows the Node to evolve as the market forces dictate over a long period of time, including the provision for interim development that is not prejudicial to the long-term goals and built form objectives intended by the Plan.

A number of policies pertain to the Node, including the requirement for development to have high design standards, and to be consistent with the Vaughan Corporate Centre Urban Design Guidelines.

The proposed hotel, convention centre and ancillary offices are permitted uses, and the development of the site conforms to the policies of OPA #500. Furthermore, OPA #500 identifies the subject lands as a "gateway site" whereby high-rise landmark buildings are encouraged. The proposed 6 storey hotel would satisfy this objective of the Official Plan.

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OPA #528 identifies specific road network improvements for the Corporate Centre Plan (Attachment #2). One of the elements of the plan includes a 100 m city block street system within a ring road. Two future roads, each having a planned width of 24m, are identified adjacent to the south and east property lines. To protect these future right-of-ways, there should be no encroachments of any structural elements along respective property lines. The proposed building would not encroach into the future road locations.

Zoning

The subject lands are zoned C9 Corporate Centre Zone by By-law 1-88, subject to Exception 9(957), which permits the proposed hotel, convention centre and office uses.

The site is subject to a build-to-zone provision, which requires 80% of the length of the street line to have a building located within 0-3 m of Regional Road 7, and 50% within 0-3m of Interchange Way. The proposed building is setback approximately 22m and 15m from Regional Road 7 and Interchange Way, respectively. The hotel requires vehicular circulation around the building, particularly for the customer drop-off area adjacent to Regional Road 7. This is an essential component for the hotel.

In a C9 Zone, By-law 1-88 requires a minimum 6 m wide landscape strip to be provided along Regional Road 7, and a 3m wide landscape strip adjacent to Interchange Way. The Owner will be required to convey lands along Regional Road 7 to the Region of York for road widening purposes. Once the lands are conveyed, a 3m wide landscape strip will be provided. A 1.3m wide landscape strip is proposed along Interchange Way. Staff has no objections to the reduced landscape strips, given the additional landscape treatment proposed by the Owner, as described in this report and as shown on the landscape plan on Attachment #4.

The Owner proposes one loading space for the entire development, which is located at the southeast corner of the convention center. By-law 1-88 requires four loading spaces for a commercial use with more than 10,001m² of gross floor area. The Owner has indicated that only one loading space is required to service the development. Staff has no objection to reducing the number of loading spaces, particularly in the context of the Corporate Centre location, which is a highly visible location.

The Owner proposes 39 parking spaces underground. The proposed parking space dimension for 11 of the parking spaces is 2.55m x 5.9m, whereas the by-law requires a minimum of 2.7m x 6m. The City Engineering Department must be satisfied with on-site vehicular circulation.

The Owner will be required to obtain the above-noted variances, to the built-to-zone, landscape strip widths, the minimum number of loading spaces required, and parking space dimensions, from the Committee of Adjustment, which shall be final and binding as a condition of site plan approval.

Site Design

The site plan (Attachment #3) shows a six-storey hotel facing Regional Road 7, with an attached one-storey convention centre and second storey ancillary offices above, facing Interchange Way. The site is to be served by one full access on Interchange Way. There is vehicular circulation with parking around the building, and additional underground parking is proposed. Landscaping and pedestrian walkways are proposed around the building with a connection to Regional Road 7. A water feature and landscaping are proposed in large landscaped areas on both sides of the building's main entrance.

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Roads/Access

The location of the proposed development relative to the planned road network for the Corporate Centre is shown on Attachment #2. OPA #528 identifies specific road network improvements serving the Vaughan Corporate Centre Area (OPA #500). An east/west road (parallel to Regional Road 7) is planned connecting Commerce Street to Jane Street and beyond, across the south limit of the site plan. A north/south street is planned, connecting the ring road to the south of the site with Regional Road 7 to the north, just outside the east boundary of the site plan. The proposed building would not encroach into the planned roads.

Where a proposed development abuts a Regional Road, the Region of York may request to be a party to the site development agreement, with conditions of approval to be included in the Agreement. As a condition of site plan approval, all requirements of the Region of York Transportation and Works Department shall be satisfied.

A full movement access is proposed onto Interchange Way. The Engineering Department requires a traffic study to address the impact on the intersection of Interchange Way and Regional Road 7. The Owner has submitted a traffic study jointly with the owner of lands to the south, who is also proposing a hotel development, under file DA.04.078 (Marriot). As a condition of site plan approval, the traffic study shall be to the satisfaction of the Region of York Transportation and Works Department and the Engineering Department.

Parking

Parking for the site is calculated as follows:

Hotel:	1 parking space for each bedroom (150 rooms) plus the requirements for any other use	= 150 spaces
Convention Centre:	11 spaces per 100m ² GFA (1200.1m ² GFA)	= 132 spaces
Office:	3.5 spaces per 100m ² GFA (341.6m ² GFA)	= <u>12 spaces</u>
Total Parking		= 294 spaces
Zoning By-law Exception Allowing 25% Parking Reduction:		(-) <u>74 spaces</u>
Minimum Parking Required:		= 220 spaces
Total Parking Provided:		= 242 spaces

The Owner proposes 203 parking spaces at grade level and 39 spaces underground, for a total of 242 parking spaces. The By-law allows a 25% reduction to the parking requirement for development of the overall lands in conjunction with the AMC Theatre to the south. As a result, there would be a parking surplus of 22 spaces.

Services/Utilities

The Owner has submitted a grading and servicing plan and stormwater management report, which shall be to the satisfaction of the Engineering Department and the Region of York Transportation and Works Department.

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All hydro requirements shall be to the satisfaction of PowerStream Inc.

Landscaping

The proposed landscape plan (Attachment #4) shows perimeter planting along Regional Road 7 and Interchange Way consisting primarily of deciduous trees and coniferous shrubs, together with a 2.4 m high wall/fence constructed with masonry pillars and decorative solid steel pickets. A wide pedestrian walkway of concrete pavers is proposed between the building's main (north) entrance and extending into the Regional Road 7 right-of-way. A concrete walkway extends along most of the building's perimeter. Large landscaped areas containing planting, pavers, and a water feature, are proposed on both sides of the main entrance facing Regional Road 7. Pavers and planting are also proposed at the entrance to the convention centre facing Interchange Way. A corporate sign, measuring 2m high, 3.7m long and 0.6m wide, is proposed within the landscape strip at the intersection of Regional Road 7 and Interchange Way. Similarly, an entrance sign, measuring 1.5m high, 3.1m long and 0.45m wide, is proposed within the landscape strip where the driveway intersects with Interchange Way. Pole mounted lighting is proposed along the site's perimeter.

The final landscape plan, including detail drawings and a landscape cost estimate, must be approved to the satisfaction of the Development Planning Department. The proposed landscape elements within the Regional Road 7 right-of-way must be approved to the satisfaction of the Region of York Transportation and Works Department.

Building Design

The proposed building elevations are shown on Attachments #5 and #6. The hotel is 6-storeys high with a one-storey main entrance/lobby and covered canopy extending out front and facing Regional Road 7. The convention centre with second storey offices is integrated behind the hotel, with its main entrance and covered canopy facing Interchange Way. There is a considerable amount of glazing at the main entrances, and on the first and second floor levels of the building that face the adjacent roads. The building material consists of stucco. The first floor is a brown/tan colour, with a lighter tone used between floors 2 to 5, and a white colour is used for the top floor. The roofline is a combination of a flat-corniced roof and a pitched green metal roof. Signage is proposed on the top storey of the hotel, facing Regional Road 7 and Interchange Way.

As a condition of site plan approval, the final building elevations shall be to the satisfaction of the Development Planning Department.

Relationship to Vaughan Vision 2007

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

Conclusion

The subject lands is part of a larger land holding owned by 2748355 Canada Inc., and is identified as an important "gateway site" within in the Corporate Centre Plan (OPA #500). Staff has reviewed the proposed Site Plan Application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and is satisfied that the subject lands will be an appropriate development for the Corporate Centre.

Should the Committee concur, the recommendation provided in the "Recommendation" section of this report to approve the site plan application, can be adopted.

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Attachments

1. Location Map
2. OPA #528 (Planned Road Network – Corporate Centre)
3. Site Plan
4. Landscape Plan
5. Building Elevations (North/West)
6. Building Elevations (South/East)

Report prepared by:

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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 17, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

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**SITE DEVELOPMENT FILE DA.04.045
CULTURAL AND EDUCATION CENTRE OF
THE MINIME SISTERS OF THE PASSION AND
FEDERATION OF CALABRESI OF ONTARIO**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005:

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.04.045 (Cultural and Education Centre of the Minime Sisters of the Passion and Federation of Calabresi of Ontario BE APPROVED to permit a 2-storey, 330.33m² recreation/education centre, a 63.96m² accessory public washroom facility with a roof-top podium, and a senior soccer field and outdoor bocce court as shown on Attachment #2, subject to the following conditions:
 - a) that prior to registration of the site development agreement:
 - i) the Development Planning Department shall approve the final site plan, elevation plan and landscape plan;
 - ii) the Engineering Department shall approve the final site servicing and grading plans, stormwater management report, and a traffic study;
 - iii) all road widenings, easements, and engineering services shall be dedicated free of all costs and encumbrances to the appropriate agency or authority, if necessary;
 - iv) all requirements of PowerStream Inc. and the Fire Department shall be satisfied;
 - v) all requirements of the Toronto and Region Conservation Authority shall be satisfied, including obtaining approval of a stormwater management report, and obtaining a permit in accordance with Ontario Regulation 158, prior to any on-site works taking place;
 - vi) all requirements of CP Rail shall be satisfied;
 - vii) all requirements of the Ontario Realty Corporation and the Ministry of Municipal Affairs and Housing shall be satisfied; and
 - viii) the required variances shall have been obtained from the Committee of Adjustment and shall be final and binding.
 - b) that the site development agreement contain the following conditions and warning clauses:
 - i) all garbage shall be stored indoors until ready to be picked up;

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- ii) the subject lands shall be developed only for the purposes specified on the site plan and that any uses or development of the site beyond those specified or granted approval, shall require amendment to the site plan agreement through the submission of a subsequent site development application(s) for approval by the City, the Ontario Realty Corporation and the Ministry of Municipal Affairs and Housing;
- iii) any sound system included as part of the theatre and outdoor facility shall be designed in a manner that directs noise away from the residential properties to the north, and shall be limited to mainly an indoor system. The Engineering Department shall determine if a noise study is required.

Purpose

A Site Development application has been submitted to permit the construction of a 2-storey, 3301.33m² recreation/education centre; a 63.96m² accessory public washroom facility with a rooftop podium, a senior soccer field and an outdoor bocce court, as shown on Attachment#2. The site plan further illustrates a future 3-storey, 75 unit senior’s care facility, which is not subject of this current application. The subject proposal represents an additional phase to the overall master plan for the subject lands. Pertinent site plan statistics are as follows:

Total Site Area =	9.8ha
Existing Gross Floor Area (Chapel and Sister’s Residence)=	824.24m ²
Proposed Gross Floor Area (recreation/education/washroom/podium)=	3365.29m ²
Total GFA (existing and proposed)=	4189.53m ²
Parking provided on site =	465 spaces

Background – Analysis and Options

The subject lands are owned by the Provincial Government, represented by the Minister of Government Services of Ontario and managed by the Ontario Realty Corporation (ORC). The Ontario Realty Corporation was established in 1993 as a Crown Corporation providing the Ontario Government ministries, agencies, boards and commissions with professional property management services. The City of Vaughan leased the subject lands from the Province in 1985, and as the tenant, has sublet the lands through a License Agreement to the Cultural and Education Centre of the Minime Sisters of the Passion, the current licensee. Although, the landlord/owner continues to be the Province, the Licence between the City and the Minime Sisters of Passion functions as a “landlord” and “tenant” relationship.

In 2002, the Sisters (Licensee) entered into an agreement with the Federation of Calabresi of Ontario (Co-licensee) to jointly develop the site, and as such, entered into an Assignment of Licence and Consent agreement in June 2003 with the consent of the City of Vaughan.

The subject lands shown on Attachment #1 are located on the east side of Kipling Avenue, south of Regional Road #7, in Lot 4, Concession 7 (7543 Kipling Avenue), City of Vaughan. The property has 88m of frontage on Kipling Avenue and an average lot depth of approximately 600m. The lands are relatively flat with a gradual easterly slope towards the CP Rail tracks, and are currently developed with a two-storey dwelling housing the Sisters and a chapel building centred on the site, both of which have been approved by Council as part of the overall concept plan.

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The subject lands are designated "Public Open Space and Buffer Area" by the Parkway Belt West Plan and zoned PB1 Parkway Belt Open Space Zone by By-law 1-88. The surrounding land uses are as follows:

- North - residential subdivision/single detached homes, (R3 Residential Zone)
- South - Veneto Centre (PB1 Parkway Belt Zone)
- East - CP Rail Rail tracks (PB1 Parkway Belt Zone)
- West - Kipling Avenue; existing detached dwellings and vacant land (PB1 Parkway Belt)

Official Plan

The subject lands fall within an area identified as "Public Use Area" and are designated "Public Open Space and Buffer Area" by the Parkway Belt West Plan. The permitted uses in this designation include public open space and buffers and incidental uses, and privately operated open space and recreation oriented uses, subject to the following conditions:

- i) The uses are open to the general public;
- ii) All natural features are preserved to the maximum possible degree;
- iii) Building structures have a very low coverage and are of limited height and low mass appearance;
- iv) Buildings and structures are located in a manner that will secure an open space character;
- v) Landscaping and berms are provided where necessary to secure the objective of the Plan; and
- vi) Any other conditions required to attain the provisions of the Plan.

The applicant has indicated that the proposed facility will be administered jointly by the Minime Sisters and the Federation of Calabresi of Ontario, and will be open to the public as provided for in the lease and license agreements. The proposed building is identified as an amphi theatre and recreational community centre in previous agreement showing the overall concept plan. As the applicant proposes to relocate and redesign the structures, an amendment to the existing site plan agreement is required. The existing and proposed buildings are of relatively low profile and centrally located on the site in an area with little vegetation, which is in keeping with the intent of the Official Plan. Staff is of the opinion that the proposed development conforms to the Parkway Belt West Plan.

The Ontario Realty Corporation, has reviewed the proposed development for the subject lands and has indicated that it has no objection, provided the Ministry of Municipal Affairs and Housing (MMA) confirms that the proposal conforms to the Parkway Belt West Plan. A condition to this effect is included in the recommendation to this report.

Zoning

The subject lands are zoned PB1 Parkway Belt Open Space Zone by By-law 1-88, which permits recreational uses, including but not limited to, parks, playground, community centres and similar type uses together with necessary and accessory buildings and structures. The proposed recreation/education centre, public washroom facility and activity fields are permitted uses. However, the following variances are required to facilitate the construction of the proposed buildings:

- a minimum interior side yard of 6.0m, whereas 15m is required; and
- portions of the driveways and manoeuvring areas are unpaved, and are not all covered with hot mix asphalt or concrete as required by By-law 1-88.

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The site is proposed to be developed in phases with ongoing construction, and it is appropriate under these circumstances that not all driveways and manoeuvring aisles would be covered with asphalt. The proposed 6m setback applies to the southerly lot limit (Portico Structure), which abuts other additional recreational lands (Veneto Centre). Accordingly, Planning Staff can support the proposed variances. A Committee of Adjustment application is required to obtain relief from these requirements and any other exceptions that may be identified to facilitate the final approved site plan. Council shall approve the final site plan, prior to the Committee of Adjustment considering a minor variance application.

Site Design

The site (see Attachment #2) is currently developed with two buildings including, a two storey dwelling housing the Sisters and a chapel building centrally located on the site. The buildings are served by a rough grade asphalt driveway running east from Kipling Avenue leading entrance, to an unpaved area, which will eventually serve as the main parking area.

The proposed development shown on Attachment #2 is comprised of a 2-storey recreation/education centre (Calabria Centre) and a public washroom facility with rooftop podium. The 2-storey building is L-shaped and acts as the main anchor for the development and includes a gathering piazza area which is encircled by a portico structure

Staff is generally satisfied with the overall site layout, which is appropriately landscaped, including the parking areas, but additional consideration should be given to pedestrian movement through the site including movement from parking areas into buildings and walkways that connect buildings. The final site plan will be approved to the satisfaction of the Development Planning Department.

The existing and proposed development is generally located centrally on the site away from Kipling Avenue and the residential lands to the north. A landscaped buffer area will be provided between the residential homes to the north (Veneto Drive) and throughout the overall site development.

Building Elevations

i) South, West and East Elevations

The proposed elevations are shown on Attachments #4, #5 and #6. The south, west and east elevations are similar in construction and design and incorporate a significant level of detail and architectural treatment. The main exterior building material is a combination of brick and stucco, interrupted with glazing and utilizing a metal roofing system. The rooflines of these elevations are highlighted with peaked and multi-level roof treatments. The use of arches capped in decorative moulding play an integral role of establishing Italianate style architecture. The west elevation comprises the main entrance to the building, which is treated and emphasized with a large covered archway. The colour scheme for the development has not been determined, but the architect has indicated that the colours would be similar to those typically found in buildings within the Calabria Region and could include red, cream and off-white stone.

ii) North Elevation

The north elevation as shown on Attachment #4 faces the existing residential properties and utilizes the same architectural elements as the other elevations, however it has been simplified. The building is located approximately 60m from the residential property line to the north with a roofline that is more subtle and flat, making it less visible and pronounced.

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iii) Portico and Washroom/Podium

The public washroom will be constructed with face brick and an aluminium window band. Stairs are provided on the north, west and east elevations leading to a podium located over the washroom. A painted metal railing is provided around the perimeter of the podium. A portico structure will encircle a proposed open piazza area providing a functional architectural element. The portico will be constructed with masonry piers and metal columns to support a prefinished metal roof structure as shown on Attachment #6.

Overall, the proposed building and structures are attractive and utilize an Italianate architectural style, however additional elements including the introduction of a stone material would better achieve the contemplated architectural style. Additional design work and material mixture will further enhance the overall architectural quality. Staff will work with the applicant's architect to address the minor details including the submission of a roof plan and a materials sample board, and the final elevations will be approved to the satisfaction of the Development Planning Department.

Access

The site is served by one 7.5m wide full movement access. The driveway extends eastward from Kipling Avenue and provides a connection to the various buildings and uses on the site, and also serves as the main fire access route. The property fronts onto Kipling Avenue, which has a planned road width of 30m. A road widening will be required to be provided to the City to the satisfaction of the Engineering Department.

A pedestrian walkway initiating from Kipling Avenue and winding its way eastward through the entire site is proposed to facilitate connectivity throughout the property. The walkway is proposed to branch out at periodic intervals from the main trail to different areas on site.

Parking

The proposed site plan provides 465 parking spaces to serve the existing and proposed uses. Parking for the development is based on both capacity load and individual uses and is calculated as follows:

Existing Uses:

2 storey dwelling unit (Office Use)- 200.64m² @ 3.5spaces/100m² = 7 parking spaces
Chapel – 623.60m²@ 11 spaces/100m² = 69 parking spaces

Proposed Calabria Centre and Accessory Uses:

Office Use- 1516.91m² @ 3.5 spaces/100m² = 53 parking spaces
Theatre Use – 543.55m² @ 11 spaces/100m² = 60 parking spaces
Bar/Concession Stand Use – 379.83m² @ 16 spaces/100m² = 61 parking spaces
Library Use- (Occupant Load of 97 @1 space/3 people) = 33 parking spaces
Gym Use – (Occupant Load of 68 @ 1 space/3 people) = 23 parking spaces

TOTAL EXISTING (+) PROPOSED = 306 parking spaces

The proposed parking supply complies with the requirements of By-law 1-88 for the existing and proposed uses, which a surplus of 159 spaces.

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Landscaping

The site has an area of approximately 9.8ha with a woodlot located on the southwest portion of the site closer to Kipling Avenue. The applicant has submitted a landscape plan shown on Attachment #3, which deals with the east portion of the property including the proposed Calabria Centre and activity facilities (soccer field and bocce courts). The plan submitted provides extensive soft and hard landscape material. The majority of the landscaping is located along the northern lot line abutting the residential properties providing both an open space feeling and at the same time serving as a buffer from group activities. The new landscape material will be intermixed with the existing natural area. Tree clearing will be kept to a minimum since the development is generally concentrated in a clear open field area of the site. An array of trees and shrubs are proposed to be located throughout the site, around the proposed building, and scattered throughout the parking lot area. Decorative trellis work is also planned east of the piazza providing a point of entry and interest. The square/piazza itself will be treated with pavers or a concrete material.

The final landscape plan and cost estimate shall be approved by the Development Planning Department. A condition to this effect has been included in the recommendation section of this report.

Servicing

The Engineering Department has reviewed the first submission for this proposal and provide the following comments (in part):

- A Stormwater Management Report and a Traffic Study are required for review and Approval.
- TRCA and CP approval is required.
- A 30m right-of-way for Kipling Avenue is required to be provided to the satisfaction of the Engineering Department.
- A Phase One Environmental Site Assessment Report (ESA) maybe required to determine suitability.

This Department has also red-lined the servicing and grading plans. The final plans, traffic study, Phase One ESA, and Stormwater Management report will be required to be approved by the Engineering Department.

The City's Lot Grading Co-ordinator in the Building Standards Department has indicated that a drainage swale is required along the north side of the property line to direct drainage from the subject lands away from the residential lots to the north and that it not interfere with the approved drainage of the residential lots. The Engineering Department and the Toronto Region Conservation Authority will approve the final engineering plans and stormwater management report, to ensure drainage in the area is appropriate and does not impact adjacent properties.

To ensure noise garbage pick-up is addressed on the property, warning clauses will be included in the site plan agreement to this effect. Garbage will be required to be stored internal to the building, and all noise from the outdoor facilities will be required to be directed away from the residential properties to the north.

Toronto And Region Conservation Authority (TRCA)

TRCA Staff have reviewed the proposed development application and provide the following comments;

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- The subject property is partially within a TRCA Fill Regulated Area of the Humber River, and therefore, prior to any works taking place, a permit in accordance with Ontario Regulation 158 is required.
- The development application does not propose any grading or vegetation removal within the TRCA Fill Regulated Area, and as the limit of grading, paving, and construction is outside the valley corridor, a TRCA grading permit is not required.
- As the property is greater than 5ha in size, the TRCA requires the submission of Stormwater Management Report (SWM) for review and approval.

Conditions addressing the Toronto and Region Conservation Authority have been included in the recommendation section of this report.

CP Rail

The property is located adjacent to the CP Rail line. The Owner will be required to satisfy all requirements of CP Rail, as a condition of site plan approval.

Relationship to Vaughan Vision 2007

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

Conclusion

The Site Development application has been reviewed in accordance with the Parkway Belt West Plan, Zoning By-law 1-88, and the area context. The applicant has indicated that the facilities will be administered by the Minime Sisters of the Passion and Federation of Calabresi of Ontario, and will be open to the public. Additionally, the existing and proposed buildings are of low profile and centrally located on the site in an area with little vegetation. The proposed development will provide additional services and public recreational amenity to the community. The proposed development is considered to conform to the Parkway Belt West Plan, and is an appropriate development of the site.

In light of the above, Staff can support Site Development Application DA.04.045, to construct this phase of the development. Should the Committee concur, the recommendation in this report can be adopted, subject to conditions identified.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevation (Main Building North and East)
5. Elevations (Main Building - South and West)
6. Elevations (Portico and Podium)

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Report prepared by:

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Grant Uyeyama, Manager of Development Planning, ext. 8635

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 18, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

**18 OFFICIAL PLAN AMENDMENT FILE OP.04.016
ZONING BY-LAW AMENDMENT FILE Z.95.014
SIGNATURE ONE INC.
REPORT #P.2004.98**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005, be approved;
- 2) That the following deputations be received:
 - a) Mr. Paul Talluri, 30 Clarence Street, Woodbridge, L4L 1L3; and
 - b) Mr. Jamie Maynard, 75 William Street, Woodbridge, L4L 2R9; and
- 3) That the written submission of Mr. Angelo Potkidis and Ms. Leslie Potkidis, 27 Rosebury Lane, Woodbridge, L4L 3Z1, dated February 16, 2005, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.04.016 (Signature One Inc.) BE APPROVED, to amend the "Mixed Use Commercial" policies in OPA #240 (Woodbridge Community Plan), to permit a 5-storey (residential) condominium apartment building on the subject lands shown on Attachments #1 and #2, whereas a maximum building height of 4-storeys is permitted, and to incorporate the following policies that will:
 - a) require the necessary studies (ie. noise, traffic, environmental, cultural heritage resource impact assessment, etc.) to be submitted in support of a site plan application;
 - b) require a high quality built form in conformity with the Woodbridge Core Urban Design Guidelines and compatible with the existing built form; and
2. THAT Zoning By-law Amendment File Z.95.014 (Signature One Inc.) BE APPROVED, to rezone the subject lands shown on Attachments #1 and #2 from C4 Neighbourhood Commercial Zone to RA3 Apartment Residential Zone, and that the implementing zoning by-law include the following exceptions:
 - permit a maximum of 60 residential condominium units;
 - permit a maximum building height of 5-storeys or 17m to the top of the roof;
 - require a minimum front yard (Woodbridge Avenue) of 5m;
 - require a minimum exterior side yard (Clarence Street) of 7m;
 - require a minimum setback to a site triangle of 4.5m;
 - require a strip of land less than 3m around the periphery of an outdoor parking area;
 - require a minimum amenity area of 1,478m²; and
 - any other zoning exceptions required to facilitate a site development application approved by Council.

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3. THAT prior to the enactment of the implementing Zoning By-law, Council shall have approved a site development application.

Purpose

The Owner has submitted applications to:

1. amend Official Plan Amendment #240 (Woodbridge Community Plan) to provide exceptions to the "Mixed Use Commercial" policies that would permit a 5-storey residential condominium building without the required ground floor commercial uses, whereas a maximum building height of 4-storeys and ground floor commercial is permitted; and
2. amend Zoning By-law 1-88 to rezone the subject lands from C4 Neighbourhood Commercial Zone to RA3 Apartment Residential Zone, and provide for the necessary zoning exceptions required to implement the proposal.

Background - Analysis and Options

In 1995, Council approved in principle, Zoning By-Law Amendment Application Z.95.014 to permit a 3½-storey, 4,300m². L-shaped building comprised of 28 residential units and ground floor commercial uses. On August 30, 2002, the Owner re-activated and amended the zoning application to permit a 3-storey, 28 unit residential apartment building and a two-storey commercial building with a gross floor area of 3,521m². A Site Development application (File DA.02.057) was submitted in support of the revised proposal. Through the Site Plan review process, City Staff suggested that the proposal be amended in a manner similar to the original proposal approved by Council in 1995.

On February 3, 2003, the Zoning Amendment and Site Development applications were further revised to permit a mixed-use development comprised of a 4-storey (4th-storey stepped back in the roofline), 42 unit residential apartment building with ground floor commercial uses limited to the Woodbridge Avenue frontage. On July 22, 2004, the applicant submitted an Official Plan Amendment application in support of a revised proposal to increase the maximum building height from 4 to 5 storeys, and without ground floor commercial uses. The total number of residential units is 60.

The subject lands (Attachment #1) are located on the northwest corner of Woodbridge Avenue and Clarence Street, being Part of Lot G on Plan 449 (86 Woodbridge Avenue), in Lot 7, Concession 7, City of Vaughan. The 0.38 ha site is irregular in shape, with 33m frontage along Woodbridge Avenue and 60m flankage along Clarence Street. The lands are designated "Mixed Use Commercial" by OPA #240 (Woodbridge Community Plan), as amended by OPA #440 (Woodbridge Core Area Plan) and zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(348). The surrounding land uses are:

- North - existing detached residential (C4 Neighbourhood Commercial Zone and R2 Residential Zone)
- South - Woodbridge Avenue; commercial (C1 Restricted Commercial Zone)
- East - Clarence Street; residential (R3 Residential Zone) with development applications for a 3-storey residential building (Files Z.00.062 and DA.01.057)
- West - Market Lane commercial complex (C4 Neighbourhood Commercial Zone)

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Public Hearing

On September 24, 2004, a Notice of Public Hearing to consider the Official Plan and Zoning Amendment applications was mailed to all property owners within 120m of the subject lands, and to the Woodbridge Ratepayers Association and the Friends of the Village Group. To date, three (3) written responses have been received expressing the following comments/concerns as summarized below:

i) Woodbridge Ratepayers Association:

- The proposed building is setback from the street to allow the maintenance of the existing trees and the provision of an amenity area and therefore, the five storey building height is acceptable.
- The design of the building should conform to the criteria set out in both OPA #440 and the Woodbridge Core Historic Urban Design Guidelines.
- The Association is pleased with the proposed building and design, and parking that is located at the rear of the building and in an underground garage away from public view.
- The proposal is acceptable, however the Association requests that prior to final site plan approval, they be involved in the final design details (ie. material used and landscaping treatment).

ii) Neighbourhood Resident:

- Opposes the application, since the proposed building height does not conform to the Official Plan, or respect the existing low density development of the area.
- A meeting should be held between the applicant and area residents to discuss the development of the corner site.
- The building should be smaller and tiered toward the property to the north, with a maximum of 42 residential units.
- A smaller building would ease traffic and parking. The connection from this site to Market Lane will create increased traffic and access problems on Clarence Street.
- Large trees and substantial landscaping should be provided to help buffer the surrounding development, specifically to the north, east and west and that the building be constructed using only high quality material, that is sympathetic to the Woodbridge Village such as brick and natural stone.
- All site plan issues should be addressed prior to any approval.

iii) Friends of the Village Group:

- A substantial building setback from Woodbridge Avenue and Clarence Street should be maintained to allow the maintenance of the existing mature trees and provide a green garden space area.
- The Group is concerned about the proposed building height and would prefer 3-storeys along Woodbridge Avenue and Clarence Street, tiered back to 4-storeys at the rear. A lower building should be considered.
- The design and architecture of the building must be sympathetic to the historic commercial buildings in the Core Area. The Group questions the demolition of the existing Watson House.

The Owner of the property directly north of the subject lands spoke at the Public Hearing on October 18, 2004 and expressed concerns relating to the appropriate building setback, buffering and building height as it would impact his property.

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The recommendation of the Committee of the Whole to receive the Public Hearing report of October 18, 2004, and to forward a comprehensive report to a future Committee meeting, was ratified by Council on October 25, 2004, with the following resolution:

“That prior to the Site Plan being brought forward for consideration, the applicant be requested to consult with the Friends of the Village Group, the Woodbridge Core Ratepayers Association and the Ward 2 Sub-Committee.”

A meeting will be held during the site plan review process in this regard.

A notice of this Committee of the Whole meeting, was sent to the Woodbridge Core Ratepayers Association, Friends of the Village and those individuals having expressed interest in the file.

Land Use Status

a) Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages the focus of new growth to urban areas and promotes efficient, cost effective development and land use patterns that are based on densities which:

- i) efficiently use land, resources, infrastructure and public service facilities;
- ii) avoid the need of unnecessary and/or uneconomical expansion of infrastructure;
- iii) support the use of public transit in areas where it exists or is to be developed; and,
- iv) are appropriate to the type of sewage and water systems, which are planned or available.

The PPS also promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring that all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units. The PPS generally directs development outside of hazardous lands adjacent to river and stream systems which are impacted by flooding and does not permit site alterations within floodways except for those situations where a Special Policy has been approved. The subject lands have been identified as being within an approved Special Policy area by Official Plan Amendment #440, and as such, development and site alterations may be permitted provided certain flood proof measures have been implemented. The application proposes a 5 storey, 60 unit residential condominium building which does not appear to create or aggravate existing hazards and does not appear to adversely impact the environment. The proposal appears to meet the intent of the Provincial Policy Statement.

b) York Region Official Plan (YROP)

The Regional Official Plan identifies Vaughan and specifically the subject lands, as an "Urban Area" served by major transportation corridors and future transit systems. Objectives of the Regional Plan include targeting growth to existing built-up portions of urban areas, encouraging carefully planned intensification, and providing for a broad range of housing types. The proposed development is in keeping with the Regional Official Plan policies.

c) Vaughan Official Plan

The subject lands are designated "Mixed Use Commercial" by OPA #240 (Woodbridge Community Plan), as amended by OPA #440 (Woodbridge Core Area), which permits residential

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uses, provided they can be appropriately integrated with the permitted commercial uses. This parcel is identified as a gateway location to the Woodbridge Core Area and is subject to the following site-specific residential policy in Section 4.2.7(c):

“Development of the northwest corner of Woodbridge Avenue and Clarence Street shall incorporate a significant scale and massing which compliments the site’s function as a gateway to the Core. Accordingly, development of this area should address the Woodbridge Avenue and Clarence Street frontages. Parking is to be located to the rear of the site and should be co-ordinated with the municipal parking lot to the west. The establishment of a pedestrian connection linking Clarence Street with the Market Lane development is encouraged.”

A general goal of the Core Area Official Plan is to ensure that the Woodbridge Historic Commercial Centre continues to fulfill a vital role in the Woodbridge Community as a unique focus of commercial, institutional and recreational services. In addition, any building is encouraged to be designed in a manner that is complementary to the overall heritage character of the area. Building form, height, shape and details should complement the surrounding historical/architecturally significant buildings as much as possible.

New development within the “Mixed Use Commercial” designation is subject to the following development objectives and criteria in part, as follows:

- Development shall be designed to create a lively and active streetscape fostering pedestrian circulation. The use of display windows facing the sidewalks and minimal setbacks from the street frontage will be encouraged. Buildings may only be permitted to be set back from the street where the frontage is used as a patio or seating area with pedestrian focus. Residential uses shall not be permitted along Woodbridge Avenue.
- Access to residential units should be provided in a manner, which provides convenience and security to the residents and does not conflict with the commercial frontage of Woodbridge Avenue.
- All development shall be of low profile, street-oriented nature. Building heights should generally not exceed three storeys with an opportunity for a fourth storey to be incorporated into the roof area, depending on a compatible relationship to adjacent development.
- Existing one-storey buildings fronting onto Woodbridge Avenue are encouraged to provide additional massing on the street frontage complementary to the overall streetscape. The massing may take the form of additional storeys, false fronts or pitched roof. Residential use of the additional storeys shall be encouraged.
- Service and garbage storage areas shall be shielded to as great an extent as possible by means of landscaping or design elements.
- Pedestrian systems within developments such as mews, courtyards and lanes will be encouraged. Pedestrian links between commercial sites shall be provided either by means of connections to the street or by direct connections to adjacent commercial sites.
- Parking areas may be provided in a combination of surface, underground or deck structures, and will not be permitted in any front yard and screened from public streets by buildings or other means, such as landscaping.

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The development applications propose a tiered 5-storey residential building without commercial uses. An Official Plan amendment is required to the “Mixed Use Commercial” policy to permit an entirely residential building without ground floor commercial uses, and a building height greater than 4-storeys.

In support of the Official Plan Amendment application, the applicant provided a justification letter indicating the reasons for the deletion of ground floor commercial uses. The commercial deletion originated from previous proposals and stems from comments by the area residents, local ratepayer groups and Heritage Vaughan requesting to save and preserve the mature trees, if the existing dwelling on the property is removed. In order to preserve these trees the applicant has set the building back from both Clarence Street and Woodbridge Avenue making it inappropriate for ground floor commercial which is typically located with very little setback to the street. The reasons outlined in the letter are summarized as follows:

- their lot fronts mostly on Clarence Street, which is mainly residential in nature.
- Setting back the building from Clarence Street has reduced the amount of building mass available along Woodbridge Avenue.
- The present location of the mature trees at the corner has made it impossible to create a corner feature required to provide commercial visibility.
- The available building footprint makes it difficult to create a sizable and economically viable commercial component at the corner.
- The L-shaped configuration of the lot is not feasible for providing an efficient service area in support of commercial operations.

The applicant also indicated that the preservation of the existing trees along Woodbridge Avenue will create a landscaped gateway/amenity area open to the public. The area would contain benches and landscaping that is pedestrian accessible. Prior to the enactment of the zoning by-law and site plan approval, the applicant shall provide Staff with confirmation from a qualified arborist that the proposed setback is sufficient to allow for the maintenance of the existing trees.

Density

OPA #440 does not establish maximum density requirements for lands designated “Mixed Use Commercial”. Instead, the number of units and building mass, scale and form are determined within a building envelope that is defined by building height and setback requirements.

Special Policy Area

The property is subject to the Special Policy Area (SPA) provisions of OPA #440, which recognizes and allows for the continued development of lands within the floodplain provided certain flood-proofing measures are incorporated into the design and construction of all buildings, to the satisfaction of the Toronto and Region Conservation Authority.

Zoning

The lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(348), which does not permit the proposed residential development. An amendment to the Zoning By-law is required to rezone the subject lands from C4 Neighbourhood Commercial Zone to RA3 Apartment Residential Zone to permit the proposed development.

The Owner has submitted a Site Development Application (File DA.02.057). Based on the current plan, the following zoning exceptions are required to implement the proposal:

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- a maximum building height of 5-storeys or 17m to the top of the roof, whereas 44m is permitted;
- a minimum front yard (Woodbridge Avenue) of 5m, rather than the by-law requirement of 7.5m;
- a minimum exterior side yard (Clarence Street) of 7m, rather than the by-law requirement of 7.5m;
- a minimum setback to a sight triangle of 4.5m, rather than the required 7.5m;
- a strip of land less than 3m wide around the periphery of an outdoor parking area shall be permitted, comprising a mix of trees and shrubs, whereas the by-law requires a 3m wide berm with 1.2m high evergreen trees;
- a minimum amenity area of 1,478m², whereas 2,285m² is required; and
- a minimum of 105 parking spaces.

Staff is satisfied that the above-noted exceptions are appropriate to facilitate the proposed development. The proposed building has a maximum building height of 5-storeys at its' highest point, however the 4th and 5th storeys are tiered, and the building has two and three storey portions along the streetlines. The amenity area, although considerably reduced is acceptable given that the subject land is located within the Woodbridge Core Area with park and open space facilities, restaurants and shopping located within the immediate vicinity. During the site plan approval process issues such as height, amenity area, building design etc., will be dealt with in a more thorough manner and with input from the area residents, ratepayer groups, and the Ward 2 Sub-committee.

The final zoning exceptions required to implement the proposal, if approved, may change through the site plan approval process, and will be identified in the future technical report for the site plan application. The implementing zoning by-law will not be enacted until such time as Council has approved the final site plan.

Planning Considerations

Surrounding Area Context

The subject lands front onto Woodbridge Avenue and Clarence Street and is adjacent to the Market Lane shopping square within the Woodbridge Core Area. The Core Area has been undergoing intensification in the form of mixed-use commercial/high density residential development, particularly along Woodbridge Avenue. The south side of Woodbridge Avenue between Islington Avenue and Wallace Street is characterized by newer high-density, mixed-use development ranging in height from 4 to 6 storeys, as well as older commercial buildings with apartment units above. The north side of Woodbridge Avenue includes 2-storey residential homes, older commercial buildings with residential units above, and the Market Lane shopping complex.

The following is a list (shown on Attachment #1) of several existing and approved buildings in the Core Area ranging in height from 4 to 7 storeys:

1. The Arbours – existing 7 storey condominium building.
2. Piazza Condominium – existing 4 to 6 storey building.
3. Gates of Woodbridge – approved 5 to 6 storey building.
4. Woodbridge Terraces – existing (3 condominium buildings) 4 to 6 storeys.
5. Market Lane - approved 4 to 6 storey condominium building.

The proposed 5-storey condominium would be of similar building height as these existing and approved developments.

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Urban Design Guidelines

On October 14, 1994, Council approved Urban Design Guidelines for the Woodbridge Core Area to establish urban design, architectural and landscape guidelines as a basis for reviewing development applications within the Core Area.

The Core Area Guidelines are divided into two parts; the first deals with the current conditions and identifies the proposed urban fabric, and the second deals more specifically with issues related to the development and redevelopment of individual properties within the area. Specifically, the guidelines address building siting, setback, access and parking, scale and massing, and building height.

a) Building Siting and Setback

The correct building siting is vital to the urban environment as it enhances the human scale and pedestrian circulation. The guidelines envision a building setback along Woodbridge Avenue generally aligned with historical structures without side yard setbacks, unless required for vehicle and pedestrian access. The development proposes a 5m- 10.8m building setback from the front lot line in order to provide a pedestrian focal point, where a landscaped public amenity area is proposed. Prior to site plan approval, the applicant shall provide a report from a qualified arborist to confirm that the proposed setback from Woodbridge Avenue is appropriate to preserve the existing trees.

The latest proposal has maintained the building approximately 10m from the residential property to the north. The provision of additional landscape treatment along the northerly property line would ensure that a proper and satisfactory buffer is provided between the subject property and the lands to the north (see Attachments #2 and #3).

b) Access and Parking

The Core Area Guidelines encourage the consolidation of driveways along Woodbridge Avenue and Clarence Street, concealment of surface parking, and the provision of vehicular links. With respect to the subject lands, a connection to the adjacent parking area to the west is encouraged. The proposed site plan (Attachment #2) identifies an access from Clarence Street leading into the development with a future connection to the adjacent westerly Market Lane shopping complex parking area. The access point is similar to that proposed in OPA #440 (Attachment #7), and could in the future, tie into the potential redevelopment of the properties to the north, which are also designated "Mixed Use Commercial". A condition to this effect could be included at the site development stage. The underground and surface parking areas are accessed and located behind the building away from Woodbridge Avenue and Clarence Street. The Engineering Department will review the proposed driveways, access and parking layout designs as part of the site plan process.

c) Scale and Massing

The scale and massing of new development should be compatible with established development adjacent to or in close proximity to existing buildings. The predominant determinants of the scale of a building are its height, size, location on the lot, and architectural treatment, including door and window openings, roof shapes, balconies, and porticoes. OPA #440 identifies the subject property as a gateway location and new development should incorporate significant scale and massing treatments in order to achieve this gateway role. Council has approved buildings of similar height and scale in the Woodbridge Core area, and in close proximity to the subject lands.

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The proposed building design shown on Attachments #4 and #5 incorporates tiered upper floors, with two and three storey portions along Woodbridge Avenue, Clarence Street and the abutting northerly residential property. The height of the building, the tiered architectural design, and the introduction of faux rooflines appear to provide the scale and massing consistent with a gateway location.

The proposed building materials include a combination of face brick and natural stone, with the face brick being dominant on the upper levels. The roofline is flat with the exception of a tower feature along Woodbridge Avenue and a residential penthouse structure. Decorative asphalt shingles complete the main and secondary rooflines. The overall building design resembles the previous development approved by Council in 1995, insofar as its general siting and shape are concerned. Through the site plan review process, input will be obtained from area residents, ratepayer groups and the Ward 2 Sub-committee, with respect to the final building elevations for Council's consideration.

d) Building Height

The Core Area Guidelines suggest that buildings along Woodbridge Avenue include a 4th-storey and have a maximum height of 13.2m. Furthermore, the guidelines identify the subject property as a corner gateway location to be developed with a four-storey building wrapping around the intersection. Current development along the south side of Woodbridge Avenue ranges from approximately 15.5m at the streetline to 21.5m (4 to 6 storeys) abutting the Humber River. The proposed building incorporates tiered building design, and faux rooflines thereby making the building appear lower and providing a better transition to the existing built form (see Attachments #4 to #6). The height of the proposed building ranges from 6m to 9m (2 to 3 storeys) along the street lines and adjacent to the northerly residential property. The maximum building height is approximately 17m to the top of the roofline.

The applicant has attempted to address some of the issues tabled at the Public Hearing with respect to the building height by introducing the proposed tiered building design. The building height, mass and design appear to be acceptable as the design emanates a reduced building height, while also providing some significance to the scale and massing. However, final design details will be required at the site plan stage to ensure an appropriate transition with the adjacent low-density development. Prior to Council's consideration of the site plan, the applicant shall meet with the local ratepayers group and interested residents to finalize the development plans for this corner.

Servicing

On October 12, 2004, Council ratified the "Interim Strategy for Allocation/Reservation of Servicing Capacity" report (Item #2, Report #68) from the Commissioners of Engineering and Planning recommending reservation of water and sewage capacity to Signature One Inc. for 60 units. Final servicing allocation for this development must be granted by Council at the site plan approval stage (File DA.02.057).

Parking and Access

The preliminary site plan includes a full movement driveway from Clarence Street that provides access to the building, the surface parking area and the underground parking garage. A future access connection with the parking area on the lands to the immediate west (Market Lane complex) is proposed at the northwest corner of the site. The Engineering Department shall review the proposed single access point from Clarence Street at the site plan stage.

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The preliminary site plan includes 105 parking spaces, 75 of which are located in an underground parking garage. By-law 1-88 requires that parking for the proposed residential development be calculated as follows:

Residential Use (60 residential units x 1.5 spaces)	= 90 spaces
Residential Visitor Parking (60 units @ 0.25 spaces/unit)	= 15 spaces
Total Parking Required	= 105 spaces

Based on the preliminary residential site plan, the proposed parking supply complies with the zoning by-law.

Vehicular and Pedestrian Links Concept Plan

The Vehicular and Pedestrian Links Concept Plan in OPA #440, as shown on Attachment #7, identifies the preferred location of linked driveways in the Woodbridge Core. The vehicular linkages are intended to reduce the number of individual driveways on Woodbridge Avenue and Clarence Street by providing common entrance points and driveways to parking areas.

The site plan differs slightly from the Vehicular Links Concept Plan, in that the east/west driveway is located entirely on the subject lands, rather than on the lands to the north. However, given that the linkage plan is conceptual, the intent of the Official Plan has been met. The lands to the north are also designated "Mixed Use Commercial" by the Official Plan and shares similar development potential. The applicant has identified future vehicular connections to the Market Lane parking lot and to the properties to the south on the latest submission, which appears to be in keeping with the Vehicular Linkages Concept Plan in OPA #440. Easements may be required to facilitate the vehicular link concept plan.

Urban Design

The corner of Woodbridge Avenue and Clarence Street provides the opportunity to make a unique statement and introduction to the village core, and the proposed building will reinforce this corner from a massing and built-form perspective. Staff will continue to review the building elevations in accordance with the Woodbridge Historic Guidelines, and will obtain input from area residents, ratepayer groups and the Ward 2 Sub-committee, through the review of the site plan application.

The property features a large number of mature trees that contribute in a significant way to the character of the site, and by virtue of their location, provide an important introduction and established quality to the village core. Staff notes that as a result of the proposal, most of the trees would be removed and therefore, a tree assessment and preservation report with recommendations from a qualified arborist or landscape architect will be undertaken through the review of the site plan application. All existing trees should be noted on the site plan.

Staff recommend that a landscape buffer be provided around the perimeter of the site, together with landscape treatments such as pedestrian scale light standards, waste receptacles, benches and bike racks, to be indicated on future landscape plans.

The final site plan, elevations, landscape plan and landscape cost estimate will be reviewed through the site plan approval process.

Heritage Vaughan

Heritage Vaughan reviewed the proposed development on December 15, 2004 and adopted the following resolution:

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“That the guidelines from the City of Vaughan, Woodbridge Historic Commercial Centre, Urban Design Study (October 1994) be followed with respect to the new development at 86 Woodbridge Avenue, these being:

- That the scale and massing of new development shall be compatible with the scale and massing established by existing buildings adjacent to or in proximity to them.
- That the design elements for the proposed building be sympathetic with the heritage character of historic Woodbridge.
- That the building height be confined to a three storey maximum with potential for a fourth storey.
- That a Cultural Heritage Resource Impact Assessment be completed on the building at 86 Woodbridge Avenue prior to Site Plan approval and that the mitigative options and recommendations in the Assessment be addressed with Heritage Staff.”

Toronto Region and Conservation Authority

Toronto and Regional Conservation Authority (TRCA) have reviewed the latest proposal and have indicated that the subject property is located entirely within the Authority’s Fill Regulated Area and Regional Storm Flood Plain of the Humber River and therefore a permit in accordance with Ontario Regulation 158 is required from the Authority prior to any works taking place.

The Authority has also indicated that the subject property is located within the Woodbridge Special Policy Area, a fill regulated area where conditional development may be permitted provided it is adequately set back from the hydraulic floodway, and flood proofing measures are incorporated.

Relationship to Vaughan Vision 2007

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

Conclusion

The subject lands are designated “Mixed Use Commercial”, which requires a mix of residential and commercial uses at a scale compatible with existing development. Building height, form, shape and details should complement existing development.

While the Official Plan limits the number of storeys along Woodbridge Avenue and Clarence Street to a maximum of 4-storeys, it also identifies the subject lands as a gateway location and encourages additional massing and design features. The application proposes a 5-storey residential building without ground floor commercial uses, and therefore, an amendment to the Official Plan is required. Planning Staff are of the opinion that excluding commercial uses on the ground floor of the building along Woodbridge Avenue is acceptable.

The proposed building design incorporates tiering and other architectural elements that is compatible with adjacent development from a scale and massing perspective and achieves the intended gateway role expected of this site. In addition, there are existing and approved buildings in the Woodbridge Core Area ranging in height from 4-7 storeys, which is consistent with the proposed 5-storey building height.

On this basis, Staff can support the approval of the Official Plan Amendment Application to permit a 5-storey residential condominium building as proposed. The Official Plan Amendment should contain policies to address traffic, appropriate built form, and conformity of the development to the

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Urban Design Guidelines. These matters will be considered through the review of the related site plan application, which will require input from the area residents, ratepayer groups, and the Ward 2 Sub-committee, prior to the technical report for the site plan being considered at a future Committee of the Whole meeting.

Staff can also support the approval of the Zoning By-law Amendment Application to rezone the subject lands from C4 Neighbourhood Commercial Zone to RA3 Apartment Residential Zone, with the exceptions identified in this report to implement the conceptual site plan development. In order to ensure that all exceptions are captured, the implementing zoning by-law will not be enacted until Council has approved a site plan application.

Should the Committee concur, the recommendations in this report can be adopted.

Attachments

1. Location Map
2. Conceptual Site Plan
3. Conceptual Landscape Plan
4. Conceptual North and South Elevations
5. Conceptual East and West Elevations
6. Conceptual Cross Sections
7. Vehicular Link Concept Plan

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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the south side of Crestwood Road, west of Yonge Street, municipally known as 19 Crestwood Road, being Part of Lots 82 and 83 on Plan 3205, in Lot 26, Concession 1, City of Vaughan. The rectangular 1,613m² vacant site has 52.9m frontage on Crestwood Road, and a depth of 30.4m.

The subject lands are designated “General Commercial” by OPA #210 (Thornhill-Vaughan Community Plan) and zoned C1 Restricted Commercial Zone by By-law 1-88. The surrounding land uses are:

- North - Crestwood Road; automotive dealership campus (C2 Zone)
- South - car dealership and related parking lot (C1 Zone)
- East - gas bar (C6 Zone)
- West - residential (R2 Zone)

On February 11, 2004, the Local Councillor for Ward 5 held a Community meeting at the Garnet A. Williams Community Centre with Planning Staff, the applicant and area residents present to discuss the Site Development application. The following is a summary of the comments raised at that meeting:

- existing and future traffic conditions is of concern to the residents on Crestwood Road, and trying to make a left-turn onto Yonge Street is extremely difficult; how much additional traffic would be generated from the proposed use?
- noise (air guns) and fumes are of a concern to the residents immediately west of the site.
- what time of day/night will the garbage pick-up take place?
- is there warrant for a signalized intersection at Yonge Street and Crestwood Road?
- the use seems more industrial in nature than commercial
- would prefer a business or professional office use
- what size of truck will be delivering the new tires?
- will the delivery trucks enter the site, or will they be unloading on Crestwood Road?

On March 26, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Crestwood Springfarm Yorkhill Residents' Association. The recommendation of the Committee of the Whole on April 19, 2004, to receive the Public Hearing report and to forward a technical report to a future Committee meeting was ratified by Council on April 26, 2004. As a result of the public hearing, Development Planning Staff received a number of written responses to the applications, specifically 7 letters from 16 households in opposition, and 1 letter of support from an automobile dealership across the street to the north. The following is a summary of the concerns noted:

- potential for increase in traffic along Crestwood Road, and to a lesser extent along Pinewood Road;
- vehicle transport trucks idling on Crestwood Road, while deliveries are made;
- noise impact and pollution on the residences immediately to the west attributed to air guns and exhaust fumes, particularly when the bay doors are open;
- the form of commercial appears to be better suited to an industrial area versus a residential neighbourhood;
- customers testing their new tires using the residential roads;
- Active Green + Ross performs more than tire sales and installations, and undertakes works in keeping with a public garage, as identified in their web-site;
- the site should be turned into a park; and
- the development of the site would be more conducive to a 1-2 storey business and professional office building.

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Official Plan

The site is designated “General Commercial” by OPA #210 (Thornhill-Vaughan Community Plan), which permits retail stores for the buying, leasing and exchanging of goods and services, restaurants, banks and business and professional offices.

The Owner applied for an “Automotive Retail Store” use on their Zoning By-law Amendment and Site Development application forms. The intended use of the property was for the sale of tires and the accessory installation of tires. However, upon visiting the web-site for Active Green + Ross (ie. www.activegreenross.com), as shown on Attachment #5, this establishment “offers complete general automotive service and repairs to most car and light truck models”, including brakes, suspension and front end repairs, wheel alignment, tire balancing, lube and oil changes, transmission and fuel injection service, installation of spark plugs, coolant system flush, replacement of belts and hoses, timing belts, shocks and struts, maintenance tune-ups, and Drive Clean service.

The web-site description of the activities performed by Active Green + Ross is consistent with a “Public Garage” use, which is permitted in a “Service Station” designation in OPA #210 (Thornhill Official Plan), and which “provides for the sale of petrol, oil and lubricants and other related products and may include as well, the provision of repair and maintenance service for vehicles”, and is not a general commercial type of use. Furthermore, service stations are permitted to locate in Neighbourhood Commercial” designations on sites of “approximately 2.5 hectares which serves the surrounding neighbourhood”, whereas the subject property is substantially under-sized at 0.16 hectares. A “public garage” is also a permitted Employment Use in the “Employment Area General” designation in OPA #450 (Employment Area Plan). The proposed public garage is not a permitted use in the “General Commercial” designation in OPA #210.

The policies in OPA #210 state that new general commercial uses must be compatible with the proposed site, in terms of building design and coverage, parking, landscaping and buffering, and with adjacent land uses. As discussed in the “Zoning” section of this report, the proposal is deficient in meeting a number of zoning requirements, and is incompatible with the single-detached residential dwellings to the west. The proposed development does not conform to the policies contained in OPA #210.

Zoning

The site is zoned C1 Restricted Commercial Zone by By-law 1-88, which permits a wide range of commercial, office and retail uses, including an automotive retail store. However, as identified in the “Official Plan” section of this report, the proposed Active Green + Ross development is a public garage, and not an automotive retail store.

By-law 1-88 defines an “Automotive Retail Store” use as follows:

“Automotive Retail Store – Means a building or part of a building primarily engaged in the retail of vehicle parts, accessories, and tools where accessory uses may include service bays for performing specialized automotive related works, but do not include autobody repair work or paint work.”

The Building Standards Department has advised that this definition would allow only the retail sale and installation of the tires sold. Any other automotive work performed would constitute a “public garage” use, and would not be permitted.

By-law 1-88 defines a “Public Garage” use as follows:

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“Public Garage - Means a building which is used for the care, repair or equipping of motor vehicles, but does not include an autobody repair shop or a motor vehicle sales establishment.”

A public garage would require a license to be obtained from the Clerk’s Department.

The proposed public garage is not a permitted use in the C1 Zone, and is a use permitted as-of-right only in the C6 Highway Commercial Zone and in the EM2 General Employment Area Zone. As the “General Commercial” designation on the subject lands does not permit a public garage use, the proposed amendment to the Zoning By-law is inappropriate.

If the current C1 Zone standards were applied to the site, the proposed site layout would be deficient in minimum lot depth, front and rear yard setbacks, width of a landscape buffer abutting a street, and the required number of parking spaces, as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Depth	60.0m	30.0m
Minimum Front Yard	9.0m	4.0m
Minimum Rear Yard	15.0m	1.2m
Minimum Width of Landscape Buffer abutting Crestwood Road	6.0m	4.0m
Minimum Number of Parking Spaces	22 spaces	19 spaces

The above-noted exceptions to the C1 Zone have been proposed because the site is under-sized for proper development as a commercial property, given the shallow 30m lot depth. In order for the applicant to achieve some semblance of development on the property, the front and rear yards have been proposed to be collectively reduced by a significant amount, thereby resulting in an insufficient landscape strip width along Crestwood Road and a reduced number of parking spaces. The small site size is not conducive for the intensity of development proposed by the public garage use, thereby contributing to an inappropriate site design and use of the subject property, adjacent to low density residential development. The residential dwellings to the west are zoned R2 Zone, and are set back 6.4m from the front lot line, well back from the 4m proposed by the applicant.

Staff notes that the Petro Canada gas bar site to the east obtained variances for a minimum 4m side yard and a minimum 3m wide landscape strip abutting Crestwood Road. However, this site constituted a redevelopment (file DA.98.022) and modernization of an older Petro Canada gas station, oriented towards Yonge Street, and located considerably away from the residential properties to the west. The proposed “public garage” constitutes new infill development, which is inappropriate in the context of its location within the neighbourhood.

Site Design

The site plan shown on Attachment #2 proposes an L-shaped building along the easterly and southerly property lines. The proposed development is primarily for use as a public garage, with more than 50% of the building GFA being devoted to the 9 automotive service bays and overhead doors, with the remainder of the building being proposed for office and storage space. Parking is provided to the west of the building, with access on Crestwood Road. The access driveway to the site has been designed to discourage vehicles from turning left into the residential subdivision, thereby mitigating the area residents concerns respecting traffic infiltration. Landscaping is provided along the periphery of the site.

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The applicant's agent advised in writing that tires are stored inside, either in the centre of "L"-shaped building, or at the rear of each service bay. New tires are delivered using a 25 foot cube van every other week, during business hours. Used tires are picked up once a month, during business hours. Garbage is stored internal to the building, and picked-up every 2 weeks, during business hours. All deliveries and pick-ups are provided directly on the site. Staff are concerned that there is insufficient storage space within the building for all the materials identified to be stored. In light of the time frames for the storage, this may result in illegal outside storage on the property, and the amount of internal storage of tires could pose a serious risk to the abutting residential community, in the case of a fire.

Traffic Impact

The applicant submitted a Traffic Impact Study prepared by Paul Hill Consulting, dated May 17, 2004, which reviewed existing traffic volumes at the Yonge/Crestwood intersection and at the proposed driveway access to the property, and parking requirements. The Traffic Impact Study indicated that:

- all movements at the site access/Crestwood intersection will operate at a very good level of service in the future;
- minor delays will be experienced by left-turning vehicles out to Yonge Street;
- the proposed parking supply of 19 spaces is adequate to serve the development;
- the site access will be designed to discourage left-hand turns towards the residential neighbourhood.

Parking

The required parking for an "automotive retail store" is 22 spaces, based on the following standard:

- Automotive Retail Store: $360\text{m}^2 \text{ GFA} @ 6 \text{ spaces}/100\text{m}^2 = 22 \text{ spaces}$

The proposed site plan provides 19 spaces, one of which is a handicapped space, yielding a deficiency of 3 parking spaces. By-law 1-88 does not include a parking standard for a "public garage" use, however, Planning Staff would have applied the same standard as an automotive retail store use.

Servicing

The site has access to municipal services, including hydro, sanitary and storm sewers, and water.

Noise Impact and Hours of Operation

The applicant submitted a Noise Study prepared by Valcoustics Canada Ltd., dated December 22, 2003, in support of an "automotive service facility" use to facilitate "oil changes" (ie. a public garage) and tire sales and service. The Noise Study indicated that under the worst case scenario, the business operation would comply with the Ministry of the Environment's (MOE) noise guidelines for impact to the closest residential building. The recommendation of the noise study was that "no noise control measures be required".

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The Noise Study indicated that the service bay areas will not be air conditioned. Planning Staff have experienced similar negative situations where residential dwellings are in close proximity to commercial or industrial buildings, and noise has become a factor for the municipality to intervene and resolve between the parties (ie. Jardin Drive Employment Area; City Files OP.01.015 and Z.01.072). Staff are concerned that on warm and hot days, the 9 overhead bay doors will be left open, and impact upon the residential dwellings to the west, particularly in consideration of the following hours of operation:

- Monday, Tuesday, Wednesday, Friday: 8 am to 6 pm
- Thursday: 8 am to 8 pm
- Saturday: 8 am to 5 pm
- Sunday: closed

The early morning, evening and weekend hours could impact upon resident's use and enjoyment of their amenity and living areas, and possibly affecting their sleep. The Noise Study further indicated that the hours of operation could be extended to 8 pm, if the economy dictates, further affecting the residents. The sources of noise from the proposed development include:

- Pneumatic tools such as air wrenches used to remove and attach the wheel lug nuts;
- Electric or hydraulic motor for the vehicle hoists;
- Looseners to remove tires from the rim, and pneumatic hand tools such as grinders and wire brushes;
- Air compressor(s) for the pneumatic tools; and
- Other sources such as portable radios playing music, staff conversing, and other work related activities.

The Noise Study also indicated that during the collection of on-site noise data, noise was evident from the car dealerships to the north, including noise from the service bays, roof-top mechanical equipment, and clear audible voice pages from an outdoor loudspeaker. Introducing an additional automotive establishment to the area would compound the existing noise problem experienced by the residents.

Although the noise study concludes that the predicted sound exposure is within the MOE's minimum 51dBA guideline limit for the early morning hour, and below the 53 to 54 dBA limit throughout the majority of the daytime and evening operating period, it is apparent to Staff that noise levels from within the service bays can become intrusive, particularly during off-peak hours, when the noise study indicates that the sound emission level from the interior of the unit to the service bay opening is as follows:

- | | |
|------------------------|--------|
| • Pneumatic air wrench | 74 dBA |
| • Vehicle hoist | 62 dBA |
| • Air compressor | 63 dBA |
| • Tire loosener | 69 dBA |
| • Rim cleaner | 63 dBA |
| • Other interior noise | 65 dBA |

Building Elevations

The L-shaped building will be constructed with a flat roof to a maximum height of 4.8m, as shown on Attachment #4. Six of the 9 fully glazed overhead doors are located on the north elevation facing Crestwood Road. The remaining 3 overhead doors are located on the west elevation. The

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main office entrance to the establishment is located at the northeast corner of the site and comprised of a single glass door with signage above, and a row of windows above the signage band. The material used throughout the building is white split face concrete masonry units with the lower portion of the building being comprised of simulated stone face concrete masonry units. Rooftop mechanical units are not proposed, but would require screening if units are later introduced. The south and east elevations both contain single man doors constructed of metal in a grey colour.

The proposed building elevations are inconsiderate towards the residential community that the site abuts. The elevations are consistent with development in the industrial area, and is an inappropriate introduction of an architectural style along Crestwood Road, at a location that is considered to be the gateway into the Crestwood residential community. Of particular concern are the 6 overhead bay doors facing Crestwood Road, and the 3 bay doors facing the residential dwelling to the west, with respect to appearance from the street and noise impact. A less intensive use such as a business and professional office would be better able to achieve a residential-like appearance and incorporate compatible features such as a peaked roof, and building materials and design, in keeping with the abutting residential to the west.

Landscaping

The site is proposed to be landscaped with a mix of deciduous and coniferous trees and shrubs around the perimeter of the property, with decorative fencing along the Crestwood Road frontage, as shown on Attachment #3. The landscape strip widths range from 3m along the westerly property line abutting the residential development, and between 4m-6m along Crestwood Road.

Ontario Municipal Board (OMB)

The Owner has referred their Zoning By-law Amendment and Site Development applications to the OMB, on the basis that the City has not made a decision regarding these applications within 90 days and 30 days of submission of the applications, respectively, as required by the Planning Act. The OMB has not yet scheduled a Hearing date.

Relationship to Vaughan Vision 2007

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

Conclusion

Staff has reviewed the Zoning By-law Amendment and Site Development applications, in light of the policies in the Official Plan, the requirements of the Zoning By-law, the comments from the public, the information provided by the applicant, and the surrounding area context, and cannot support the proposed "public garage" use, which includes the sale of tires as one component of a number of automotive services provided by the proposed Active Green + Ross establishment within the C1 Restricted Commercial Zone. Although the applicant has applied for an "automotive retail store" use for the sale and installation of tires only, the Active Green + Ross web-site and supporting documentation refer to other automotive services that are consistent with a "public garage" use, which is not permitted in the "General Commercial" designation in the Official Plan, and therefore the proposed amendment to the Zoning By-law is inappropriate.

Furthermore the small site size cannot appropriately accommodate the proposed development, nor is it compatible with the existing residential land uses to the west. The opportunity exists today to ensure that the impacts associated with automobile-related uses is not compounded with

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the addition of a “public garage” use. The public is currently experiencing problems with traffic on Crestwood Road associated with the car dealerships to the north and the Petro Canada gas bar directly to the east; traffic infiltration into the westerly Crestwood residential neighbourhood attributed to vehicle drive-testing; and noise impacts associated with the car dealerships as noted in this report. The subject lands would be more suitable for a lower intensity form of development such as a business and professional office use.

On this basis, Staff recommends refusal of the Zoning By-law Amendment and Site Development applications. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Building Elevations
5. Services Offered/Active Green + Ross Web-site

Report prepared by:

Grant Uyeyama, Manager, Development Planning, ext. 8635

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 20, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

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**ZONING BY-LAW AMENDMENT FILE Z.95.038
DRAFT PLAN OF SUBDIVISION FILE 19T-95044
HUMBOLD PROPERTIES LIMITED
REPORT #P.2004.79**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005:

Recommendation

The Commissioner of Planning recommends:

1. That the Block 11 Staging Plan for the Phase 1 lands shown on Attachment #4, BE APPROVED.
2. That the revised Block 11 Transportation Management Plan, dated May 2004, and shown on Attachment #5, BE APPROVED.
3. That Zoning By-law Amendment Application Z.95.038 (Humbold Properties Limited) BE APPROVED, to rezone the subject lands from A Agricultural Zone and OS1 Open Space Conservation Zone to RD3 and RD4 Residential Detached Zone, OS1 Open Space Conservation Zone and OS2 Open Space Park Zone as shown on Attachment #6 to implement the approved draft plan of subdivision, and that the Phase 1 - Stage 2 portion of the lands identified on Attachment #3, be placed in a Holding "H" Zone, pending availability of servicing capacity.
4. That Draft Plan of Subdivision 19T-95044 (Humbold Properties Limited) prepared by KLM Planning Partners Inc., dated December 6, 2004, BE DRAFT APPROVED, subject to the conditions set out in Attachment #1.
5. For the purpose of notice, the subdivision agreement shall contain a provision that parkland shall be dedicated, and/or cash-in-lieu paid in accordance with the City's Cash-In-Lieu of Parkland Policy.
6. That Council pass the following resolution with respect to the allocation of sewage and water servicing capacity:

"NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision Application 19T-95044 Humbold Properties Limited is allocated sewage capacity from the York/Durham Servicing Scheme via the North Don Collector on an interim basis and ultimately via the Bathrust Trunk Sanitary Sewer once constructed, and water supply capacity from Pressure Districts No. 6 and No.7 of the York Water Supply System for a total of 298 residential units, following the execution of a subdivision agreement to the satisfaction of the City."

7. That the Owner enter into an agreement (to be registered on title) with the City of Vaughan, indicating that the lots included in Phase 1 – Stage 2 will not be offered for sale by the Owner or purchasers until servicing capacity has been identified and allocated by the City.

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Purpose

The Owner has submitted applications to:

1. amend Zoning By-law 1-88 to rezone the subject lands shown on Attachment #2, from A Agricultural Zone and OS1 Open Space Conservation Zone to RD3 and RD4 Residential Detached Zones, OS2 Open Space Park Zone and OS1 Open Space Conservation Zone; and
2. permit a Draft Plan of Subdivision shown on Attachment #3, which proposes the following on a 36 ha site:
 - 529 detached lots (with frontages ranging between 9.15m and 13.4m)
 - 3.35 ha of valleylands
 - 2.47 ha elementary school block
 - 2.27 ha neighbourhood park block

Background - Analysis and Options

The subject lands are located (see Attachment #2) south of Major Mackenzie Drive, west of Bathurst Street within Planning Block 11, in Part of Lot 18, Concession 2, City of Vaughan.

The subject lands are designated “Low Density Residential” and “Valley Lands” by OPA No. 600, and zoned A Agricultural Zone and OS1 Open Space Conservation Zone by By-law 1-88. The approved Block 11 Plan specifically defines the land uses as Low Density Residential, Elementary School, Neighbourhood Park and Open Space/Valley Lands. The surrounding land uses are:

- North - Subdivisions 19T-04V05 and 19T-95064 (A Agricultural Zone)
- South - UJA institutional property (A Agricultural Zone)
- East - other vacant lands owned by Humbold (A Agricultural Zone)
- West - Subdivision 19T-03V09 (A Agricultural Zone)

On May 31, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. The Town of Richmond Hill has previously expressed its concerns regarding the availability of servicing in this area through objections to other approved draft plans within Block 11. Concerns surrounding issues of service allocation have been resolved, and as a result, the appeals launched by the Town of Richmond Hill to the Ontario Municipal Board have been settled.

The recommendation of the Committee of the Whole to receive the Public Hearing report of June 21, 2004, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on June 28, 2004.

Block Plan

On August 25, 2003, Council adopted the Block 11 Plan (Attachment #4), subject to conditions, which have been addressed to the satisfaction of the City. Block 11 is located within the community of “Carrville Urban Village 2” and bounded by Rutherford Road to the south, Major Mackenzie Drive to the north, Dufferin Street to the west and Bathurst Street to the east.

The Block 11 Plan provides primarily low density residential development for most of the Block, which is comprised of detached and semi-detached units. The Block also includes some medium

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density development in the form of townhouse units and high density development in the Carrville District Centre. The Block 11 Plan provides four elementary schools and one high school, as well as four neighbourhood parks, three of which are located adjacent to elementary school blocks. Three neighbourhood commercial sites are proposed, one in each quadrant of the Block. The Carrville District Centre located at the southwest corner of Block 11, and four convenience commercial sites are proposed, in the south portion of the Block. The Block also includes eight stormwater management ponds and a significant amount of valleylands. A large parcel of land located centrally on the west side of the Block has been dedicated as a nature reserve.

The Block 11 Landowners have provided new residential density counts proposing a total of 3,642 dwelling units, comprising 1,631 low density, 1,539 medium density, and within the Carrville District Centre there will be 472 high density units. The new residential unit counts conform to the Official Plan.

Oak Ridges Moraine Conservation Plan

A portion of the subject lands is within the Oak Ridges Moraine Area, however this application was submitted before November 16, 2001 and is therefore not subject to the provisions of the Oak Ridges Moraine Conservation Plan.

Official Plan

The "Low Density Residential" designation permits detached dwellings at a maximum net density of 22 units/ha, and at an average overall net density for low density across the Block 11 Plan of 16-18 units/ha. The low density residential component is at a density of 19.3 units/ha which is in conformity with the maximum density requirement of 22 units/ha.

Block 531 is designated "Valley Lands" and would be maintained in a natural state and conveyed to public ownership.

Zoning

The subject lands are presently zoned A Agricultural Zone and OS1 Open Space Conservation Zone by By-law 1-88. A rezoning of the subject lands is required to implement the proposed draft plan of subdivision, in accordance with the City's new residential zone standards, including the RD3 and RD4 Residential Detached Zones for detached lots having minimum frontages of 12m and 9m, respectively. Exceptions will be required for Lots 368, 369 and 390, which do not comply with the minimum required lot depth of 27m. Lots 368 and 369 have a minimum lot depth of 24.5m, and Lot 370 has a depth of 24.7m.

All valleylands will maintain the present OS1 Zone. The proposed neighbourhood park will be rezoned to OS2 Open Space Park Zone

Lots proposed for Phase 1 – Stage 2 of development will be zoned with a Holding "H" provision, including Lots: 19-68 inclusive, Lots 290-380 inclusive, Lots 383 – 455 inclusive, and Lots 465 to 479. and Streets "10", "11", "12", and "13".

Subdivision Design

The draft plan provides for 529 single-detached residential lots, with frontages ranging between 9.15m and 13.4m in width. Lot depths on the single-detached residential lots range from a minimum 24.5m in depth to 41.0m in depth. However, Lots 368, 369 and 370 do not comply with the required minimum lot depths and will require relief from the standards of the zone as previously noted in the report.

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The draft plan has been prepared in accordance with the approved Block 11 Plan. The road pattern is designed to align with road patterns of adjacent draft plans of subdivision within the Block. Construction access to the subject lands will be via Bathurst Street subject to Regional approval. The use of alternative road design standards is being proposed in this development. All-way stop control and a raised intersection is planned for the intersection of Streets 1 and 2 and the intersection of Streets 1 and 3 will be signalized.

The only proposed Neighbourhood Park is situated to the south of the public elementary school, east of Street 2.

Block 531 is designated valleylands and has an area of 3.35ha.

Vaughan Engineering Department

The Vaughan Engineering Department has provided the following comments:

a) Environmental Site Assessment (ESA)

On November 23, 2004, Terrapex Environmental Limited concluded its peer review of the Phase 1 ESA, and agreed with the conclusion that the land is suitable for a residential development, and recommended that the City accept the ESA.

b) Engineering Servicing

The municipal services for this development shall be in accordance with the approved Master Environmental Servicing Plan (MESP) dated August 2001, addendum attachments dated August 2002 and Supplementary Block Plan Approved Documents dated December 2002, January 2003, March 2003 and July 2003 all prepared by Alcorn and Associates et al. Subsequent plans or reports, which are approved and amended for Block 11 shall also be deemed to constitute part of the approved (MESP).

Subsequent to the individual draft plans receiving approval by the City, the participating landowners within Block 11 have indicated that they may enter into a Skeleton Servicing Agreement with the City, which would address the design and construction of select storm sewers, sanitary sewers, watermains, roads, valley crossings, stormwater management facilities and the extension of the Pressure District No. 6 water supply across Rutherford Road among other items. In the event that the participating landowners enter into the Skeleton Servicing Agreement, the roads constructed through the agreement shall be dedicated to the City in advance of the individual draft plans of subdivision proceeding to registration.

This plan of subdivision depends on municipal services (sanitary, storm and watermain) being constructed in the UJA site development to the south. Interim sanitary sewage capacity is provided through the North Don Collector via Block 10, with the ultimate outlet being the Bathurst Trunk Sanitary Sewer. If the infrastructure required to connect to the interim or ultimate outlets is not constructed or there is insufficient interim capacity within the North Don Collector to accommodate this plan, the necessary remedial works shall be constructed as external works in conjunction with this plan.

The development of the draft plan is to proceed in phases as per the approved (MESP) and the availability of sanitary sewage and water servicing capacity and allocation.

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c) Sanitary Servicing

The subject site will be serviced through the UJA site plan and draft plan of subdivision 19T-95062. Allocation as well as a connection to the sanitary stubs located on Streets 2 and 3 at the south boundary of the proposed plan of subdivision is required.

Sewage servicing capacity has been reserved by the City for 4,500 people within Phase 1 of Block 11. The Phase 1 lands shall utilize an interim outlet near Autumn Hill Boulevard in Block 10 into the North Don Collector in Richmond Hill until such time as the ultimate outlet into the Bathurst Trunk Sanitary Sewer is available.

Prior to the commencement of development within Phase 1 – Stage 2 or Phase 2, the Region of York shall identify sanitary servicing capacity, and the capacity must be allocated or reserved by the City.

d) Storm Drainage

The proposed plan of subdivision contains one partial stormwater management block to be constructed in conjunction with draft plan of subdivision 19T-04V05 as part of the Block 11 skeleton works. The minor and major flows will be conveyed primarily through the proposed road allowances and ultimately drain into the stormwater management facility located within one of the two stormwater management ponds located in draft plan of subdivision 19T-95062.

The Block 11 M.E.S.P identifies an existing stream corridor traversing the subject lands. This stream is the receiving watercourse for the proposed stormwater management facility.

Within the open space contained within this plan, there is an on-line pond, which is required to be reconstructed and restored to its original condition.

e) Water Supply

The subject lands are located within service area Pressure District No. 6 of the York Water Supply System. The Block's Pressure District No. 6 network shall be serviced through two 400 mm connections from Block 10, namely Thornhill Woods Drive and Pleasant Ridge Avenue as well as an extension of the Rutherford Road watermain from Confederation Parkway to the first primary road east of Dufferin Street.

The water supply to this draft plan shall be from the watermain stubs on Streets 2 and 3 in the UJA site development to the south.

Prior to the commencement of development within Phase 1 – Stage 2 or Phase 2, the Region of York shall identify water servicing capacity, and the capacity must be allocated or reserved by the City.

Development Planning

The Development Planning Department is satisfied with the draft plan of subdivision as shown on Attachment #3, subject to conditions of approval included in Attachment #1.

The Block 11 Landowners have submitted a Landscape Master Plan, prepared by Paul Cosbourn Associates Limited, and the Urban Design Guidelines prepared by Paul Cosbourn and Associates Limited, which are currently under review and will require final approval by Staff, prior to the passing of the implementing zoning by-law.

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Architectural Design Guidelines, prepared by John G. Williams Architects Limited, have been submitted and are also currently being reviewed by Staff. Prior to final approval of the plan of subdivision, staff will prepare a report for Council's endorsement of these guidelines.

Cultural Services Department

The Cultural Services Department has requested a Cultural Resource Impact Assessment and an Archeological Assessment to be conducted on the subject lands. Conditions of draft approval have been included in Attachment #1.

Region of York

The Region of York has reviewed the draft plan and has no objection to approval of the plan, subject to the conditions, set out in Attachment #1.

Restrictions are to be imposed on the portion of the plan that requires Phase II water and sewer capacity. These restrictions include the application of a Holding provision 'H' and execution of a "NO Pre-sell agreement". Prior to or concurrent with draft approval for the Phase 2 lands, the Owner shall enter into an agreement with the City of Vaughan and Region of York agreeing not to "pre-sell" lots or blocks to end users until such time as the Regional Municipality of York confirms in writing that there is sufficient water and sewer servicing capacity to service the proposed development.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the proposed draft plan of subdivision and is generally satisfied, subject to the conditions set out in Attachment #1.

York Region District School Board

The York Region District School Board requires one public elementary school site within Phase 1 of the proposed draft plan of subdivision. Lands have been set aside to accommodate an elementary school site within Phase 1, Stage 1 of development. The York Region District School Board is generally satisfied, subject to the conditions set out in Attachment #1. The development of the school site will be subject to site plan approval from Council.

Relationship to Vaughan Vision 2007

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

Conclusion

Staff has reviewed the proposed applications to amend the Zoning By-law and for Draft Plan of Subdivision, in accordance with the Official Plan, By-law 1-88, and the Block 11 Plan. Staff is satisfied that the proposed zone categories identified in the staff report are appropriate to facilitate the draft plan of subdivision. Lots Identified in Phase 1-Stage 2 of the plan will be subject to a Holding "H" provision in the implementing zoning by-law until Council has granted servicing allocation.

For these reasons, Staff can recommend approval of the zoning amendment and draft plan of subdivision applications. Should the Committee concur, the recommendations in this report can be adopted.

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Attachments

1. Conditions of Draft Plan Approval
2. Location Map
3. Draft Plan of Subdivision 19T-04V05
4. Block 11 Phasing Plan

Report prepared by:

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

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 21, Report No. 10, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 28, 2005, as follows:

By approving Clauses 1, 4, and 5 of the Committee of the Whole recommendation;

By requesting that the applicant look at opportunities available in the future as issues arise; and

By receiving the additional report of the Commissioner of Engineering and Public Works, dated February 28, 2005.

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**SITE DEVELOPMENT FILE DA.01.083
CCIL LTD. AND LCIL LTD., C/O COPPA PROPERTIES**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005, be approved;
- 2) That staff review opportunities to address the concerns expressed with respect to truck movement both on and off of the site, and right-in/right-out access to Rutherford Road, and provide a report to the Council meeting of February 28, 2005;
- 3) That the appropriate signage be installed restricting truck traffic onto Komura Road;
- 4) That the deputation of Mr. Alan Fraser, Stephen R. Pile Architect Inc., 2nd Floor, 624 King Street West, Toronto, M5V 1M7, be received; and
- 5) That the coloured elevation renderings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

THAT the revised site layout and building elevations for the proposed eating establishment related to Site Development Application DA.01.083 (CCIL Ltd. And LCIL Ltd. c/o Coppa Properties), as shown on Attachments #2, #3a, #3b and #3c, BE APPROVED.

Purpose

The Owner has submitted a Site Development Application to amend the approved site plan (Attachment #4, File DA.01.083) to permit a one-storey, 848.6m² eating establishment with an outdoor patio (The Keg) on a portion of the overall 4.78 ha lot, as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the northwest corner of Rutherford Road and Sweetriver Boulevard (west of Jane Street), being Block 179 on Plan 65M-3445, in Lot 16, Concession 5, City of Vaughan.

The subject lands are designated "High Density Residential/Commercial", with a "District Commercial Centre" overlay by OPA #600. The lands are zoned C5 Community Commercial Zone by By-law 1-88, subject to Exception 9(1031A), which permits an eating establishments

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use. The proposed development conforms and complies with the Official Plan and Zoning By-law, respectively. The lands are subject to a site plan (Attachment #4, File DA.01.083), approved by Council on December 15, 2003, which facilitates the development of the site with a 9596m² supermarket (existing) and 3 retail buildings (Buildings A, B and C - approved/not built). The applicant is proposing to amend the approved elevations and site plan for Building "D" (eating establishment) shown on Attachment #4, to facilitate the proposed Keg Restaurant.

The proposed building shown on Attachment #2 is located at the southeast corner of the site and setback a minimum of 9.0m and 10.6m from Rutherford Road and Sweetriver Boulevard, respectively. The exterior building elevations are comprised of stone and brown stained board and batten siding with light brown ledge stone. Glazing is provided on the north, south and east elevations in the form of windows and doors. The main entry door is located on the north elevation, with additional glass doors located on either side of it. A textured paved walkway is proposed from the concrete sidewalks on Rutherford Road and Sweetriver Boulevard to the main front entrance. An outdoor patio is located on the north side of the building immediately east of the main entrance

The west elevation includes two overhead roll-up doors which may be partially visible from Rutherford Road. A loading space is located next to these doors. The site plan proposes a 2.4m high decorative fence intended to screen the loading area. Additional landscaping is recommended in front of the screen fence in order to soften its appearance from Rutherford Road. An amendment to the approved landscape plan will be required, together with details of the screen fence. The north and south elevations include ledge stone cladded decorative chimneys that extend from grade beyond the roof peak. The peaked roof will be constructed with metal, and stained fir shingle siding will be used on the upper level walls. The mechanical rooftop units will be screened from view. Tenant signage is proposed on the north and south elevations.

Relationship to Vaughan Vision 2007

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

Conclusion

Staff are satisfied with the revised site layout and building elevations for the proposed eating establishment (The Keg) to be located at the southeast corner of the property. The location of the building is consistent with the original site layout, which was approved by Council on December 15, 2003. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
- 3a. Elevations (South & West)
- 3b. Elevations (North & East)
- 3c. Elevations (Porch & Patio)
4. Approved Site Plan (File DA.01.083)

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Report prepared by:

Margaret Holyday, Planner, ext. 8216

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Grant A. Uyeyama, Manager of Development Planning, ext. 8635

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 22, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

22

**OFFICIAL PLAN AMENDMENT FILE OP.04.003
ZONING BY-LAW AMENDMENT FILE Z.00.069
THE ROYALTON BANQUET CENTRE INC.**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005:

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.04.003 (The Royalton Banquet Centre Inc.) BE APPROVED, and that OPA #240 (Woodbridge Community Plan) be amended to:
 - a) redesignate the subject lands from "Service Commercial" to "Service Commercial" (tableland) and "Open Space" (valleyland) as shown on Attachment #2; and
 - b) permit the full range of service commercial uses, excluding hotels, motor hotels, banquet halls, automobile service stations, car washes, public garages and funeral homes on the lands designated "Service Commercial".
2. THAT Zoning By-law Amendment File Z.00.069 (The Royalton Banquet Centre Inc.) BE APPROVED, subject to the following conditions:

That the implementing zoning by-law shall:

- i) rezone the tableland portion (0.53ha) of the subject lands (including the 2m tableland buffer) from PB1 Parkway Belt Open Space Zone to C7 Service Commercial Zone as shown on Attachment #2;
- ii) rezone the open space portion (± 0.57 ha) of the subject lands (including the 3m geotechnical setback) from PB1 Parkway Belt Open Space Zone to OS1 Open Space Conservation Zone as shown on Attachment #2;
- iii) permit only landscaping on the 2m tableland buffer as shown on Attachment #2; and
- iv) permit all C7 Service Commercial Zone uses as set out in By-law 1-88, excluding a hotel, motel, convention centre, banquet hall, automobile service station/gas bar, automotive retail store, and parking garage.

Purpose

The Owner has submitted an application to amend the Official Plan to redesignate the subject lands shown on Attachment #1 from "Service Commercial" to "Service Commercial" (tableland) and "Open Space" (valleyland) as shown on Attachment #2. The application also proposes to permit the full range of service commercial uses on the tableland portion of the subject lands.

A related Zoning Bylaw Amendment application has been submitted to rezone the subject lands from PB1 Parkway Belt Open Space Zone to C7 Service Commercial Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) as shown on Attachment #2.

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The applications will facilitate future development of the tableland for service commercial uses to be integrated with the commercial plaza to the west, and the conveyance of the open space valleylands to a public authority to be maintained in a natural state.

Background - Analysis and Options

The 1.09ha rectangular site is located on the south side of Regional Road 7, east of Martin Grove Road, being Block 42 on Plan 65M-2464 (5451 Regional Road 7), in Part of Lot 4, Concession 8, City of Vaughan, as shown on Attachment #1.

The lands are designated "Service Commercial" by OPA #240 (Woodbridge Community Plan), subject to site-specific OPA #331, and zoned PB1 Parkway Belt Open Space Zone by By-law 1-88. The surrounding land uses are:

- North - Regional Road 7; Rainbow Creek Park (A Agricultural Zone)
- South - open space (PB1 Parkway Belt Open Space Zone), existing employment area (EM1 Prestige Employment Area Zone)
- East - open space (PB1 Parkway Belt Open Space Zone)
- West - existing commercial (C7 Service Commercial Zone)

On February 27, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. To date, no responses have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report on March 22, 2004, and to forward a comprehensive report to a future Committee meeting, was ratified by Council on March 29, 2004.

Official Plan

The subject lands are designated "Service Commercial" by OPA #240 (Woodbridge Community Plan), as amended by site-specific OPA #331. OPA #331 restricts development to a low-rise building, and the permitted uses to business and professional offices, day nurseries, parks and open space, and ancillary commercial uses to a maximum of 15% of the total gross floor area on the site. Outside storage is not permitted.

An Official Plan Amendment application has been submitted to redesignate the valleylands from "Service Commercial" to "Open Space"; and to maintain the "Service Commercial" designation on the tableland portion of the site, with permission to develop the site with a full range of service commercial uses, in addition to the permitted uses in site-specific OPA #331. OPA #240 permits the following uses in a "Service Commercial" designation:

- hotels, motor hotels, and banquet halls;
- automobile service stations and automotive related uses including car washes and public garages, but excluding autobody shops;
- restaurants;
- private clubs;
- recreational uses;
- day nurseries;
- banks and financial institutions;
- offices;
- personal service shops;
- studios;
- undertaker's establishments/funeral homes;
- specialty trades;

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- convenience retail stores and service repair shops;
- printing shops;
- outlets for stationery and office equipment and home improvements and hardware outlets;
- furniture/appliance outlets and other retail outlets that characteristically have large square footage of warehousing and/or showroom spaces; and
- parks and open space.

Staff has reviewed the list of permitted uses and are of the opinion that given the size of the subject lands (0.53ha) and the demand on parking and traffic, the majority of the uses are appropriate, however, certain uses including hotels, motor hotels, banquet halls, automobile service stations, car washes, public garages, and funeral homes are inappropriate.

The Official Plan identifies sites located on corner lots at the entrances to industrial parks as ideal locations to facilitate service commercial uses which serve the needs of the business employees in the adjacent industrial area and the traveling public. The proposal to maintain the "Service Commercial" designation on the tableland portion of the site and to permit all Service Commercial uses, excluding the list of inappropriate uses identified by Staff, would conform to the "Service Commercial" policies in OPA #240, since the property fronts onto Regional Road 7, and is generally located at the corner of Woodstream Boulevard and Regional Road 7 abutting an industrial area to the south.

The "Open Space" designation in OPA #240 permits community parks, neighbourhood parks and pedestrian bicycle linkways and indicates the system of paths linking the park system and valley lands. The subject lands abut the Rainbow Creek Valley Open Space System, a system that follows the Rainbow Creek through the Community of Woodbridge. The system affords a connection between Rainbow Creek Park on the north side of Regional Road 7 and the Vaughan Grove Sports Park to the south. As such, and in accordance with the draft Pedestrian and Bicycle Master Plan, a trail routing providing access between the two open space systems through the valley portion of the subject lands shall be provided to the satisfaction of the Parks Development Department.

The proposal to redesignate the valleyland portion of the subject lands, from "Service Commercial" to "Open Space" would conform to the "Open Space" policies of OPA #240.

Zoning

The subject lands are zoned PB1 Parkway Belt Open Space Zone by By-law 1-88, but are no longer subject to the Parkway Belt West Plan. The proposal to rezone the tableland portion of the subject lands to C7 Service Commercial Zone and the open space valleylands to OS1 Open Space Conservation Zone, would implement the proposed "Service Commercial" and "Open Space" designations, respectively. By-law 1-88 permits the following uses in the C7 Service Commercial Zone:

- Automobile Service Station, Automobile Gas Bar, Car Wash;
- Automotive Retail Store;
- Bank and Financial Institution;
- Banquet Hall, including an eating establishment provided that said establishment does not exceed 20% of the G.F.A. of the banquet hall;
- Business and Professional Office;
- Car Rental Service;
- Club or Health Centre;

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- Day Nursery;
- Eating Establishment/Outdoor Patio, subject to section 5.1.6;
- Eating Establishment, Convenience with Drive-Through/Outdoor Patio subject to Section 5.1.6;
- Eating Establishment, Take Out/Outdoor Patio, subject to Section 5.1.6;
- Education or Training Facility;
- Hotel, Motel, Convention Centre;
- Office Building;
- Office and Stationary Supply, Sales, Service, Rental;
- Parks and Open Space;
- Print Shop Accessory Retail Sales;
- Parking Garage;
- Place of Entertainment;
- Personal Service Shop;
- One (1) Convenience Retail Store;
- One (1) Pharmacy;
- Recreational uses as defined in Section 2.0;
- Service or Repair Shop;
- Tavern;
- Technical School;
- Video Store; and
- Veterinary Clinic

Staff has reviewed the above list of permitted uses and determined that given the size of the subject lands (0.53ha), and the demand on parking and traffic, the majority of the uses are appropriate, however, certain uses including hotel, motel, convention centre, automobile service station/gas bar, automotive retail store, banquet hall, place of entertainment, and parking garage uses are considered inappropriate. The future site plan application for the development of the subject lands shall address but not be limited to the issues contained in OPA #331, including access, building design, and pedestrian connection through the valley portion of the site linking Rainbow Creek Park to the north of Regional Road 7 with the Vaughan Grove Sports Park to the south of the subject lands to the satisfaction of the City.

The abutting lands to the west (25 Woodstream) shown on Attachment #3 are developed, with two drive-through eating establishments (Tim Horton's and Wendy's) and a pharmacy (Shopper's Drug Mart). These lands are designated and zoned Service Commercial and subject to zoning Exception 9(463), which permits uses in addition to those permitted in the C7 Service Commercial Zone, including a funeral home, pet food outlet, and a retail warehouse (minimum 650m²). The recommendation to permit all Service Commercial uses, excluding the inappropriate uses identified by Staff ensure that the subject lands are developed with uses that will integrate, and be compatible with the existing and permitted uses on the abutting lands (25 Woodstream Blvd.), and which will not create parking and traffic problems on the comprehensive development of the two sites.

Site Plan

A site plan application will be required to facilitate the development of the subject lands. Site-specific OPA#331 requires the site to be developed in accordance with a plan, which integrates the abutting lands to the west (25 Woodstream), ensures the provision of proper access, internal traffic circulation and parking, appropriate urban design characteristics and building massing that is complimentary to the adjacent open space system.

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Access

OPA #331 states that direct access to Regional Road 7 is prohibited and is to be provided across the abutting lands to the west to Woodstream Boulevard. The adjacent parcel (25 Woodstream Boulevard) shown on Attachment #3, is developed with two drive-thru eating establishments and a pharmacy. Access to this site is provided by one full movement access to Woodstream Boulevard and one right-in/right-out access to Regional Road 7. The site plan agreement for the adjacent property states, “access to Regional Road 7 and Woodstream Boulevard must be provided for the lands to the east (subject lands), being Block 42 on Plan 65M-2462, in Lot 5, Concession 8, City of Vaughan.” Upon submission of a site plan application, the parking, access, and on-site circulation shall be to the satisfaction of the Engineering Department.

Toronto and Region Conservation Authority (TRCA)

Most of the easterly portion of the subject lands is located within the valley corridor. The Toronto and Region Conservation Authority (TRCA) has established the limits of development to their satisfaction as shown on Attachment #2. The TRCA requires the 3m geotechnical setback within the open space block to be zoned and designated “Open Space” and set aside for acquisition or dedication to either the TRCA or the City, and the remaining 2m of the tableland buffer to be zoned “Service Commercial” and used for no other purpose than landscaping. The Open Space block is to remain in a naturalized state and any future development application(s) for the subject lands will require review and approval from the TRCA.

Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision 2007, particularly priority “A5”, “Plan and Manage Growth”.

Conclusion

Staff has reviewed the proposed Official Plan and Zoning Bylaw Amendment applications in accordance with the policies in OPA #240 and OPA #331, the requirements of By-law 1-88 and the area context. Staff is satisfied that the proposed redesignation and rezoning of the site from Service Commercial to Service Commercial (tableland) and Open Space (valleyland) is appropriate and compatible with the surrounding development, subject to the deletion of the uses considered inappropriate for the site as identified in this report.

Staff can support the proposed applications to amend the Official Plan and Zoning By-law, subject to the conditions contained in this report. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Proposed Official Plan Designation and Zoning
3. Context Plan

Report prepared by:

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Mauro Peverini, Senior Planner, ext, 8407
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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 23, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

23

**ZONING BY-LAW AMENDMENT FILE Z.03.099
SITE DEVELOPMENT FILE DA.03.076
ALTERRA CUSTOM BUILDERS INC.
REPORT #P.2004.68**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 21, 2005:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.099 (Alterra Custom Builders Inc.) BE APPROVED, and that the implementing by-law:
 - a) rezone the subject lands shown on Attachment #2 from A Agricultural Zone to RA3 Apartment Residential Zone, to permit two 8-storey apartment buildings to be developed in two Phases;
 - b) include exceptions to the RA3 Apartment Residential Zone standards, as identified in the "Zoning" and "Parking" section of the staff report;
 - c) rezone the subject lands below the top-of-bank as shown on Attachment #2 from A Agricultural Zone to OS1 Open Space Conservation Zone:
2. THAT Site Development Application DA.03.076 (Alterra Custom Builders Inc.) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the site plan agreement:
 - i) the final site plan, landscape plan, and building elevations shall be approved by the Development Planning Department;
 - ii) the final grading and servicing plans, stormwater management and noise reports, parking, access and on-site circulation shall be approved by the Engineering Department;
 - iii) all hydro requirements shall be to the satisfaction of PowerStream Inc.;
 - iv) all requirements of the Toronto and Region Conservation Authority shall be satisfied;
 - v) the implementing zoning by-law shall be final and binding.
 - b) that the following provisions be included in the site plan agreement:
 - i) The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed rate of \$2200

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per unit, whichever is higher, in accordance with the Planning Act and the City's cash-in-lieu policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

- ii) The Owner shall convey the portion of the subject lands located below the top-of-bank within the valley, to the Toronto and Region Conservation Authority.

- 3. THAT Council pass the following resolution with respect to the allocation of sewage and water servicing capacity:

"NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT Site Development Application DA.03.076, Alterra Custom Builders Inc., be allocated sewage capacity from the York/Durham Servicing Scheme and water capacity from Pressure District No. 5 of the York Water Supply System for a total of 269 residential apartment units."

Purpose

The Owner has submitted an application to amend the Zoning By-law to rezone the tablelands from A Agricultural Zone to RA3 Apartment Residential Zone to permit a residential condominium apartment complex. The lands located below the top-of-bank within the valley are proposed to be rezoned from A Agricultural Zone to OS1 Open Space Conservation Zone, and would be conveyed to the Toronto and Region Conservation Authority (TRCA) to be maintained in a natural state. The subject lands are shown on Attachments #1 and #2.

A related Site Plan Application (DA.03.076) has been submitted to permit two, 8-storey condominium apartment buildings, with the southerly Building "A" (Phase 1) comprising 183 units, and northerly Building "B" (Phase 2) comprising 86 units, for a total of 269 units as shown on Attachment #2.

Background - Analysis and Options

The subject property shown on Attachment #1 is located on the northeast corner of Dufferin Street and Maison Parc Court, which is north of Steeles Avenue, in Part of Lot 1, Concession 2, City of Vaughan. The 2.1 ha site consists of 1.82 ha of tableland and 0.28 ha within the valley.

The subject lands are designated "Mixed Commercial/Residential Area" by OPA No. 210 (Thornhill-Vaughan Community Plan), as amended by OPA No. 471, and zoned A Agricultural Zone by By-law 1-88. The site is irregular in shape and has 192.62m flankage along Dufferin Street. The surrounding lands uses are:

- North - CN Rail line
- South - Maison Parc Court; 8-storey residential condominium (RA3 Apartment Residential Zone)
- East - valley (OS1 Open Space Conservation Zone)
- West - Dufferin Street; vacant/proposed car dealership (C1 Restricted Commercial Zone)

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On April 23, 2004, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Glen Shields Ratepayers Association. To date, no written comments have been received. The recommendation of the Committee of the Whole on May 17, 2004 to receive the public hearing report and to forward a technical report to a future Committee meeting was ratified by Council on May 25, 2004.

Official Plan

The subject lands are designated “Mixed Commercial/Residential Area” by OPA No. 210 (Thornhill-Vaughan Community Plan), as amended by OPA No. 471. Permitted land uses under this designation include apartment buildings and other residential forms which would satisfy the density provisions. The maximum net residential density for this designation shall not exceed 148 units/ha. The proposed development at 147.8 units/ha conforms to the requirements of the Official Plan:

Net density calculation: 269 units/1.82 ha (tableland) = 147.8 units/ha

The Official Plan policies state that prior to the enactment of the implementing zoning by-law, Council shall approve an urban design plan which demonstrates the following:

- the massing, height and conceptual design of buildings;
- the design of the extension of Viceroy Road;
- the streetscaping of Dufferin Street and Steeles Avenue West;
- conceptual landscaping in the private realm;
- relationship between the street and building forms;
- orientation of uses and their relationship to the street;
- the pedestrian and vehicular system;
- the preservation of the open space system;
- integration with existing and adjacent uses; and integration of new development with transit services and the accommodation of school buses;

These urban design issues have been reviewed and addressed through the Site Development Application process. In particular, Staff has reviewed the site design, building elevations and landscape plan and are of the opinion that the proposal is an appropriate form of development and conforms to the official plan.

Zoning

The subject lands are zoned A Agricultural Zone by By-law 1-88. The proposed rezoning to RA3 Apartment Residential Zone would permit the high-rise apartments on the tableland portion of the site. The easterly edge of the subject lands will be rezoned to OS1 Open Space Conservation Zone and conveyed to the TRCA as shown on Attachment #2.

The following exceptions to the RA3 Zone will be required in order to facilitate the residential development:

	<u>Required</u>	<u>Proposed – Building “A”</u>	<u>Proposed- Building “B”</u>
-Min. Interior Side Yard (at southwest corner of Bldg "A"):	12m	6.8m	n/a
-Required Amenity Area - (2 Bedroom Units):	55m ²	25m ²	25m ²
-Required Amenity Area – (3 Bedroom Units):	90m ²	25m ²	25m ²

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-Min. Setback to Front Lot Line
of Portion of Bldg. Below Grade
(underground parking garage): 1.8m 0.m 0.m

The by-law requires that exterior stairs exceeding one-half storey in height shall only be permitted in the rear yard. The proposed development has provided exterior stairs located in the front yard, which exceed one-half storey in height. The exterior stairs, lead to the underground parking garage (emergency stairs) and will require an exception.

The by-law also requires parking areas for multiple unit dwellings to be screened by an earth berm or an evergreen hedgerow, at a minimum height of 1.2m. This landscaping requirement would not be suitable for the site as parking at-grade is located along the front of Building "A", and dense landscaping may interfere with the pedestrian concrete walkway and the residential patio areas. The site will be appropriately landscaped as noted in the "Landscaping" section of this report. An exception to this requirement of the by-law will also be provided.

Staff is satisfied with the above-noted exceptions, which are considered to be appropriate for the site and in the context of the overall development.

Site Design

The irregular-shaped buildings are situated on a 2.1 ha site, as shown on Attachment #2. As a result of the top-of-bank walk conducted by the TRCA in 2002, the developable area has been reduced to 1.82 ha. The only vehicular access to the site is from a 7.5m wide full-movement driveway on Maison Parc Court, leading to 69 at-grade parking spaces of which 37 spaces will serve Building "A" (Phase 1) and 32 spaces will serve Building "B" (Phase 2). The driveway extends in an easterly direction to the ramp providing access to the underground parking facility connected to Building "A".

Pedestrian walkway connections have been provided along the front of both buildings. For Building "B", the walkway also extends from Dufferin Street, through a privacy gate to the individual patios provided at grade for the ground floor units.

Building Elevations

The two 8-storey condominium apartment buildings shown on Attachments #4-7 are to be constructed with a light beige stucco façade, with the first two storeys being darker beige in colour. Buildings "A" and "B" are to be connected with a single-storey common entrance (Phase 1). The footprint for Building "A" is a reverse L-shape connected to Building "B", which takes the form of a reverse "U". Building "B" tiers down to seven storeys facing Dufferin Street, as does the southerly end of Building "A". Walkout balconies are provided for all units. The roof is of a copper-toned pre-finished metal material.

All roof-top mechanical equipment will be screened from Dufferin Street and all service doors and garbage enclosure doors, including the doorframes, are to be painted to match the stucco façade. The final elevations must be to the satisfaction of the Development Planning Department.

Landscaping

The landscape plan consists of a mix of deciduous and coniferous tree and shrub planting along the perimeter of the site and around both Buildings "A" and "B". A 1.2m wide concrete pedestrian

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walkway has been provided along the main front elevations of both Buildings “A” and “B”, and which also provides pedestrian access to the residential patios located at grade. Metal picket decorative fencing supported by concrete columns with faux stucco accents surrounds the exterior of the site providing a boundary between the public and private realms. The final landscape plan and landscaping cost estimate must be to the satisfaction of the Development Planning Department.

Parkland Dedication

The applicant will be required to pay cash-in-lieu of parkland dedication in accordance with the Planning Act and the City’s cash-in-lieu policy.

Access and Parking

The site plan provides a 7.5m wide, full movement access on the north side of Maison Parc Court, which is subject to the Engineering Department’s approval.

Although the development requires a total of 404 resident parking spaces and 68 visitor spaces, the site plan provides for 399 underground parking spaces for residents and 69 surface parking spaces for visitors, resulting in a shortage of 4 spaces. An exception is required to recognize the parking deficiency of 5 spaces, which staff considers to be minor. In addition to the proposed 468 parking spaces, the site plan also includes 61 tandem parking spaces.

Servicing

The site has access to municipal services, including sanitary and storm sewers and water. Servicing capacity for the proposed development is available, and allocation of water and sewage capacity is being recommended at this time.

Toronto and Region Conservation Authority (TRCA)

To ensure protection of the buffer area to the north and east of the subject lands, adjacent to the top-of-bank, the TRCA is requiring the buffer lands to be protected under a conservation easement in favour of the Toronto and Region Conservation Authority.

Wording will be incorporated into the site-specific zoning by-law to ensure that no buildings or structures are constructed within the established buffer.

Land Use/Compatibility

The application proposes two 8-storey buildings with a total of 269 units to be constructed in two phases. The proposed development is in keeping with the Official Plan designation and is appropriate to the area, in light of the existing approvals for high density residential apartment buildings presently under construction to the south of the subject lands (also by Alterra). The proposal implements the policies of the Official Plan, which encourages high density development within the Dufferin and Steeles corridor.

Relationship to Vaughan Vision 2007

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

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Conclusion

Staff has reviewed the proposed Zoning By-law Amendment and Site Plan applications in light of the Official Plan and surrounding land uses. Staff are of the opinion that the two proposed 8-storey buildings are an appropriate use for the site. The proposal implements the policies of the Official Plan, which encourages high density residential development in the Dufferin Street and Steeles Avenue West corridor. The proposed development is compatible with the approved high density residential under construction to the south of the subject lands, also undertaken by Alterra.

Staff recommends approval of the Zoning By-law Amendment application to rezone the lands to RA3 Zone, and the valleylands to OS1 Zone, and the related Site Plan application to facilitate the development of two 8-storey residential buildings on the subject lands. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevations - Building 'A' (West and North)
5. Elevations - Building 'A' (East and South)
6. Elevations - Building 'B' (West and South)
7. Elevations - Building 'B' (East and North)

Report prepared by:

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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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- deem the subject lands to be one lot for the purposes of zoning compliance regardless of the number of buildings on the lot, future severance or easements;
 - require a minimum front yard (Keele Street) of 1.0m;
 - require a minimum rear yard (west) of 1.5m;
 - require a minimum setback to an R Residential Zone of 1.5m;
 - permit a maximum building height of three (3) storeys;
 - permit a porch encroachment into the 1.0m front yard setback; and
 - include any other zoning exceptions as may be required to implement the final approved site plan.
- b) That Tonlu Holdings Limited withdraw their Ontario Municipal Board appeal of OPA #533, prior to the enactment of the implementing zoning by-law.
2. THAT Site Development File DA.04.069 (TonLu Holdings Limited) BE APPROVED subject to the following:
- a) That prior to the execution of the site plan agreement;
- i) the Development Planning Department shall approve the final site plan, landscaping plan, and building elevations (including upgraded rear elevations for Units 17 to 23 inclusive and Units 12 to 16 inclusive);
 - ii) the Engineering Department shall approve the final site servicing and grading plan(s) and stormwater management report;
 - iii) all hydro requirements of PowerStream Inc. shall be satisfied;
 - iv) all fire requirements of the Fire Department shall be satisfied;
 - v) all access and transportation requirements of the Region of York Transportation and Works Department shall be satisfied;
 - vi) the site plan agreement shall include the following:
 - a clause requiring the Owner to agree to prepare the appropriate reference plan(s) and provide all easement(s) (vehicular, maintenance etc.), as may be required in favour of the lands to the immediate west (2294 Major Mackenzie Drive), prior to the issuance of a building permit;
 - a clause requiring that in the event that the lands to the west (2294 Major Mackenzie Drive) do not develop, the Owner shall provide a full driveway turnabout, to the satisfaction of the City. The turnabout shall not encroach onto the front yards of any residential unit, and may require that Units 16 and 17 (as shown on Attachment #2) be deleted from the plan, or the footprint of each townhouse block adjusted; and
 - vii) the Owner shall prepare a concept plan illustrating how the property to the immediate south (10,020 Keele Street) may be developed as part of the current proposal or independently, to the satisfaction of the Development Planning Department.

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Purpose

The Owner has submitted an application to amend the Zoning By-law to rezone the subject lands shown on Attachment #2 from C1 (H) Restricted Commercial Zone with the Holding Symbol “H” to C1 Restricted Commercial Zone with a site-specific exception. The exception would permit the subject lands to be developed with a three-storey mixed-use building having approximately 233m² of ground floor business and professional office uses and five (5) residential units above, along the Keele Street frontage, and three separate three-storey street townhouse blocks with a total of eighteen (18) units located within the interior of the site, as shown on Attachment #2. The Owner has submitted a related site development application to facilitate the proposed development.

Background – Analysis and Options

The subject property is located on the west side of Keele Street, north of Major Mackenzie Drive (10028 - 10036 Keele Street), being Part of Lot 21, Concession 4, City of Vaughan, as shown on Attachment #1. The vacant 0.506 ha parcel has approximately 42.76m of frontage on Keele Street, and an average lot depth of 10.4.7m.

The surrounding land uses are:

- North - commercial plaza (C1 Restricted Commercial Zone) and existing residential R2 Residential Zone)
- South - existing commercial and residential (C1 Restricted Commercial Zone)
- West - vacant (R1 Residential Zone), rezoning application for 2 three-storey mixed-use buildings and 30 residential townhouse units (File Z.04.045)
- East - Keele Street; commercial uses and a financial institution (C1 Restricted Commercial Zone)

On April 19, 2004, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Maple Village and Gates of Maple Ratepayer Associations. To date, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report on April 19, 2004, and to forward a comprehensive report to a future Committee meeting was ratified by Council on April 26, 2004.

Ontario Municipal Board (OMB) Decision

This property is subject to an Ontario Municipal Board (OMB) decision (Decision Order #1349) issued on September 20, 2000, which approved OPA #573, By-law 305-2002 and a site plan application (Files OP.98.024, Z.98.073 and DA.98.069) to implement a three-story mixed-use building comprised of 900m² of ground floor commercial uses and 49 dwelling units above, as shown on Attachment #6. The by-law provides a number of site-specific zoning exceptions (Exception 9(1149)) to implement the OMB approved development.

Official Plan

The site is designated “Maple Commercial Core Area” by OPA #350 (Maple Community Plan), as amended by site-specific OPA #573, which permits a mixed-use commercial/residential development (Attachment #6). The lands are further subject to OPA #533 (Maple Focus Review), which the applicant has appealed to the Ontario Municipal Board (OMB). OPA #533, among other matters, requires that the review of development applications in the Maple Core Area have regard to certain sections of the Maple Streetscape and Urban Design Guidelines. To date, an OMB hearing has not been held and the Board has adjourned the hearing sine-die at the request of Tonlu Holdings Limited.

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The appeal of OPA #533 affects other development applications in the Maple Core Area and therefore, Staff has advised Tonlu Holdings Limited of the City's desire to resolve the outstanding appeal. Tonlu Holdings Limited wishes to maintain the appeal pending approval of the current development applications. Accordingly, Staff has included a condition requiring that the appeal be withdrawn, prior to the enactment of a zoning by-law. The Owner has consented to withdraw the appeal on this basis.

a) Proposed Land Use

As discussed above, OPA #533 is adopted by Council, but has been appealed to the Ontario Municipal Board by Tonlu Holdings Limited. OPA #350, as amended, permits mixed-use development to a maximum height of three storeys. In addition, site-specific OPA #573 permits a "commercial/residential development with residential uses being the primary use" on the subject lands.

Section A, Planning Strategy and Policies, Subsection III, Paragraph 6, of OPA #350 states the following with respect to the Maple Commercial Core Area (in part):

"The vitality and function of the existing commercial areas of Maple at the Major Mackenzie Drive and Keele Street crossroads is to be reinforced by encouraging the redevelopment and intensification of property for businesses, residential and commercial purposes."

The Maple Community Plan also includes a policy under Section II, Goals, subparagraph f), which identifies the provision of a full range and mix of housing types as a goal of the plan.

In light of these official plan policies, the proposed uses comply with the Official Plan.

b) Development Criteria

OPA #350, as amended by OPA #533, includes a number of development criteria used to assess proposals in the Maple Commercial Core Area. The applicable criteria are assessed as follows:

i) Minimum Frontage Requirement

The Official Plan requires that buildings comprise a minimum of 70% of the lot frontage at grade level for street-related retail, office and service uses. The main building on Keele Street includes grade related business and professional office units with a length equal to 70.8% of the lot frontage.

ii) Vehicular Circulation

OPA #350, as amended, requires that a vehicular circulation system be developed that minimizes impact on Keele Street and Major Mackenzie Drive. The proposal contemplates business and professional office uses and a total of 23 residential units with one access onto Keele Street, and when the adjacent westerly property is developed, there will be a single access to Major Mackenzie Drive.

iii) Pedestrian Linkages

The Official Plan promotes the creation of new pedestrian linkages and references Sections 2.4, 2.6 and 2.7 of the Maple Streetscape and Urban Design Guidelines (MSUDG's). The proposed site plan includes a 1.2 metre wide sidewalk from Keele Street, along the south side of the private

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road. Staff is reviewing the possibility of providing a narrower driveway in order to provide sidewalks on both sides of the main road. This will require further discussions with the Region of York, however this issue will not materially alter the proposed site plan. The applicant will be required to satisfy the requirements of the Maple Streetscape Guidelines with respect to the treatment of the boulevard in front of the main building, street furniture, and materials.

iv) Parking

OPA #350, as amended, requires that adequate and convenient off-street parking facilities be provided and that regard be had for Sections 5.2 and 5.3 of the Maple Streetscape and Urban Design Guidelines. The MSUDG's suggest that parking should be located at the rear of buildings or in underground facilities and establish guidelines to deal with at-grade parking. The parking areas for the proposed development are located behind the buildings and away from Keele Street. Two (2) lay-by parking spaces are proposed on Keele Street as encouraged by the guidelines.

v) Massing, Scale and Building Height

Policies are included in the Official Plan respecting the massing, scale and building height of a new development in the Maple Commercial Core Area. The policies require that the scale and form of the building be complementary with adjacent low-density residential development, that buildings fronting onto Keele Street not exceed three storeys, and that regard shall be had to Section 6.4 of the Maple Streetscape and Urban Design Guidelines. The main building on Keele Street is a maximum of three storeys in height, as permitted by the Official Plan and is compatible with adjacent development from a scale and massing perspective. The townhouse blocks abut commercial development, and low density residential to the northwest of the site. Staff is of the opinion that the massing, design, and building form for the townhouse blocks is compatible with the adjacent development.

vi) Site Plan Control

OPA #350 as amended, requires that developments in the Maple Core Area be subject to a site plan agreement. The Applicant has applied for site plan approval (File DA.04.069), which is also the subject of this report.

vii) Servicing

OPA #350 states that development or redevelopment will be permitted only where adequate water and sewer services are available. In this respect, Council previously allocated servicing to this site under File DA.98.069. The Engineering Department has advised that servicing is available for the revised development.

OPA No. 350, as amended, further requires engineering plans (i.e. storm water management and grading) to be prepared for the proposed development. A condition of approval has been included requiring that the Engineering Department approve all necessary engineering plans.

In view of the above, Staff is satisfied that the zoning by-law amendment and site plan applications are consistent with the development criteria in the Official Plan, as amended.

Region of York Official Plan

The Region of York Official Plan (RYOP) establishes as objectives the need to promote a transit supportive urban structure that includes compact development, and the creation of a broad mix

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and range of housing including different housing forms, types and tenures to satisfy the needs of the Region's residents. The RYOP identifies that the housing stock in the Region is primarily detached units. The housing market is faced with demands for a broader variety of housing forms to meet the needs of different kinds of households. The proposed development provides intensification on Keele Street including live/work and townhouse units into the Maple Commercial Core Area, which are currently unavailable. The proposal is consistent with the goals and objectives of the RYOP.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) includes policies that encourage residential intensification, densities which make more efficient use of land and public infrastructure, public transit supportive development, and the provision of a full range of housing types. The proposed development is consistent with these goals and objectives of the PPS.

Zoning

The subject lands are zoned C1 (H) Restricted Commercial Zone with the Holding Symbol "H" by By-law 305-2002 (Exception 9(1149)), which implements OPA #573 and the OMB approved plan shown on Attachment #6. The current proposal does not comply with the site-specific zoning by-law that implements the OMB approved site plan and By-law 1-88 does not include a mixed-use zone category. Accordingly, an amendment to the zoning by-law is required. The Owner has submitted a zoning by-law amendment application to rezone the subject lands from C1 (H) Restricted Commercial Zone with the Holding Symbol "H" to C1 Restricted Commercial Zone with the necessary site-specific zoning exceptions required to implement the proposed site plan (Attachment #2). The lands can be zoned C1 Restricted Commercial Zone, subject to the following site-specific zoning exceptions:

- an exception is required to permit the proposed residential use in the C1 Restricted Commercial Zone and relief from the General Commercial provisions of Section 5.1.5;
- an exception is required to the proposed building footprint since they do not coincide with those in the zoning by-law;
- a minimum 1.5m building setback to a Residential Zone whereas 9m is required;
- a minimum front yard (Keele Street) of 1.0m whereas 9.0m is required for a porch encroachment into this yard;
- a minimum rear yard (west) of 1.5m, whereas 15.0m is required; and
- a minimum setback to an R Residential Zone of 1.5m whereas 15m is required.

The zoning exceptions noted above are considered to be technical in nature from the perspective that By-law 1-88 does not have a mixed-use zone category and the C1 Restricted Commercial Zone is not intended to implement the proposed form of development. Staff further suggests that a clause be included in the implementing zoning by-law that deems the subject lands to be one lot for the purposes of zoning regardless of future conveyances, severances, etc. This will ensure that technical variances will not be created when the condominium application is dealt with.

Compatibility

i) Land Use

The Maple Commercial Core Area designation, as amended by OPA #533 permits the proposed business and professional office and residential uses. In addition, site-specific OPA #573 permits a primarily residential use building on the property. The subject property is located adjacent to existing commercial uses to the north and south, Keele Street and existing low-density (detached dwellings) residential uses.

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From a planning perspective, including residential uses in the core area is appropriate and can result in many positive contributions, such as, increased pedestrian traffic and vitality; a population to support viable commercial uses and public transit initiatives and a reduced dependency on the automobile resulting from the close proximity of office, commercial and residential uses. The applications propose a three-storey mixed-use office/residential building fronting onto Keele Street, which is a development form often found on an arterial road in a core area. The interior of the site will be developed with a compact residential development in the form of three-storey townhouses.

The Official Plan policies encourage the proposed use in two specific ways. Firstly, the Plan encourages a variety of housing types in the Maple area. The York Region Official Plan and the Provincial Policy Statement further reinforce this policy objective. Secondly, the Plan encourages the redevelopment and intensification of the property for business, residential and commercial purposes at the Major Mackenzie Drive and Keele Street crossroads. The site is located on a major arterial road, providing future residents accessibility to many services.

In view of the above, Staff is satisfied that the proposed land uses are compatible with adjacent land uses.

ii) Building Form

Compatibility of the proposed building form with adjacent development is important and required by the Official Plan. Compatibility of building forms does not necessarily mean that new development is identical to the existing development. Certain building designs, architecture and site planning techniques can successfully integrate a new structure with its surroundings.

The lands to the immediate south of the subject lands are occupied with an existing dwelling (10,020 Keele Street), and an existing commercial building. The lands to the west are presently vacant, but are subject to a rezoning application (File Z.04.045 – 2294 Major Mackenzie Limited) proposing townhouse and mixed-use development as shown on Attachment #5 that is consistent with this proposal. To the northwest are existing detached residential dwellings. The lands to the north are developed with an existing commercial plaza.

The proposed buildings are a maximum of three-storeys in height as permitted by the Official Plan, and the main building on Keele Street incorporates variations in the roofline and building height in order to provide relief to the massing of the building. The townhouse units are three-storeys in height and there are many examples of townhouse development successfully integrated adjacent to existing residential and commercial uses. Townhouse development is often utilized as a transition use from higher order to lower less intense forms of development. Given the proposed building heights and those surrounding the site, Staff is satisfied that compatibility between the existing and proposed two structures from a building massing and form perspective is acceptable. Landscaping and fencing will be further utilized to achieve compatibility between the adjacent properties.

Site Design

The proposed site plan is shown on Attachment #2. The plan consists of four buildings developed around a private road providing access into the site from Keele Street. The main building is a three-storey, mixed-use office/residential building fronting onto Keele Street. This building includes approximately 233m² of office business and professional uses on the ground floor and five residential units above intended to be live/work units. The building is set back 1.0m

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from the front lot line (after the required road widening), and 0.6 metres from the north property line. A porch structure is proposed to encroach into the 1.0 metre setback. Parking for the commercial units is provided at the rear of the building, and two on-street spaces are proposed on Keele Street and are to be removed in accordance with the comments of the Region of York as discussed later in the report. A deck above the driveway and commercial parking spaces provides private amenity area for the residential live/work units.

The other three buildings are townhouse blocks containing a total of 18 units. These buildings will be three storeys in height, with at-grade access to a single car garage. The buildings are proposed to have an architectural design that is consistent with the main mixed-use building fronting on Keele Street.

The site is accessed from a proposed private road that will ultimately connect Keele Street to Major Mackenzie Drive through the adjacent property to the west (2294 Major Mackenzie Drive) for which, a zoning amendment application has been submitted (File: Z.04.045) to facilitate a similar development. The overall concept plan for the two parcels is shown on Attachment #5. The two parcels will be developed independently and therefore, a temporary turnabout is proposed at the west limit of the private road on the subject lands to facilitate interim private and service vehicular movements to and from the site. The Engineering Department has advised that the temporary turnabout should not encroach into the front yards of the two end units. Once the adjacent property develops, the road will connect to Major Mackenzie Drive and the temporary turnabout removed. In addition, reciprocal easements from each landowner will be required to facilitate private vehicular movement between the two sites. A condition of approval has been included in this respect.

In the event that the lands at 2294 Major Mackenzie Drive do not develop, the Owner will be required to provide a full turning circle or turnabout to the satisfaction of the City to facilitate permanent vehicular movements to and from the site. In this case, the plan must be amended to ensure the turnabout does not encroach over any part of the two abutting residential townhouse end-units (Units 16 and 17). This may require that these units be deleted from the plan or alternatively the footprint of each townhouse block adjusted. A condition of approval has been included in this respect.

The proposed parking area at the rear of the mixed/use building is immediately adjacent to proposed townhouse Unit #6. The applicant will be required to adequately screen the parking area by means of fencing and/or landscaping the parking area from the adjacent townhouse unit.

A landscape plan has been submitted in support of the site plan application. This plan illustrates a proposed passive amenity area, immediately east of Unit #23.

It is intended that the project will proceed by way of a draft plan of condominium. The necessary application will be submitted at a future date.

Transportation

Access to the proposed development is from Keele Street, which is a Regional road. The Region of York Transportation Division has advised that they have no objection to the zoning application and supports the development concept in principle, provided the Owner acknowledges that the proposed access from Keele Street shall be restricted to right-in/right-out movements only. The Region of York has provided comments and a red-lined plan that must be addressed by the applicant prior to final approval. In the event that the applicant requires full movement access from the site, the Region of York requires that a traffic study be completed for its review and approval.

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Building Elevations

The proposed building elevations are illustrated on Attachment #4. The Keele Street elevation is articulated in a manner to create three distinct facades in order to add visual interest to the building and address the massing of the structure. The centre portion of the building is finished with a buff stone at grade level and red masonry on the upper floors. The remainder of the building is finished in a buff brick. Different window treatments are used on each façade of the building. Yardarm signage and brass signature plates will be used to identify the office tenants.

The three remaining buildings are comprised of townhouse blocks, with a total of 18 units, fronting onto a private road. These units are three-storeys in height with grade level garages and will be finished in red and buff masonry complementary to the main building fronting onto Keele Street. Parking for each unit is provided in a single car garage and a driveway space.

The rear elevation of Units 17 through 23 inclusive and Units 12 to 16 inclusive will be visible from Major Mackenzie Drive and the residential area to the north, respectively and must be upgraded and approved by Staff. A condition of approval is included in this respect.

Maple Streetscape and Urban Design Guidelines (MSUDGs)

The Maple Community Plan, as amended by OPA #533 requires that development applications have regard for specific sections of the Maple Streetscape and Urban Design Guidelines. In addition, the balance of the guidelines are used to assess development proposals in the Keele Street and Major Mackenzie Drive corridors within Maple. The vision for the Maple Core Area from a physical built form perspective is implemented through the Maple Streetscape and Urban Design Guidelines. In this context, Council has established the Maple Streetscape Advisory Committee (MSAC) to implement the MSUDG's. The Committee has considered the proposed applications, and is generally satisfied with the proposal subject to the refinement of the architectural aspect of the proposal.

Parking

The proposed site plan indicates that 62 parking spaces will be provided, including two on-street parking spaces. By-law 1-88 requires that parking for the development be calculated as follows:

	<u>Required</u>	<u>Provided</u>
23 residential units X 2.0 spaces per unit spaces	= 46 spaces	46
Visitor Parking @ 0.25 spaces/unit	= 6 spaces	6 spaces
Office Uses 223m ² @ 3.5 spaces/100m ²	= <u>8 spaces</u>	<u>10 spaces*</u>
TOTAL PARKING REQUIRED	60 spaces	62 spaces

* including 2 on-street spaces intended for the office uses on Keele Street

The site plan currently identifies both the residential visitor and commercial parking as visitor spaces. Ultimately on-site demarcation is required to ensure on-site parking spaces are appropriately allocated residential for visitor and commercial purposes. The Region of York has advised that the proposed on-street parking will not be permitted at this location, however, the on-site parking supply of 60 spaces will meet the minimum requirements of the zoning by-law.

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Comprehensive Development

The proposal does not include the residential property to the south (10,020 Keele Street). A comprehensive development that incorporates this property is desirable, however, in lieu of landowner cooperation, the Owner should prepare a concept plan showing how this property may be integrated into the proposed overall development plan or alternatively developed independently. Appropriate easements in favour of the lands at 10,020 Keele Street may be required. The concept plan should incorporate any required road widening and sight triangles to accurately depict future development potential of the lands.

Landscaping

A landscape (Attachment #3) has been submitted to the City for review and approval. The plan must incorporate all the requirements of the Maple Streetscape and Urban Design Guidelines including the prescribed sidewalk treatment, street furnishings, lighting and landscaping to the satisfaction of the City. In addition, particular attention should be directed towards creating appropriate screening and buffers through landscaping between townhouse Units 6 – 16 inclusive and the commercial use to the north; visitor parking spaces 1 to 9 inclusive and the adjacent townhouse Unit #6 townhouse; Units 17 – 23 inclusive and the commercial use to the immediate south; and, Unit 23 and the residential use to the east, as shown on Attachment #2.

Environmental

i) Noise

The Owner will be required to submit a noise study in support of the site plan application. Appropriate noise clauses or mitigation measures, if required, will be included in the site plan agreement.

ii) Phase 1 Environmental Report

The Engineering Department has advised that a Phase 1 Environmental report is not required in support of the subject application.

Department/Agency Comments

i) City of Vaughan – Engineering Department

The Engineering Department has advised that prior to final approval, the Owner is required to submit and have approved an engineering servicing and grading plan(s) satisfying all City criteria, a functional servicing report, and a noise study. In addition, the Owner is required to satisfy all requirements of the Region of York with respect to the proposed access design and traffic related matters.

ii) Vaughan Fire Department

The Vaughan Fire Department has provided a number of standard site plan approval conditions that the Owner will be required to satisfy.

iii) PowerStream Inc.

The Owner is required to contact PowerStream Inc. in order to assess the electrical requirements for the proposal. The Applicant will be required to comply with all the requirements of PowerStream Inc.

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iv) Region of York

The Region of York Transportation and Works Department has provided several comments with respect to the applications. The key comments are summarized as follows:

- The Regional Municipality of York Transportation and Works Department has no objections to the rezoning of these lands. In addition, the Region of York has no objections to the development concept, in principal, provided that the Owner acknowledges that the proposed access to Keele Street shall be restricted to right-in/right-out movements only.

The proposed access point to Keele Street is restricted to right-in/right-out movements since there is limited separation between the proposed access point and the intersection of Keele Street and Major Mackenzie Drive and adequate access and site circulation is available through the adjacent development site along Major Mackenzie Drive (File Z.04.045).

- The Region is protecting a 30.0 right-of-way for this section of Keele Street and as such, all municipal setbacks be referenced from a point 15.0 metres from the centreline of Keele Street.
- The Owner shall convey the following lands, along the entire frontage of the site adjacent to Keele Street, to The Regional Municipality of York free of costs and encumbrances:
 - A road widening along the entire frontage of the site adjacent to Keele Street, of sufficient width to provide 15.0 metres from the centreline of Keele Street; and,
 - A 0.3 metre reserve across the full frontage of the site where it abuts Keele Street shall be conveyed to the Regional Municipality of York for public highway purposes, free of all costs and encumbrances.
 - On street parking will not be permitted in this section of Keele Street.

These issues have been discussed in this report and the Owner is required to satisfy all conditions of the Region of York prior to final site plan approval.

v) Canada Post

Canada Post has provided a number of conditions that the applicant is required to satisfy, including the requirement to provide a central mailbox.

Conclusion

The proposed development has been reviewed in accordance with the goals and objectives of the Provincial Policy Statement, Regional Official Plan, OPA #350 as amended, and the Maple Streetscape and Urban Design Guidelines. The proposed development concept is considered to conform to the intent of the Maple Community Plan (OPA #350) and the Region of York Official Plan. The concepts inherent in the proposal, specifically as they relate to residential intensification and providing for a mix and broad variety of housing are further supported by the Provincial Policy Statement. With respect to density, the proposal complies with the Official Plan and Maple Streetscape and Urban Design Guidelines, which implements density through site design and by limiting the maximum building height to three storeys.

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Staff is satisfied that the proposed site plan application complies with the requirements of the Official Plan and the Maple Streetscape and Urban Design Guidelines. The applicant will be required to satisfy all requirements of the City prior to the execution of a site plan agreement. The Maple Streetscape Advisory Committee has reviewed the proposal and is generally satisfied with the proposal, subject to refinement of final site plan and architectural details.

In view of the above, Staff recommends that the Zoning By-law Amendment and Site Development applications be approved, subject to the comments and conditions in this report. Should the Committee concur, the "recommendation" in this report can be adopted.

Attachments

1. Location Map
2. Proposed Site Plan
3. Landscape Plan
4. Proposed Building Elevations
5. Concept Plan With 2294 Major Mackenzie Drive Lands
6. OMB Approved Site Plan (Decision Order #1349)

Report Prepared by:

Mauro Peverini, Senior Planner, ext. 8407

Grant Uyeyama, Manager of Development Planning, ext. 8635

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 25, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

25 **CITY OF VAUGHAN CITIZENS' CHARTER OF RIGHTS AND RESPONSIBILITIES**
(Referred from the Committee of the Whole (Working Session) meeting of February 15, 2005)

The Committee of the Whole recommends:

- 1) **That the revised City of Vaughan Declaration of Citizens' Rights & Responsibilities, provided by Councillor Carella, be approved;**
- 2) **That the dissemination of the City of Vaughan Declaration of Citizens' Rights and Responsibilities to households, businesses and elementary and secondary schools within the City of Vaughan, and to GTA municipalities in the Province of Ontario, be approved; and**
- 3) **That the following report of Councillor Carella, dated February 7, 2005, be received.**

Committee of the Whole (Working Session), at its meeting of February 15, 2005, recommended:

That this matter be referred to the Committee of the Whole meeting of February 21, 2005.

Council, at its meeting of February 14, 2005, adopted the following:

That this matter be referred to the Committee of the Whole (Working Session) meeting of February 15, 2005.

Report of Councillor Carella, dated February 7, 2005

Recommendation

Councillor Carella recommends the adoption and dissemination of the *City of Vaughan Citizens' Charter of Rights and Responsibilities* to households, businesses and elementary and secondary schools within the City of Vaughan; and to other municipalities in the Province of Ontario.

Purpose

To educate the citizens of Vaughan in respect of their rights and responsibilities vis-à-vis the municipal corporation and their fellow citizens.

Background - Analysis and Options

There is a concern over the collective decline in the sense of community, particularly in the notion of mutual obligation to respect the rights of others and meet one's own responsibilities to fellow citizens. To address this issue, Councillor Carella suggested the development of a document which would outline the rights of citizens vis-à-vis their municipal government, and their responsibilities vis-à-vis such government and fellow citizens. Councillor Carella presented this charter at the last budget committee meeting of 2004, in anticipation of any costs which might be connected to its publication. The final draft is attached for the consideration of this committee, and by Council at its meeting of February 14, 2005.

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Relationship to Vaughan Vision 2007

The statement which begins Vaughan Vision 2007 reads: “The City of Vaughan will be a model community that places citizens first through service excellence.” The creation and dissemination of a *City of Vaughan Citizens’ Charter of Rights and Responsibilities* will establish Vaughan as a model in the field of citizenship education.

Conclusion

The *City of Vaughan Citizens’ Charter of Rights and Responsibilities* will help those who live and work within the boundaries of the City of Vaughan to appreciate what are their rights and responsibility vis-à-vis their local government and fellow residents and co-workers.

Attachments

City of Vaughan Citizens’ Charter of Rights and Responsibilities

Report prepared by:

Councillor Tony Carella

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 26, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

26

**REQUEST FOR ENGINEERING STAFF TO ATTEND
ISLINGTON WOODS COMMUNITY ASSOCIATION MEETING**

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Carella, dated February 21, 2005:

Recommendation

Councillor Tony Carella requests that engineering staffperson attend the Islington Woods Community Association meeting on Wednesday, March 2nd, 7:00 p.m. at the Pierre Berton Resource Library.

Purpose

The president and executive members of the committee have requested a staff person attend the meeting to discuss the proposed center median at Arista Gate. The cost of such median is to be borne by that portion of local development charges which were not spent as a result of the deletion of a sidewalk within the subdivision following local residents' request.

Background - Analysis and Options

Two options were drafted by Tom Unger, Engineering Dept. and were presented to the executive members for discussion. Numerous questions have been raised with respect to the overall dimensions, design, cost, maintenance, etc.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Attachments

None

Report prepared by:

Tony Carella

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Item 27, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

27

**PROCLAMATION REQUEST –
WOODBRIIDGE-VAUGHAN SUPER CITIES WALK FOR MS**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated February 21, 2005:

Recommendation

The City Clerk recommends:

- 1) That April 17th 2005 be proclaimed as "THE WOODBRIDGE-VAUGHAN SUPER CITIES WALK FOR MS"; and
- 2) That the proclamation be posted on the City's website, published on the City Page, space permitting, and that staff issue a news release.

Purpose

To respond to the request received from Lynda Nadolny, Coordinator, Fund Raising Events, Multiple Sclerosis Society of Canada, Ontario Division.

Background - Analysis and Options

The correspondence received from the Coordinator, Fund Raising Events, Multiple Sclerosis Society of Canada, Ontario Division, dated February 16, 2005, is attached (Attachment #1).

The proclamation request meets the requirements of the City's Proclamation Policy: "*That upon request, the City of Vaughan issue proclamations for events, campaigns or other similar matters: which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act*".

The Multiple Sclerosis Society of Canada, Ontario Division has requested the City publicize this proclamation to bring awareness to the community about this debilitating neurological disease. The Corporate Communications Department posts proclamations issued by the City on the City's website under "Events – Proclamations". Publishing proclamations on the City Page depends on space availability. Corporate Communications will, given sufficient lead-time, issue news releases in support of the proclamation.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Staff is recommending that April 17, 2005 be proclaimed as "THE WOODBRIDGE-VAUGHAN SUPER CITIES WALK for MS" and that the proclamation be posted on the City's website and published on the City Page, space permitting.

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Attachments

Attachment #1 - Correspondence from the Coordinator, Fund Raising Events, Multiple Sclerosis Society of Canada, Ontario Division, dated February 16, 2005

Report prepared by:

John D. Leach, City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 28, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

28

**REQUEST FOR INTER-REGIONAL WATER,
SANITARY AND STORM SERVICE CONNECTIONS -
WINDOW CITY, SADR INVESTMENTS INC.
5690 STEELES AVENUE WEST
BETWEEN HIGHWAY NO. 27 AND MARTIN GROVE ROAD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 21, 2005:

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That the Region of York and the City of Toronto be advised that the City of Vaughan consents to inter-regional water, sanitary and storm sewer service connections from the existing City of Toronto watermain, sanitary and storm sewers along Steeles Avenue West, to the Sadr Investments Inc. property (Window City) located on the north side of Steeles Avenue, between Highway No. 27 and Martin Grove Road.
2. That the necessary By-Law be passed authorizing the Mayor and the City Clerk to execute the necessary agreement between the City of Vaughan, the Region of York, the City of Toronto and Sadr Investments Inc. to allow for the necessary water, sanitary and storm services to be available to the proposed Window City development.

Purpose

To seek Council approval for the City to enter into an agreement to accommodate inter-regional water, sanitary and storm service connections from the City of Toronto to the proposed Window City industrial site located on the north side of Steeles Avenue, between Highway No. 27 and Martin Grove Road.

Background - Analysis and Options

Sadr Investments Inc. has applied for Site Plan approval to develop a one storey, 23,600 m² industrial building on the subject site located on the north side of Steeles Avenue between Highway No. 27 and Martin Grove Road. The City of Vaughan has no municipal sewers or watermain in the immediate vicinity of the subject property. The cost of extending the City's nearest existing municipal systems, located north of the Canadian National Railway lands, Highway 407 and the Ontario Hydro Corridor, would be prohibitively expensive. However, the City of Toronto has a watermain, sanitary sewer and storm sewer located within the Steeles Avenue West road allowance as shown on Attachment No. 1.

In 1986, an agreement between the Regional Municipality of York, the Municipality of Metropolitan Toronto, the Corporation of the City of Etobicoke and the Corporation of the Town of Vaughan was executed to provide municipal services from the City of Etobicoke to an 18 hectare parcel of land located between Highway No. 27 and Martin Grove Road, north of Steeles Avenue and south of Highway 407. The said agreement had expired ten years after its execution. As a result, a new agreement is required to be executed between the City of Toronto, the Regional Municipality of York, the Corporation of the City of Vaughan and Sadr Investments Inc. in order for the infrastructure to be utilized by Window City.

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Conclusion

In order to provide cross boundary water, sanitary and storm sewer services from the existing City of Toronto infrastructure along Steeles Avenue West to facilitate the Window City proposed industrial development located at 5690 Steeles Avenue West, it is necessary to execute an agreement between the City of Vaughan, Region of York, City of Toronto and Sadr Investments Inc. Should Council concur, a By-Law needs to be passed authorizing the Mayor and the City Clerk to execute the necessary agreements to implement such services.

Attachments

1. Location Map

Report prepared by

Carlos Couto, Engineering Assistant, Development Review, ext 8736

CC/fc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 29, Report No. 10, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 28, 2005, as follows:

By approving the recommendation of Councillor Yeung Racco, dated February 21, 2005; and

By receiving the memorandum from the Commissioner of Community Services, dated February 25, 2005.

29

**REQUEST TO USE THE CITY PLAYHOUSE FOR THE
CECILIA ZHANG MEMORIAL CONCERT**

The Committee of the Whole recommends that this matter be referred to the Council meeting of February 28, 2005, for a report addressing criteria including costs respecting events hosted by the City at the City Playhouse Theatre.

Recommendation

Councillor Sandra Yeung Racco recommends:

1. That the City of Vaughan approve the use of City Playhouse Theatre at no cost, for the Royal Conservatory of Music to host the Cecilia Zhang Memorial Concert on April 19, 2005; and
2. That the event be used as one of the three event dates allocated to the City of Vaughan for their use at the City Playhouse Theatre.

Purpose

To seek Council approval for allocating the City Playhouse Theatre at no cost to the Royal Conservatory of Music for the purpose of hosting the Cecilia Zhang Memorial Concert on April 19, 2005.

Background - Analysis and Options

Following the tragic death of Cecilia Zhang, Councillor Racco set up the "Cecilia Zhang Memorial Scholarship," in partnership with the Royal Conservatory of Music, in order to honour the memory of Cecilia and to provide music scholarship opportunities to children that possess musical aspirations, but demonstrate a financial need. As part of the fundraising initiatives of this project, a Cecilia Zhang Memorial Concert will be held at the City Playhouse Theatre on April 19, 2005. All proceeds of the Concert will go towards the Scholarship Fund.

The City of Vaughan sets aside three event dates to be used for various city purposes (i.e. Festival of the Arts). Councillor Racco would like to propose that the City Playhouse Theatre be used on April 19, 2005 as one of the City's allocated dates, for the Cecilia Zhang Memorial Concert as a community-based fundraising event.

Relationship to Vaughan Vision 2007

6.4 Strengthen Corporate Image and Identity

Conclusion

Hosting such an event is beneficial to the community and the City of Vaughan, and Council approval is required for the Cecilia Zhang Memorial Concert to be allocated as one of the City of Vaughan's allocated event dates.

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Item 29, CW Report No. 10 – Page 2

Attachments

None

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Item 30, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

30

**PROCLAMATION REQUEST –
KIDS HELP PHONE
YORK SIMCOE 5 PIN BOWLERS' ASSOCIATION**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated February 21, 2005:

Recommendation

The City Clerk recommends:

- 1) That the week of March 14 – 20, 2005 be proclaimed as "KIDS HELP PHONE WEEK"; and
- 2) That the proclamation be posted on the City's website, published on the City Page, space permitting, and that staff issue a news release.

Purpose

To respond to the request received from Marilyn Sibbert, Kids Help Phone Chair, York Simcoe 5 Pin Bowlers' Association.

Background - Analysis and Options

The correspondence received from Marilyn Sibbert, Kids Help Phone Chair, York Simcoe 5 Pin Bowlers' Association, dated February 15, 2005, is attached (Attachment #1).

The proclamation request meets the requirements of the City's Proclamation Policy: "*That upon request, the City of Vaughan issue proclamations for events, campaigns or other similar matters: which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act*".

The Kids Help Phone Chair, York Simcoe 5 Pin Bowlers' Association has requested the City publicize this proclamation to raise awareness of, and promote their fundraiser for, the Kids Help Phone which is a national bilingual anonymous telephone service available to children across Canada. The Corporate Communications Department posts proclamations issued by the City on the City's website under "Events – Proclamations". Publishing proclamations on the City Page depends on space availability. Corporate Communications will, given sufficient lead-time, issue news releases in support of the proclamation.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Staff is recommending that the week of March 14 – 20, 2005 be proclaimed as "KIDS HELP PHONE WEEK" and that the proclamation be posted on the City's website and published on the City Page, space permitting.

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 28, 2005

Item 30, CW Report No. 10 – Page 2

Attachments

Attachment #1 - Marilyn Sibbert, Kids Help Phone Chair, York Simcoe 5 Pin Bowlers' Association,
dated February 15, 2005

Report prepared by:

John D. Leach, City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 31, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

31

CALPINE CANADA

The Committee of the Whole recommends that this matter be referred to the Committee of the Whole (Closed Session) meeting of February 21, 2005.

Please refer to Item 6, Committee of the Whole (Closed Session) Report No, 11 for disposition regarding this matter.

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Item 32, CW Report No. 10 – Page 2

AND THAT the resolution for the Approval of the Issuance of the 590 Common Shares for Property by PowerStream be approved substantially in the form attached;

AND THAT the Waiver of Notice of Redemption be approved; and

AND BE IT FURTHER RESOLVED THAT the Mayor and Clerk be authorized to execute the necessary documents to give effect to this direction.

Purpose

The purpose of the report is to obtain Council approval to transfer the 590 common shares in PowerStream Inc. currently held by the City of Vaughan to Vaughan Holdings Inc.

Background - Analysis and Options

Vaughan and Markham amalgamated their electric distribution utilities, along with their joint interests in Richmond Hill Hydro on June 1, 2004. As part of the amalgamation it is contemplated that Vaughan's shares in the amalgamated utility, PowerStream would be transferred to our holding company. In the 2004 Ontario Budget the Province announced that the Electricity Act 1998 would be amended to confirm that holding companies that acquire, hold, dispose of or otherwise deal with shares of a corporation established pursuant to section 142 of the Act are considered municipal electric utilities. Once the announced amendment becomes law and our holding company is considered to be a municipal electric utility for the purposes of the Electricity Act, 1998 the transfer of shares must be made to the holding company before March 28, 2005. The current transfer tax holiday expires on that date.

Electricity Act Amended December 16, 2004

Section 94(1) of the Electricity Act provides that a Municipal Electric Utility ("MEU") shall not transfer to any person any interest in real or personal property that has been used in connection with generating, transmitting, distributing or retailing electricity (an "**Electricity Business**") unless, before the transfer takes effect, it pays an amount of transfer tax. Subsection 94(2) of the Electricity Act deems an interest in a corporation that derives its value in whole or in part from real or personal property that has been used in an Electricity Business. However, pursuant to subsection 3(18) of O. Reg. 124/99, subsection 94(1) of the Electricity Act does not apply to a transfer of an interest in property made after March 27, 2003 and before March 28, 2005 if the transfer is made to a MEU that, at the time of the transfer, is exempt under subsection 149(1) of the ITA from the payment of tax under that Act. Accordingly, provided that Holdco is considered to be a MEU that is exempt from tax under subsection 149(1) of the ITA at the time of the proposed transaction and that the transfer is made before March 28, 2005, no transfer tax would arise under the Electricity Act.

On December 16, 2004 the Electricity Act was amended to introduce a new paragraph (d.1) to the definition of "Municipal Electricity Utility" in subsection 88(1) of that Act. Paragraph (d.1) provides that

"a corporation established after May 1, 2003 under Ontario Regulation 168/03 (Municipal Business Corporations) under the *Municipal Act, 2001*, for the purpose of acquiring, holding, disposing of and otherwise dealing with shares of a corporation incorporated by the municipal corporation under section 142 of this Act"

will be considered to be an MEU.

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Accordingly, the transfer of shares of PowerStream by the City to Holdco should qualify for the exemption from transfer tax provided for in subsection 3(18) of O. Reg. 124/99 if it occurs before March 28, 2005.

Advanced Tax Ruling Requested January 6, 2005

Given the significance of the transfer tax Tim Wach from Gowlings was instructed to obtain an advance tax ruling from the Ontario Ministry of Finance. On January 6, 2005 a request was sent to the Corporations Tax Branch of the Ministry of Finance. The request outlined the facts specific to the request.

Advance Tax Ruling Received January 24, 2005

The Province appreciated the importance of the ruling and the timing of the transfer of the shares. On January 24, 2005 and based on the facts as outlined in the request the following advance ruling was received:

“No transfer tax would arise on the transfer of the shares of PowerStream to “Holdco” by the City if that transfer occurs before March 28, 2005”

The importance of March 28, 2005 is that this is the last day of the transfer tax holiday. Normally transfer tax is payable. The Province introduced a tax holiday to encourage consolidation in the industry. Notwithstanding the positive tax ruling the shares must be transferred prior to the end of the tax holiday to avoid the tax.

External Legal Opinion Received Regarding the Ruling February 4, 2005

Gowlings was also asked to provide a legal opinion as to the reliance that can be placed on an advance ruling. That opinion was received on February 4, 2005. Their opinion is as follows:

“provided that the facts submitted to the Ministry are complete and accurate, which we understand to be the case, the law upon which the ruling is based is not amended prior to the implementation of the transaction ruled upon, and that these transactions are carried out within the time frame contemplated, then the Ministry will consider the Advance Ruling to be binding on it”

Other Matters

Section 3.01(3) of the shareholders agreement dated June 1, 2004 permits the City of Vaughan to transfer its shares of PowerStream Inc. without the consent of the Town of Markham or MEC to a wholly owned subsidiary, Vaughan Holdings Inc. However as a condition precedent to such transfer, the Town of Markham is entitled to receive evidence that the transfer is exempt from tax and has no adverse tax consequences to PowerStream Inc. A copy of the advance tax ruling is being provided to the Town of Markham.

The City's auditors, KPMG have been appointed as the auditors of Vaughan Holdings Inc. Staff inquired of KPMG if any other taxes, other than transfer tax would be applicable in connection with the transfer of shares. They have advised that since the City is exempt from income tax under the Federal and Provincial Income Tax Acts the transfer would not be subject to tax under these Acts.

A valuation of the shares is required. Staff have been in discussion with staff at PowerStream. A valuation is being prepared for PowerStream for the purposes of valuing the corporation as at

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June 1, 2004, the date of incorporation. Staff are discussing using that valuation as a basis and rolling it forward to March 2005.

The articles of Incorporation of PowerStream provide for the right to transfer shares in the capital of the Corporation (PowerStream). They cannot be transferred without the consent of the Corporation signified by:

- a) a resolution of the board of directors;
- b) an instrument or instruments in writing signed by a majority of the directors;
- c) an ordinary resolution of the shareholders; or
- d) an instrument or instruments in writing signed by the holders of a majority of the outstanding voting shares of the Corporation.

To expedite the share transfer and ensure that it is complete prior to the end of the transfer tax holiday, March 28, 2005, the share transfer is being undertaken using (d) above.

Conclusion

Council consent will permit the transfer of its shares in PowerStream to Vaughan Holdings Inc. prior to the end of the transfer tax holiday and consistent with the intent of the amalgamation agreement.

Attachments

- Attachment 1 – Shareholders Resolution – Approval of Transfer of Shares
- Attachment 2 – Approval of Issuance of 590 Common Shares for Property
- Attachment 3 – Waiver of Notice of Redemption
- Attachment 4 – Share Transfer

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 33, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

**33 DEPUTATION – MR. PETER BADALI WITH RESPECT TO THE
 'VAUGHAN IN MOTION' WALK AND CANCER AWARENESS WEEK**

The Committee of the Whole recommends:

- 1) That the deputation of Mr. Peter Badali, Chair, Vaughan in Motion, presentation material entitled, "A Presentation to Vaughan Council", and written submission dated February 4, 2005, be received;**
- 2) That the week of April 24th, 2005 be proclaimed as "CANCER AWARENESS WEEK", in Vaughan; and**
- 3) That the proclamation be posted on the City's website, published on the City Page, space permitting, and that staff issue a news release.**

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Item 34, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 28, 2005.

34

**DEPUTATION – MR. NICK PINTO REGARDING
DEVELOPMENTS IN WEST WOODBRIDGE**

The Committee of the Whole recommends that the deputation of Mr. Nick Pinto, President, West Woodbridge Homeowners' Association, 57 Mapes Avenue, Woodbridge, L4L 8R4, and written submission dated February 17, 2005, be received.