

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 24, 2009

Item 1, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

1 CONTINUATION OF GREENING VAUGHAN ADVISORY COMMITTEE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Greening Vaughan Advisory Committee, dated February 10, 2009:

Recommendation

The Greening Vaughan Advisory Committee recommends that the committee remain in place until April 2009

Economic Impact

There is no economic impact

Communications Plan

There is no Communications Plan.

Purpose

To formally have the Greening Vaughan Advisory Committee (GVAC) remain in place until April 2009.

Background - Analysis and Options

On October 27, 2008, Council adopted the following:

"That the Greening Vaughan Advisory Committee remain in place until February 2009".

On-going discussion at the Greening Vaughan Advisory Committee meetings have taken place regarding the future of the committee. It was determined that the committee should remain in place until the Community Sustainability and Environmental Master Plan has been completed.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set by Council, specifically, "Pursue Excellence in Service Delivery" and "Lead and Promote Environmental Sustainability".

Regional Implications

There is no Regional implications.

Conclusion

As the Greening Vaughan Advisory Committee has played an integral role in the success of the Greening Vaughan Comprehensive Waste Management Plan, it is recommended that the committee remain in place until April 2009 to allow the Community Sustainability and Environmental Master Plan to be completed.

Attachments

N/A

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Report prepared by:

Lilian Pagnanelli
Assistant City Clerk

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Item 2, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

2 OFF LEASH AREA WORKING COMMITTEE – MEMBERSHIP CHANGES

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Carella, dated February 10, 2009:

Recommendation

Councillor Tony Carella, on behalf of the Off Leash Area Working Committee recommends that:

- 1) Council receives this report for information purposes only.

Economic Impact

Not Applicable

Communications Plan

Upon Council approval of the recommendation, Corporate Communication, on behalf of the Off Leash Area Working Committee will issue a media release to inform residents of Vaughan that an Off Leash Area Park will open later this year.

Purpose

The purpose of this report is to advise Council of changes to the membership of the Off Leash Area Working Committee for the 2007 – 2010 term.

Background - Analysis and Options

Council, at its January 29, 2007 meeting (Report No. 1, Item 10) approved:

- That staff establish an Off Leash Area Working Committee that will provide assistance in the development of an off leash area; and,
- That the Off Leash Area Working Committee be comprised of City of Vaughan residents as outlined below.

Based on the Council approval of January 29, 2007, the composition of the Committee was established as follows:

- City of Vaughan Council representatives (2)
- Members representing established dog owners groups (3)
- Community Representatives (5 total – 1 from each Ward). Individuals having expertise or background in the area of off leash area design/development, dog training/handling, animal health, or marketing/fundraising
- City of Vaughan staff (2) – One Parks / One By-Law

Subsequently, Council, at its May 12, 2008 meeting (Report No. 24, Item 14) approved:

- That Councillor Meffe be appointed as a member of the Off Leash Area Working Committee

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Also, at its January 22, 2009 meeting, the Off Leash Area Working Committee filled the Ward 1 Representative position which has been vacant since June 2008. Mr. David Brand was welcomed as the new Ward 1 Representative. The Committee will continue to actively fill vacant positions through referrals. Also at the meeting Councillor Tony Carella was reconfirmed as Chair and Nancy Van Kessel was proclaimed Vice Chair for 2009.

The current Off Leash Area Working Committee members for the 2007 – 2010 term are indicated in Attachment 'A'.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness.

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

Regional Implications

Not applicable.

Conclusion

That Council receives this report for information purposes only respecting changes to the membership of the Off Leash Area Working Committee for the 2007 – 2010 term.

Attachments

Attachment 'A' Off Leash Area Working Committee Member List (January 22, 2009)

Report prepared by:

Paul Gardner, Director 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.)

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Item 3, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

3 OFF LEASH AREA WORKING COMMITTEE: UPDATE REPORT

The Committee of the Whole recommends approval of the recommendation contained in the following report of Councillor Carella, dated February 10, 2009:

Recommendation

Councillor Tony Carella, on behalf of the Off Leash Area Working Committee, recommends that this report be received for information and approval:

- 1) That Council authorize the Off Leash Area Working Committee and City of Vaughan Parks Development staff to commence the design and implementation process for Vaughan's first Off Leash Area at the eastern most end of Concord Thornhill Regional Park (Site #3).

Economic Impact

Council, as part of the 2007 Budget process approved \$80,000 to fund the construction of an Off Leash Area. There will be a \$10,000 annual operating impact.

Communication Plan

The Off Leash Area Working Committee would liaise with Corporate Communications to provide information to the residents of Vaughan once the park is established.

Purpose

That Council consider and approve the above recommendation regarding the implementation of an Off Leash Area at the eastern most end of Concord Thornhill Regional Park (Site #3)

Background – Analysis and Options

The Off Leash Area Working Committee has been exploring the feasibility of implementing an Off Leash Area at the east end of Concord Thornhill Regional Park (site #3) as sites one and two on the approved list have previously been removed from further consideration. On June 26, 2008 the Off Leash Area Working Committee hosted an information session with ward 4 community leaders including Ward 4 Councillor Sandra Yeung Racco and the president of the Brownridge Ratepayers Association Mario Racco. This meeting provided an opportunity for input from community representatives on the 3 potential locations within ward 4.

On November 10, 2008 Council directed the Off Leash Area Working Committee to move forward with investigating Site #3 (The next in rank order) by arranging an open house for the community as soon as possible. Council also directed "that the distribution of the notices be expanded to the community including the entire residential sub-division of Beverley Glen and the relevant part of the neighbourhood to the east of Bathurst Street and to ensure there is a two-week notification period."

Including the expanded distribution of Open House notices, the following methods were utilized to inform the community of the Off Leash Area Open House:

- 3200 + invitations were direct mailed to residents living within approximately 1 km of the proposed site. Invitations also went to all Ward 4 Ratepayers as well as the special interest groups as identified by the Ward 4 Councillor June of 2008.

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- The notice for the Community Open House appeared three times in the Vaughan Citizen and Thornhill Liberal including on page 2 of Sunday, November 16 2008, and the City pages of Thursday, November 20 and 27, 2008 - total circulation of these papers according to the publishers web site is 129,000.
- A mobile sign was installed on the west side of Dufferin Street, just north of Racco Parkway (the access road for Concord Thornhill Regional Park) for 2 weeks prior to the Open House
- In addition the invitation was posted on the City web site under Events - Public Meetings, from the drop down menu on the main page, as well as from the Parks Development page and the Off Leash Area Working Committee page. The information boards and comment sheets were later added for those who were unable to attend the meeting.

The Open House was held on Thursday, December 4, 2008, between 7 p.m. and 9 p.m., in the cafeteria of Westmount Collegiate Institute at the corner of Bathurst and Westminster Boulevard. The Context Plan (Attachment A) and other supporting graphics were on display at the Open House. Additionally, all attendees were provided with a comment sheet (Attachment B) and asked to return it prior to December 18, 2008 at 4:30 p.m. The comment sheet was also available on the City's web site. The official comment period ended on Thursday, December 18, 2008, two weeks after the Open House.

The Comments received prior to December 18, 2008 at 4:30 p.m. are summarized below:

- 76 total comments received including comment sheets and emails up to the deadline. An additional 4 were received after the deadline, on January 6, 2009.
- 69 in favour (including those emails to Council received prior to the meeting) Note that any duplication resulting from the receiving of both emails and comment sheets has been eliminated.
- 5 not in favour
- 2 did not state that they were in favour but provided comments as suggestions to how the Off Leash Area should be implemented and operated. - i.e. ensure secure fencing, no conflict with baseball, how proof of vaccination can be provided, security etc.

Positive Comments and Suggestions to consider:

- Please move forward/great idea/support/needed in Thornhill (39)
- It is a great place to exercise/socialize dogs/train (23)
- Designated area better than having them off leash in other areas/safer for dogs and people (17)
- Soon please/overdue/tax paying dog owners should be looked after too (14)
- Excellent site/underutilized location/safe for people (11)
- Want one in Vaughan so don't have to travel so far (10)
- A place responsible people will use/follow rules/pick up/police each other.(5)
- Interested in helping out with the park when it comes (2)
- There is no protection now from running dogs getting to playground- consider it as an improvement when fencing the off leash /consider adding fence to the south east as well.(2)
- Like the landscaping/berms will provide a buffer (2)
- Ensure there is a small dog area
- Needs to be open year round/provide shade/seating opportunities
- Can lead to more licensing of dogs- currently inconvenient-attend the park to sell.

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- Volunteers can do a great job to look after
- Noise is minimal- at Miller hum of the Hydro lines is often louder than the dogs.
- Chose a good ground material and minimize ponding opportunities
- With Toronto having 30+ Dog parks it proves that Off Leash dog parks are a success with dog owners and the community at large.

Negative Comments/questions/concerns received from residents/Ratepayers including those received after the deadline of December 18th, 2008.

- Too noisy for residents to the south- think it violates the noise bylaw #96-2006 (4)
- Concerned that house would devalue / loose appeal if trying to sell (4)
- Will the site be monitored for safety / vandalism? (3)
- Parking too close to kids playground / young children (3)
- Put it in an industrial area (3)
- Who is going to ensure the rules are followed? (2)
- Bylaw violators can not be disciplined / no onsite enforcement/bylaws ignored (2)
- Put parking on opposite side of off leash park
- having such a facility close to these amenities will cause safety problems, especially when dogs start barking
- Concerned that people go to the park for nature walks, they are close to homes – barking dogs and the need for maintenance

The Off Leash Area Working Committee met on January 22, 2009 to review and discuss the comments and feed back resulting from the community Open House regarding Concord Thornhill Regional Park, Site #3.

After a thorough review and discussion of all the comments received, the Off Leash Area Working Committee believes that there is public support for an Off Leash Area at Concord Thornhill Regional Park and that any concerns can be mitigated, primarily through design and management.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness.

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

Regional Implications

N/A

Conclusion

By means of an objective process, the location at the eastern end of Concord Thornhill Regional Park has been reviewed, evaluated, investigated and taken to the community for input. It is now

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appropriate that Council authorize the Off Leash Area Working Committee and Parks Development staff to commence the design and implementation process for Vaughan's first Off Leash Area at the eastern most end of Concord Thornhill Regional Park (Site #3).

Attachments

- A) Concept plan shown at public Open House
- B) Comment sheet for the proposed Site #3

Report prepared by:

Melanie Morris, Landscape Architect, Ext. 3207
Paul Gardner, Director 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.)

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Item 4, Report No. 6, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 24, 2009, as follows:

By approving the recommendation of Mayor Jackson, dated February 10, 2009;

By receiving the memorandum from the City Manager; and

By receiving the resolution submitted by Regional Councillor Frustaglio, from the Regional Council meeting of February 19, 2009, titled 'Hospital Capital Funding in the 2009 Operating Budget'.

4 GROWING COMMUNITIES HEALTHCARE ALLIANCE

The Committee of the Whole recommends that a decision on this matter be deferred to Council to provide an opportunity for the City Manager to contact the Vaughan Health Care Foundation for comment.

Recommendation

Mayor Linda D. Jackson recommends:

1. THAT the City of Vaughan support the Resolution from the Town of Newmarket which was endorsed by Council at the meeting of November 10th, 2008, and submitted by the Growing Communities Healthcare Alliance;
2. THAT in order to improve timely and local access to hospital care in Vaughan and across high growth communities in Ontario, the City of Vaughan should request that the Government of Ontario:
 - a. Speed up implementation of hospital growth funding commitment ensuring that \$100 Million in growth funding is targeted to high growth hospitals and provide growth funding for social services;
 - b. Quickly implement "Health Based Allocation Model" (HBAM) ie. population-needs-based-funding for provincial health care funding and develop a population-needs-based funding formula for social services;
 - c. Develop a plan for health care and social services growth for Ontario to complement Places to Grow.
3. THAT this resolution be forwarded to the Premier of Ontario, the Minister of Health and Long-Term Care, the Minister of Finance, the MPP for Vaughan, High Growth Communities Mayors and Chairs and the Central Health Integration Networks (LHIN).

Economic Impact

There is no immediate budgetary impact from the adoption of this Resolution.

Communications Plan

No immediate communications plan is required.

Purpose

To support the Resolution submitted by the Growing Communities Healthcare Alliance.

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Background - Analysis and Options

The high growth communities in Ontario grow at more than twice the rate of provincial population growth, adding more than 100,000 new residents each and every year. These regions are also aging at twice the provincial rate.

Population growth in these regions will further intensify due to Ontario's 30-year growth plan, Places to Grow. As of 2008/2009 Ontarians residing in the Local Health Integration Networks (LHINs) representing high growth communities are receiving \$258 less per resident for local hospital services when compared to the average Ontarian. As a result, there is \$1.4 Billion annual operating funding gap for local hospital services. These provincial funding inequities are worsening each year.

More than four million Ontario residents living in high growth communities are receiving \$218 less per resident for provincially funded local social services compared to the average Ontario resident. As a result, there is a \$708 Million annual operating funding gap for local provincially funded social services. These funding inequities are becoming worst every year.

Since 2006, the Government of Ontario has announced that it will implement a new Health Based Allocation Model (HBAM) to allocate new health care resources to Local Health Networks based on patient care needs in a way that will address health care funding inequities in Ontario.

The Government of Ontario has acknowledged the growing funding gaps for hospital services in high growth communities by committing, during the 2007 provincial election, to provide \$100 Million in additional annual operating funding to high growth hospitals.

The promise of \$30 Million in growth funding for 2008/2009 still means that the funding gap continues to widen.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

Not applicable.

Conclusion

For the well being of all our citizens, this recommendation should be approved to emphasize the need for healthcare in high growth communities and to attest that the Ontario Government should address the funding gap inequities.

Attachments

1. Resolution endorsed on November 10th, 2008, by the Council of the Town of Newmarket.

Report prepared by:

Ann Coletta, Office of the Mayor

(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 5, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

5 REVIEW OF STANDARDS IN RESPECT OF SNOW-CLEARING OF LANEWAYS

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of Councillor Carella, dated February 10, 2009, be approved;**
- 2) That staff also review the standards of the surrounding municipalities;**
- 3) That the deputation of Mr. Frank Silla, 47 LaNeve Avenue, Woodbridge, L4H 1X8, be received; and**
- 4) That the written submission of Ms. Pamela Morrison, submitted by Councillor Di Vona, be received.**

Recommendation

Ward 2 Councillor Tony Carella recommends:

1. That the Commissioner of Engineering and Public Works be directed to review current standards with respect to the clearing of snow in laneways, and to provide options with respect to any potential revision of such standards, as well as estimates of related costs; and
2. That, in the event that Council endorses a revision to such standards, that the matter be then referred to the Budget Committee, for consideration in the operational budget process.

Economic Impact

Nil

Communication Plan

Corporate Communications will issue a media release once this recommendation is adopted by Council. Ward councilors may wish to inform residents in their own wards whose properties back onto laneways.

Background – Analysis and Options

The planning perspective commonly referred to as “the new urbanism”---adopted by many North American municipalities in the late 1980s and 1990s---called for a greater range of urban and suburban housing types.

Accordingly, when the block plan for the so-called Woodbridge Expansion Area (the “WEA”, see Vaughan Key Map 8D) was approved over ten years ago, the plan reflected the new urbanism through the inclusion of town house developments, principally in the southeast corner of the block. This in itself was significant, as the vast majority of houses in the City of Vaughan were either single family detached or semi-detached dwellings.

The rationale for such development was two-fold: (1) more efficient land use, as a greater number of residents could be accommodated on a given hectare of land, thus addressing the issue of “urban sprawl”; and (2) more varied price points for new housing, making possible a more complete community---one inclusive of a wider range of socio-economic groups.

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The townhouses that were built in the WEA (now known as “Sonoma Heights”) front onto local streets and back onto laneways, providing access to garages at the rear of each property. While laneways were not new to the City of Vaughan (e.g., Burton’s Lane, running west off Kipling Avenue, north of Woodbridge Avenue, in the Woodbridge Core), concerns expressed at the time included the matter of how snow removal would be handled.

There is, in fact, a hierarchy of priorities when it comes to snow removal on the more than 800 km of roadways in the City. While principal roads (such as Highway 7, Islington, etc.) are cleared by the Region of York, local arterial roads receive the immediate attention of the City’s contractors, then collector roads, then side streets, then cul-de-sacs, and lastly laneways---but only when the accumulation of snow in laneways reaches 15 cm or 6.25 in.

Given the depth of snow that first accumulates, the low priority of laneways relative to other roadways, and the special problems relating to snow removal within the limited width of the typical laneway, those residents whose properties back onto a laneway understandably view themselves as less than fully-served taxpayers.

Given the amount of snowfall last winter, and the amount to date this winter, it is clear that reconsideration of the current standard of service in this regard is not unreasonable, hence this recommendation.

Regional Implications

Nil

Relationship to Vaughan Vision 2020

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

Conclusion

It is appropriate that Council give consideration to improved standards in respect of snow removal in local laneways.

Attachment

Article, Toronto Star, January 26, 2009.

Report prepared by:

Councillor Tony Carella, FRSA

(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 6, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

6

CN OVERPASS SIGNAGE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager and the Director of Economic Development, dated February 10, 2009:

Recommendation

The City Manager and the Director of Economic Development recommend:

THAT the Mayor and the Clerk be authorized to execute an Agreement between the Canadian National Railway Company and the Corporation of the City of Vaughan for the erection, installation and maintenance of signage on CN overpasses.

Economic Impact

There is no economic impact to the City.

Communications Plan

Not applicable

Purpose

To receive Council approval for the renewal of the signage agreement between the City and CN.

Background – Analysis and Options

On June 16, 2008, the City entered into an Agreement for signage at CN overpasses. This Agreement has expired as of December 31, 2008.

Article 3.2 of the Agreement stipulated that subject to Vaughan Council approval, the Agreement may be renewed for an additional period of five years, unless CN or Vaughan gives notice of termination pursuant to Article 10.1, which provides for written notice of 90 days for termination.

Since the implementation of the Agreement, the appearance of the CN overpasses has improved and no complaints have been received. Therefore continuation of the Agreement would be recommended.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set by Council and the necessary resources have been allocated and approved. Specifically this report fulfills Vaughan Vision 2020: Plan and Manage Growth and Economic Vitality.

Regional Implications

Not applicable

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Conclusion

The appearance of the CN overpasses has improved over the past year. Extending the Agreement with CN would be recommended. The agreement provides for written notice of 90 days for termination.

Report prepared by:

Shirley Kam, Manager of Economic Development
Michael Nepinak, Director of Economic Development

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3. That the appropriate City staff and external consultants be directed to attend the OMB in opposition to the Heritage Permit application HP.2008.015.01

Economic Impact

There is no economic impact associated with the approval of this item.

Communications Plan

A public notice with regard to Council's decision regarding this item will be published in the local newspaper as required under the Ontario Heritage Act. The property owners/agent will also be communicated any outcome resolution made by Council as a result of the review of this matter.

Purpose

The subject property is within the Thornhill Heritage Conservation District and designated under Part V of the Ontario Heritage Act. The purpose of this report is to allow Council to consider the revised Heritage Permit application HP 2008.015.01 as required under the Ontario Heritage Act.

Background - Analysis and Options

The subject property is located within the Thornhill Heritage Conservation District as designated in 1988 under Section 42 of Part V of the Ontario Heritage Act (City of Vaughan By-law 306-88). This designation not only includes heritage buildings, but also contemporary buildings found within the district boundaries.

Any change to buildings or property within a heritage conservation district must be reviewed by Cultural Services staff and be forwarded to Heritage Vaughan for consideration and recommendations to Council. An approved Heritage Permit must be obtained by property owners for changes to their designated property prior to or in conjunction with obtaining all other City permits or approvals such as a Building Permit or a Site Plan application approval.

7616 Yonge Street (also known as the Robert Cox House) is within the subject property and, as such, included in the Thornhill Heritage Conservation District. A 1.5-storey, brick building built c.1884 in Victorian Gothic style, the Robert Cox House at 7616 Yonge Street is included in the City of Vaughan's Register of properties of cultural heritage value or interest (approved by Council in 2005) pursuant to Section 27 of the Ontario Heritage Act.

Previous Heritage Permit Applications

The proponent has made previous proposals in earlier applications for Planning approvals relating to Development Application DA.08.024 and for Heritage approval through the relate Heritage Permit Application HP.2008.015. Vaughan Council refused a previous Heritage Permit application at its meeting on July 14, 2008. This refusal was a result of a number of deficiencies and lack of completeness identified by staff as it related to the Heritage Permit application. The proponent for the subject property has filed an appeal of the Heritage Permit application refusal to the Ontario Municipal Board in addition to an appeal of OPA 669 and the site specific OPA, Zoning Bylaw and Site Plan applications. The Hearing is scheduled to commence on March 4, 2009.

The 21 August 2008 submittal of Development Application DA.08.024 proposed a 12-storey seniors retirement condominium, 2-storey townhouses and 3-storey live/work units. The proposal also incorporated and restored the Robert Cox House at 7616 Yonge Street into the overall scheme. Cultural Services staff reviewed the 21 August 2008 application containing the site plan

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and elevation drawings for the proposed "Thornhill Seniors Retirement Condominium" prepared by Hariri Pontarini Architects (hereafter referred to as HPA) and provided commentary to the Development Planning Department.

The owner of the subject lands (Thornhill Village Plaza Inc. and M4 Developments Inc.) has submitted further revisions to Site Development Application DA.08.024 to the Development Planning Department illustrated by a set of plans which were circulated to Cultural Services for comment on 22 December 2008. The revised submission has been considered by Cultural Services and Heritage Vaughan as Revised Heritage Permit HP.208.015.01.

Analysis of the Revised Submission

Cultural Services staff has reviewed the 22 December 2008 revised submission for Development Application DA.08.024 containing site plan and elevation drawings for the proposed "Thornhill Seniors Retirement Condominium" prepared by Hariri Pontarini Architects (hereafter referred to as HPA) dated 15 Dec 2008 and the Cultural Heritage Resource Impact Assessment Report prepared by E.R.A. Architects Inc. dated 23 December 2008.

The 22 December 2008 revised submittal of Development Application DA.08.024 continues to propose a 12-storey seniors retirement condominium (referred to hereafter as the main building) and 3-storey live/work units to be built behind the Robert Cox House to be retained and restored at 7616 Yonge Street. A major change from the previous submission is that only a 2-storey single family dwelling is proposed to be built on the portion of the subject lands at 14 Arnold Street.

The revised scheme of the development proposal still does not comply with the Thornhill HCD Plan and Design Guidelines as it relates to:

- I. the preservation of the Thornhill village character
- II. the significance of the property and new buildings as an important part of the general gateway to the Thornhill Village area
- III. a massing and scale that is in keeping with the historical streetscape
- IV. the preservation of views to and from the Robert Cox House and the Thornhill Heritage Conservation District
- V. appropriate building design that is acceptable in this part of the historical streetscape of Yonge Street in the Thornhill Heritage Conservation District

Preservation of the Thornhill Village Character

The proposed development, and in particular the main building, is not in keeping with the heritage character of the former village of Thornhill. The proposal is neither sympathetic to the heritage streetscape of the Thornhill Heritage Conservation District nor specifically to the scale of the Robert Cox House, the Thornhill Public School or the west side of the historical Yonge Street streetscape.

In general terms, the proposal does seek to preserve heritage attributes of the Robert Cox House but does not serve to protect the general integrity of the historical streetscape of Yonge Street. The Robert Cox House is only one individual element of the subject lands within the southern portion of the Thornhill HCD streetscape. The proposal does not conform to the goals and objectives of the Thornhill HCD Plan in that most of the new construction it presents (specifically the main building) is far too large to be considered as an appropriate neighbouring building to the Robert Cox House or to be considered "compatible with the human scale of the village" described in the Thornhill HCD Plan.

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Section 3.2 Goals and Objectives of the Plan

In a general sense the overall goal of the District Plan will be to effect the protection and conservation of the heritage attributes of Thornhill.

1. To sensitively manage that portion of the former Village of Thornhill that remains as an identifiable entity on Yonge Street through the preservation of the existing historic buildings and the unique environmental features which give the Village its special character.

[...]

4. To recommend improvements to Yonge Street which will make the section of Yonge Street passing through Thornhill more compatible with the human scale of the Village.

Gateway to the Thornhill Village Area

The subject properties are located on the west side of Yonge Street just north of Arnold Avenue and are among the first series of buildings that appear as you enter the historic village core of Thornhill. The Thornhill Public School building at 7554 Yonge Street is actually the gateway building and as such is a significant landmark to the Thornhill Heritage Conservation District. The mass and scale of the Thornhill Public School façade is an important benchmark for any proposed construction to the north of Arnold Avenue.

Section 3.3 of the Thornhill HCD Design Guidelines (Recommendations for Commercial Areas) states that:

The school should be retained as the natural gateway to the District from the south as well as for its architectural significance.

Although the subject property of this proposal is not located at the corner of Arnold Avenue and Yonge Street, the proposed size, height and massing of its main building sets an inappropriate precedent for any new construction that may be proposed in the future for the corner properties.

Cultural Services feels that any building of more than three storeys (on the subject or at the corner) will not contribute in a positive manner to the existing and historical south gateway to the village of Thornhill. In fact, such development would have a negative impact as it would create a perceived wall or visual impediment that would serve to break the appropriate building height rhythm of the historical streetscape and to overpower any elements of historical or human scale at the street level.

The subject properties should not be allowed to exceed a building height which is appropriate for maintaining the historical and current Yonge Street streetscape scale that, at the south entry to the Thornhill village core, has become a character-defining element. Cultural Services recommends that the new building heights on Yonge Street be limited so that those elements which define its historic character and context are preserved.

It would, therefore, be advisable to preserve the way in which the Thornhill Public School building presents itself as the first marker of the District boundary. The overall effect of the proposed development would be that of adding the first of what would very likely become a large “wall” of tall structures at the northwest corner of Yonge Street at Arnold Avenue at the southern gateway the Thornhill village core. The proposed development does not serve to provide a proper transition from the existing historical streetscape setting to the higher density of an urban area to the south.

Massing and Scale

In order for the proposal to be considered appropriate, the scheme must also be consistent with the Design Guidelines of the Thornhill HCD Plan (By-law 306-88) especially in regard to the

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recommended building height limit of 2-3 storeys in By-law 306-88 and 5-storeys in the revised Thornhill HCD Plan approved by Council in 2007 (pending OMB approval). Cultural Services is of the opinion that it is essentially impossible to design a 12-storey building in such a way that successfully incorporates qualities of mid-19th Century structures found in villages in southern Ontario. There is no historical precedent from this era of Thornhill's (or Ontario's) architectural history that has a height and bulk anywhere near to the size and scale of the proposed main building of this particular development application.

The relative size and scale of the new construction should not only be compatible with its neighbouring buildings – not only those which abut the property but all of those buildings of heritage value or interest within this area of the District.

Cultural Services recommends that the proponent become more familiar with the following excerpts of the Thornhill HCD Study and Plan which deal with general goals as well as building scale and massing:

Section 3.4.1 Design Guidelines for Commercial Properties

Goals

The intent of the design guidelines in the commercial areas of Yonge Street is to:

- 1. Preserve 19th and early 20th century buildings and to assist in their preservation so that they can be maintained and form a viable part of the commercial area.*
- 2. Ensure that renovations and additions within the district are consistent with the architectural style of the existing structure that changes are compatible with the character of the village.*

Section 3.4.6 Building Design Guidelines

New buildings should be distinct but compatible in scale and bulk with neighbouring buildings. Additions shall be compatible with the existing structures. Matching the consistency of materials, scale and detail, is considered especially important in cases of older buildings and buildings of historical significance or architectural merit.

[...]

ii) Mass and Bulk

The mass and bulk of buildings shall be compatible with existing structures or neighbouring buildings. In general, two and three storey buildings are the most common heights depending on roof configuration.

Buildings should be seen in relation to the scale of the area and in particular, neighbouring buildings. Designs should be considered that relate cornice lines and roof forms to neighbouring buildings.

Views and Vistas

It is Culture staff's opinion that the size of the proposed main building with 12 storeys in height would have a huge negative impact on the skyline and streetscape view of the Thornhill HCD seen when approaching the area on Yonge Street and on Arnold Avenue. The preservation of the historical streetscape (free from new construction with over-sized building height and mass) has been identified in the Thornhill HCD Design Guidelines as an integral objective described in the Thornhill HCD (Section 3.2) as such:

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To encourage the development of vacant lands and other redevelopment sites in a way which will enhance the character of Thornhill as established in the Heritage Conservation District Study.

The Canadian Federal Government, through Parks Canada, have long adhered to the “*Standards and Guidelines for the Preservation of Historic Places in Canada*”. These Standards and Guidelines are based on universally recognized architectural conservation principles inspired by international heritage conservation charters such as the Venice Charter, the Appleton Charter and the Washington Charter.

Of the Parks Canada general standards that are seen as the norm for the conservation of all types of heritage resources, the following are most applicable in the case of the proposed Thornhill Seniors Retirement Condominiums development:

[1] “ Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character defining elements.”

[11] “ Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make new work physically visually compatible with, subordinate to and distinguishable from the historic place.”

In reference to the general standards above, the proposed new development does not fit in the context or character of a 19th century village core that the Thornhill HCD Plan and Design Guidelines aim to protect and enhance. Its scale or design has no precedent in Thornhill’s village core and is not suitable to preserve the context of the historic Yonge Street streetscape.

The shallow front setback for the proposed main building as well as the placement of the main building so close to the Robert Cox House both contribute to the way in which the new construction blocks all view of the Robert Cox House when approaching from the south on Yonge Street. This view would be reduced even further when the tree plantings are in full leaf. Cultural Services feel that the front facade of the main building should be pulled back to preserve the historical front yard setback established by the heritage buildings to the north of the subject property.

Provincial Policy Statement 2005 of the Ontario Planning Act

The provisions of the Ontario Planning Act (Section 2 (d) and Section 3 (1) and (5a) require that municipalities shall have regard to matters of provincial interest (including the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest) and that municipal decisions shall be consistent with policy statements that have been approved by the Lieutenant Governor in Council on matters relating of provincial interest.

The Provincial Policy Statement (PPS) 2005 of the Ontario Planning Act identifies two statements that provide municipalities with direction on land use planning matters and heritage properties:

PPS 2.6.1. states that “*significant built heritage resources and significant cultural heritage landscapes shall be conserved.*” In the case of the proposed development, the scale and massing and architectural design of the proposal does not conserve the Thornhill Heritage Conservation District. The Robert Cox House is far too overpowered by the proposed main building proposed for the site and the mid-19th to early 20th century village core of Thornhill identified as a significant aspect of the Thornhill Heritage Conservation District will not be conserved.

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Architectural Detailing - Analysis of the Plans and Elevations

1. The revised submittal continues to propose a 12-storey seniors retirement condominium (referred to hereafter as the main building) which has been designed with current contemporary styling with flat roofs and contemporary materials. The exterior walls finished predominantly in glass and brick. No attempt has been made to emulate appropriate building height according to the Thornhill HCD Plan nor has there been any attempt to emulate any elements of established heritage style precedents seen in the Thornhill HCD. As has already been stated, no precedent for this size of building exists in the Georgian, Regency, Victorian or Edwardian periods of architecture in Ontario.
2. The same current contemporary styling and materials (flat roof and exterior walls finished predominantly in glass and brick) of the main building is also used in the 3-storey live/work units to be built behind the Robert Cox House at 7616 Yonge Street. Even though this building is of a size and scale that could reflect area heritage styles and materials, no attempt has been made to emulate any established heritage style precedent seen in the Thornhill HCD.
3. Even though the live/work units are well within the height limitations of the Thornhill HCD, the flat roof design does not emulate any elements of established heritage style precedents seen in the Thornhill HCD.
4. A major change from the previous submission is that only a 2-storey single family dwelling would be built on the portion of the subject lands at 14 Arnold Street. This portion of the subject lands lies outside but adjacent to the Thornhill HCD. The proposed dwelling does have an appropriate size, height and scale for new construction that is adjacent to the Thornhill HCD but the building does need to have a more consistent approach in massing and style in such a way that emulates more accurately the established heritage style precedents seen in the Thornhill HCD.
5. The proposal incorporates and restores the Robert Cox House at 7616 Yonge Street into the overall scheme. It is assumed by Cultural Services (but not described by the applicant in the proposal) that the Robert Cox House will be re-located temporarily to allow for the excavation and construction of the underground parking area. Cultural Services is of the opinion that it is difficult to justify this re-location for underground parking as it poses major risks to the structural integrity of the Robert Cox House and the move would also involve the destruction of the original stone building foundation (a heritage attribute).
6. HPA elevations now show a 3-storey live/work unit building proposed behind the Robert Cox House at 7616 Yonge Street. The 3-storey building has not been designed in a way that is consistent with the Design Guidelines of the Thornhill Heritage Conservation District Plan.

iii) Building Character

The intent of new buildings, additions to older buildings, or renovations is that they are compatible with the scale and character of the village. It is not the intent of these guidelines to dictate architectural style. Architectural integrity and original architecture specifically designed for the site shall be encouraged. Traditional styles and materials are considered to be appropriate.

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7. HPA site plan shows the Cox House with a similar front yard setback as that of the heritage buildings to the north creating a consistent street frontage rhythm which is broken by the front of the new construction. The relocation to align the Robert Cox House with the adjacent property to the north is unnecessary as the Cox House is already well situated in relation to the setbacks of the historical streetscape being preserved in the district.
8. HPA should provide a front setback for the new construction that is consistent with the existing historical streetscape and the current (original) location of the Cox House.
9. Thornhill HCD Design Guidelines identify a maximum 5-storey height with the front podium three storeys and top 2-storeys stepped back with 45 degree angular plane and therefore the proposed development does not conform to this requirement.
10. HPA front elevation at ground floor showed a continuous architectural language over most of the front ground floor - this should be changed to have a cumulative effect with more variation to suggest multiple building fronts as seen in many early 20th Century streetscapes. Emphasis should be placed on creating actual store entrances (or at least the appearance of which) within the Yonge Street streetscape.

Demolition of Non-Heritage Buildings within the Proposed Development

Development Application DA.08.024 does not allow for the retention of the existing buildings within the property with the following addresses: 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602, 7610 Yonge Street and 14 Arnold Avenue. The application also proposes to demolish the existing west portion of the Robert Cox House at 7616 Yonge Street. The owner is required to go through the Heritage Review process with Cultural Services and obtain from Heritage Vaughan an approved *Heritage Permit for Demolition* for all buildings on the subject property that are within the Thornhill Heritage Conservation District. The proposed demolition of 14 Arnold Avenue, just west of the Thornhill HCD border, would only require a *Heritage Clearance Approval* from Cultural Services staff.

Partial Demolition and Re-Location of the Robert Cox House

The application proposes to demolish the existing west portion of the Robert Cox House at 7616 Yonge Street and to temporarily re-locate the Cox House from its current location in order to allow the excavation and construction of the proposed underground parking. The owner is required to provide a Conservation Plan that will describe in detail all proposed alterations to the Cox House. The owner must also go through the Heritage Review process with Cultural Services and obtain from Heritage Vaughan an approved *Heritage Permit for Demolition* for the proposed partial demolition of the Cox House and also obtain from Heritage Vaughan an approved *Heritage Permit* for the proposed re-location of the Cox House.

Further Requirements

Furthermore, Cultural Services recommend that the following be required of the applicant:

- A Letter of Credit to ensure the preservation of the Robert Cox House within the proposed Development Application using the total floor space of the building to be preserved as a guide for the calculation of the amount as per Cultural Services' requirements and procedures on this matter.
- Revised site plan and elevations and add perspective views to accurately show the impact and appearance of the proposal and its effect on the Robert Cox House and the historical streetscape within the Thornhill Heritage Conservation District.

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- Continue to work with Cultural Services and other City staff to ensure that the new development becomes more sympathetic to the existing streetscape context in terms of scale, massing, materials and the general character of the Thornhill Heritage Conservation District.

Review of Cultural Heritage Resource Impact Assessment (December 2008)

In response to the conclusion made in the Heritage Impact Assessment prepared for the applicant by E.R.A. Architects Inc. (dated 23 December 2008 and received by Cultural Services 14 January 2009), Cultural Services makes the following comments.

- 1) While the proposed redevelopment is an opportunity to retain and rehabilitate the Robert Cox House this should not be done in such a way that the balance of the proposal compromises either the heritage attributes of the Cox House or the Thornhill HCD in general. ERA Architects do not list the original stone foundation as a heritage attribute and Cultural Services feels that this feature should be included as such and the plan should seek to preserve it. There is not sufficient justification given in the report stating the reasons for relocating the house. Moving the house would result in the loss of its original foundation which should be listed as a heritage attribute. The relatively small change in location does not justify the loss of a heritage attribute.
- 2) The existing front yard setback of the Cox House is the original and does not need to be re-aligned with the historical buildings to the north. In fact, that difference in setback is appropriate to keep and protect as an intrinsic historic characteristic of the Thornhill village character.
- 3) The development proposes to promote “positive, quality commercial, retail, and residential development” and in doing so, contributing to the commerce and vitality of the area but at the expense of the physical integrity of the Heritage Conservation District. The jarring introduction of a twelve-storey structure in plain view from Yonge Street and Arnold Avenue would throw up a wall which can only serve to divide the established skyline and profile of the historical streetscape.
- 4) Although the only front façade wall height that would be appreciated from street level would be the 5-storey podium, the balance of the design from any other vantage point presents a towering mass that dominates not only the immediate area but the entire south portion of the district. There is no precedent for buildings of this height in a Heritage District within the City of Vaughan.
- 5) The fact that the podium steps down from 5 to 3-storeys next to the Cox House does not successfully mitigate or erase the imposing impact of the 12-storey structure to the existing and historical streetscape massing and scale of this portion of Yonge Street and the entire length of Yonge Street within the Thornhill Heritage Conservation District. For this reason it is not clear how the HIA can claim that “the highest building elements remain compatible and appropriate” in the Thornhill Heritage Conservation District. (HIA, page 50)
- 6) Cultural Services does not support the concept of increasing building height in lock-step with the widening of the Yonge Street right-of-way in that it would become increasingly less compatible with the human scale of the Village concept.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

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- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Preserve our heritage and support diversity, arts and culture.

This report does not recommend a change from the priorities previously set by Council and the necessary resources have been allocated

Regional Implications

None

Conclusion

The revised Heritage Permit is recommended to be refused as it does not comply with the policy provisions under Part V of the Ontario Heritage Act and in its relation to the Thornhill Heritage Conservation District Plan and Design Guidelines. The proposal contradicts the Provincial Policy Statement 2005 of the Ontario Planning Act as it relates to the preservation of significant built heritage resources and significant cultural heritage landscapes (PPS Policies 2.6.1 & 2.6.3) and architectural preservation standards nationally instituted by Parks Canada. Lastly, it is recommended that the massing, form, scale, and architectural design of the new building be redesigned to reflect a contributing and historically appropriate precedent within the Heritage Conservation District's village core and a building mass and scale for the new building that is more compatible with the historic Robert Cox House and a 19th century village core.

Attachments

1. Elevation Drawings and Site Plan, Heritage Impact Assessment.

Report Prepared By

Mary Reali, Director of Recreation & Culture, ext. 8234
Angela Palermo, Manager of Cultural Services, ext. 8139
Stephen Robinson, Cultural Heritage Coordinator, ext. 3128

(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. 6, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 24, 2009, as follows:

By approving the confidential recommendation of the Closed Session meeting of February 24, 2009;

By receiving the confidential memorandum from the Solicitor/Litigation, dated February 24, 2009; and

By receiving the written submission from Ms. Isabel Mitchell, McMillan Binch Mendelsohn LLP, dated February 10, 2009, containing correspondence from Mr. Richard O. Coombs, Nexus Architects, dated February 9, 2009.

**8 REVISED HERITAGE PERMIT APPLICATION HP.2008.024.01
10360 & 10384 ISLINGTON AVENUE, MARTIN SMITH HOUSE, KLEINBURG
APPLICANT: 10360 ISLINGTON AVENUE INC. AND JOSIE AND FABIO ALVIANI - WARD 1**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Community Services, dated February 10, 2009, be approved;
- 2) That the applicant proceed with arranging the meetings requested by the applicant to discuss a possible resolution with the parties identified in the written submission of Ms. Mary Flynn-Guglietti, dated February 10, 2009, and that the City participants include staff and the Ward 1 Sub-Committee;
- 3) That the confidential memorandum of the Solicitor/Litigation, dated February 10, 2009, be received;
- 4) That the following deputations and written submission be received:
 - a) Ms. Mary Flynn-Guglietti, McMillan LLP, Brookfield Place, 181 Bay Street, Suite 4400, Toronto, M5J 2T3, on behalf of the applicant, and written submission dated February 10, 2009;
 - b) Mr. Robert Klein, on behalf of KARA, P.O. Box 202, Kleinburg, L0J 1C0; and
 - c) Mr. John McMahon, 5900 Kirby Road, R.R. #1, Kleinburg, L0J 1C0; and
- 5) That the following written submissions, reports, conceptual landscape master plan and coloured elevation drawings, be received:
 - a) Mr. Frank Greco, The Residents of Heritage Hill, c/o 10360 Islington Avenue Inc., 10504 Islington Avenue, Box 772, Kleinburg, L0J 1C0, written submissions dated February 8, 2009 and February 10, 2009, reports titled "Forward Engineering & Associates Inc. Report Slope Stability Assessment Proposed Residential Development 10360-10384 Islington Avenue Kleinburg", dated February 6, 2009 and "Updated Urban Design Report Proposed Residential Condominium "The Residences of Heritage Hill" 10360 & 10384 Islington Avenue Kleinburg Ontario", dated February 2009, conceptual landscape master plan, and coloured elevation drawings; and
 - b) Mr. Joseph D. Battaglia, Battaglia Architect Inc., 9631 Yonge Street, Richmond Hill, L4C 0M5, dated January 27, 2009 and February 4, 2009.

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Recommendation

The Commissioner of Community Services, in consultation with the Director of Recreation and Culture and the Legal Department, recommends approval of the following recommendation by Heritage Vaughan Committee:

1. That the revised Heritage Permit Application HP.2008.024.01 (28 November 2008 submission) BE REFUSED for the proposed new construction at 10360 Islington Avenue and 10384 Islington Avenue as it does not comply with the following legislative/policy provisions:
 - 1) Part IV of the Ontario Heritage Act and the unsympathetic new building proposed to the rear of the Martin Smith House and its negative impact to the designated property at 10384 Islington Avenue;
 - 2) Part V of the Ontario Heritage Act and in its relation to the Kleinburg-Nashville Heritage Conservation District Plan and Design Guidelines, with particular reference to the proposal's deficiencies regarding:
 - i. the preservation of the Kleinburg village character;
 - ii. the significance of the properties and new buildings as gateways to the Kleinburg village area;
 - iii. a massing and scale that is in keeping with the historical streetscape;
 - iv. an appropriate building design that is acceptable as an addition to the Martin Smith House property and to the historical streetscape of Islington Avenue in the Kleinburg-Nashville Heritage Conservation District;
 - v. the preservation of views and vistas to and from the valley lands within the Kleinburg-Nashville Heritage Conservation District;
 - 3) The Provincial Policy Statement 2005 of the Ontario Planning Act as it relates to the preservation of significant built heritage resources and significant cultural heritage landscapes (PPS Policies 2.6.1 & 2.6.3);
2. That the massing, form, scale, architectural design and historical architectural references of the new building be redesigned to reflect a contributing and historically appropriate precedent within the Kleinburg-Nashville Heritage Conservation District's village core and a building mass and scale for the one new building that is more compatible with the historic Martin Smith House property and an historic 19th century village core; and,
3. That the overall architectural design of the new building having no overall historical precedent as a building style or plan in Kleinburg (or elsewhere in Vaughan), be redesigned to be architecturally appropriate and consistent with a historical precedent, in particular the removal of a garage door facing Islington Avenue that provides access to underground parking, the entranceway design, the overall window design and configuration, balcony and roof design, in keeping with the Kleinburg-Nashville Heritage Conservation District Guidelines and the designated property on which the Martin Smith House is located.
4. That the appropriate City staff and external consultants be directed to attend the OMB in opposition to the Heritage Permit application HP.2008.024.01

Economic Impact

There is no economic impact associated with the approval of this item.

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Communications Plan

A public notice with regard to Council's decision regarding this item will be published in the local newspaper as required under the Ontario Heritage Act. The property owners/agent will also be communicated any outcome resolution made by Council as a result of the review of this matter.

Purpose

The subject property is within the Kleinburg-Nashville Heritage Conservation District as designated under Part V of the Ontario Heritage Act and the northern portion of 10384 Islington Avenue is individually designated under Part IV of the Act. The purpose of this report is to allow Council to consider the revised Heritage Permit application HP 2008-024.01 as required under the Ontario Heritage Act.

Background - Analysis and Options

The subject properties are located within the Kleinburg-Nashville Heritage Conservation District and, designated under Part V of the Ontario Heritage Act in 2003. The property at 10384 Islington Avenue contains the Martin Smith House (built in 1852) that was designated individually under Section 29 of Part IV of the Ontario Heritage Act in 1979 through By-law 55-79. The Ontario Heritage Act requires any proposed alterations, additions or demolitions of individually designated property or properties designated within a heritage conservation district to be reviewed by Heritage Vaughan and its recommendation forwarded to Council. Heritage Permit approvals must be obtained by property owners in conjunction with all other necessary City permits or approvals.

The subject lands have been designated within the Kleinburg Core Area by Official Plan Amendment #601, as amended by OPA #633, adopted by Council on May 23, 2006. The current owner has appealed OPA #633 to the Ontario Municipal Board.

Jurisdiction Under the Ontario Heritage Act

The property known as 10384 Islington Avenue (including the Martin Smith House) was designated individually under Section 29 of Part IV of the Ontario Heritage Act in 1979 through By-law 55-79. In 1999, the previous owner of both subject properties, applied for consent to sever the south portion of the subject property to create what is now identified as 10360 Islington Avenue. The Consent approved by the Committee of Adjustment included a condition that the severed portion of the property be removed from designation By-law 55-79. This was accomplished through the passing of By-law 182-2000. The Kleinburg-Nashville Heritage Conservation District was approved in 2003, which includes both properties.

Prior to the amendment of the Ontario Heritage Act (OHA) in 2005, the provisions of Part IV of the Ontario Heritage Act retained jurisdiction over any property that had already been designated individually (through Section 29 of Part IV of the OHA) even after being included in a subsequent Heritage Conservation District (HCD) area. Under the OHA, Part V designated property could only have jurisdiction over an individually designated property within an Heritage Conservation District created before 2005, if the municipality removed the individual (Part IV) designation on the property or if the HCD was revised after 2005. As the City of Vaughan has done neither, the property at 10384 Islington Avenue (Martin Smith House) continues to be under the jurisdiction of Part IV of the Ontario Heritage Act and the property at 10360 Islington Avenue remains under the jurisdiction of Part V of the Ontario Heritage Act.

Designation under Part IV and Part V of the Ontario Heritage Act apply to the entire property (or properties) involved – not just the building(s) located on them. The Reasons for Designation within By-law 55-79 state that the Martin Smith House "...represents the lands once owned by Martin Smith an early pioneer in the Kleinburg area." The subject proposal would have a detrimental effect on the "original" site and setting of the Martin Smith House.

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Previous Heritage Permit Applications

The applicant received approval from Heritage Vaughan in 2006 for Heritage Permit 2006.001, involving a 3-storey, multi-family residential building for the south property 10360 Islington Avenue.

In January 2007, a Heritage Clearance Approval was issued to the current owner by Heritage Vaughan for the demolition of a detached, domed observatory structure and detached, gambrel roof garage building. In April 2007, many mature coniferous trees were removed along the southern property line of 10384 Islington Avenue which made a significant change not only to the setting of the Martin Smith House but also to the Islington Avenue streetscape.

At their meeting of 17 August 2007, Heritage Vaughan recommended refusal of an application from the proponent involving Official Plan and Zoning amendment applications to the Development Planning Department to permit the re-location of the Martin Smith House in order to make way for a proposed development involving two, 3.5-storey residential condominiums with 2 levels of underground parking. Both the re-location of the Martin Smith House and the proposed height, massing and design of the new construction were seen by Heritage Vaughan as not in keeping with the Kleinburg-Nashville Heritage Conservation District Plan and Design Guidelines.

On September 12, 2008, the Applicant submitted a complete Heritage Permit application to Cultural Services providing elevation drawings identifying proposed changes to the designated Martin Smith House. Additionally, Cultural Services staff received information related to the Vaughan Planning Department's Official Plan and Zoning By-law Amendment Applications OP.07.004 and Z.07.031 to permit the following on the designated property (Nexus Architects - HIA, Lorelei Jones – Planning Report, Battaglia Architect – Urban Design Report):

- ❑ a multi-unit residential condominium building with 75 units
- ❑ a retirement residence, with 100 units - the existing Martin Smith House to be retained for amenity purposes

The submission included site plan and elevation drawings, a Cultural Heritage Resource Impact Assessment or Heritage Impact Assessment (CHRIA) as well as an Archaeological Resource Assessment.

Cultural Services presented the entire proposal to Heritage Vaughan at its September 17, 2008 Heritage Vaughan meeting, which was refused and subsequently also denied partially by Council on November 10, 2008 pursuant to the following recommendations:

1. *That Council refuse Heritage Permit HP.2008.024 for the proposed new construction/ redevelopment of 10360 and 10384 Islington Avenue (related to Vaughan Planning Department Official Plan and Zoning By-law Amendment Applications OP.07.004 and Z.07.031), as the proposed new construction does not comply with the Kleinburg-Nashville Heritage Conservation District Plan and Design Guidelines as it relates to maintaining the village character, massing and scale, building design and preservation of the valley land views and vistas of the District; and,*
2. *That Council approve only the proposed alterations and restorations to the Martin Smith house, identified as the removal of back addition and construction of side verandahs, subject to the owners providing further information to the satisfaction of Cultural Services staff as it relates to the matching of side porch overhangs, window muntin bars in back portion a back door design; and,*

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3. *That as the proposed development will be a gateway feature into the Heritage District, it is recommended that the applicant reduce the mass and scale of the proposed new condo/retirement building be in keeping with the height recommendations in place through the Kleinburg-Nashville Heritage Conservation District Plan to ensure that the new construction is sympathetic both to the Martin Smith House and the Islington Avenue heritage streetscape character and appropriate heritage design precedents established in the Kleinburg-Nashville Heritage Conservation District; and*
4. *That as the proposed new building being well beyond the maximum height of 3-storeys (rising up to 5 storeys) and the building size & scale (just under 90,000 sq ft GFA) does not follow any precedent in Kleinburg or Nashville for any use especially residential, that the owner reduce the height, overall size, massing and scale of the building; and,*
5. *That the applicant break up the massing of the building further than simply stepping the roofline from east to west or north and south to avoid presenting a profile which is too large when seen from Islington Avenue or from Highway 27, Nashville Road and in the valley to the west.*

The site specific Official Plan Amendment and Zoning By-law Amendment applications have been appealed to the Ontario Municipal Board and are currently scheduled for a hearing which will commence in 2009. The Heritage Permit application appeal has also been filed with the OMB but was the subject of a motion brought by the City on January 14, 2009. A decision is currently outstanding.

Analysis of Revised Heritage Permit Application HP.2008.024.001 (28 November 2008)

On November 28, 2008, Cultural Services along with other City of Vaughan Departments received a revised permit submittal. This submittal included revised site plan and elevation drawings illustrating a revised proposal for new construction spanning the subject properties, a revised Heritage Impact Assessment prepared by Nexus Architects (9 December 2008).

The proposal received by Cultural Services on November 28, 2008 shows some changes with respect to the issues outlined on Council's recommendation of November 10, 2008. These changes are as follows:

- ❑ Site plan changes from one large building to one which gives the appearance of two buildings linked at the rear of the site by a one storey structure.
- ❑ The architectural style of the new building was altered from a modern flat roofed building to a building with Victorian architectural detailing on a contemporary-styled multi-unit built form.

Although the revised development proposal received by Cultural Services on 28 November 2008 does present a site plan and elevations which are somewhat different from those submitted to Committee of the Whole on 10 November 2008, the revised scheme still does not comply with either Part V of the Ontario Heritage Act (through the Kleinburg-Nashville Conservation District Plan and its Design Guidelines) or Part IV of the Ontario Heritage Act and the designation of the Martin Smith House property. This non-compliance relates to:

- I. the preservation of the Kleinburg village character;
- II. the significance of the properties and new buildings as gateways to the Kleinburg village area;
- III. a massing and scale that is in keeping with the historical streetscape;

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- IV. an appropriate building design that is acceptable as an addition to the Martin Smith House property and to the historical streetscape of Islington Avenue in the Kleinburg-Nashville Heritage Conservation District;
- V. the preservation of views and vistas to and from the valley lands within the Kleinburg-Nashville Heritage Conservation District;

Preservation of the Kleinburg Village Character

Cultural Services recommend that the overall size of the proposed construction is still too large to be considered in keeping with “village character” or with what is referred to in Section 9.1 of the K-NHCD Plan as the “heritage character of the District”. Cultural Services staff are of the opinion that the cultural heritage significance of the Martin Smith House is more than simply the house structure itself - the current setting with the Smith House sited at the top of a small, natural hill or knoll has become an important character defining element for the Smith House.

Section 9.5.1 of the K-NHCD Design Guidelines describes the overall heritage character of the district. It states that the overall character has more significance than any individual building, even if it is one of the finest. The same section of the Design Guidelines states that new development should conform to qualities established by neighbouring heritage buildings and that:

“Massing, materials, scale, proportion, rhythm, composition, texture and siting all contribute to perception of whether or not a building fits its context. Different settings within the district have different characters of siting, landscaping and streetscaping.” (page 110).

The Canadian Federal Government, through Parks Canada, have long adhered to the “*Standards and Guidelines for the Preservation of Historic Places in Canada*”. These Standards and Guidelines are based on universally recognized architectural conservation principles inspired by international heritage conservation charters such as the Venice Charter, the Appleton Charter and the Washington Charter.

Of the Parks Canada general standards that are seen as the norm for the conservation of all types of heritage resources, the following are most applicable in the case of the Martin Smith House and property.

[1] “ Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character defining elements.”

[2] “ Conserve changes to a historic place which, over time, have become character defining elements.”

[11] “ Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make new work physically visually compatible with, subordinate to and distinguishable from the historic place.”

In reference to the general standards above, the real property on which the Martin Smith House stands has become a character-defining element. In common memory, the house has always been seen as sitting on a knoll surrounded only by an expansive slope of grass lawn and framed by tall coniferous trees along the property perimeter. On page 7 of the revised Heritage Impact Assessment (HIA), the heritage consultant describes how the owner/applicant has already removed many of the trees which have been part of the character definition of the historic property; how the owner/applicant has not maintained the “lush manicured lawn”. The HIA proposes that the installation of some potted and hanging plants (probably annuals) and the planting of a “decorative flower garden across the front of the house, preserves some if the landscape qualities indicated in earlier photos”. This is an insufficient form of mitigation which fails to address the much larger loss of the historical backdrop of the Kleinburg historic core.

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Further, the proposed new development does not fit in the context or character of a 19th century village core that the Heritage Conservation District aims to protect and enhance. Its scale or design has no precedent in Kleinburg's village core and is not suitable in preserving the historical context of the Martin Smith House.

Subject Properties as a Gateway to the Kleinburg Village Area

The subject properties are located on the west side of Islington Avenue and are the first series of buildings that appear as you enter the historic village core of Kleinburg. They will become gateway features to the village core and a significant landmark to the Kleinburg-Nashville Heritage Conservation District. The design, mass and scale of the new development at this site will be important in maintaining the architectural integrity of the District.

This setting and the inherent relationship of building to its associated property landscape constitutes a "prominent location" and is a major contributor to the historical and current Islington Avenue streetscape at the south entry to the Kleinburg Village core as a character-defining element. Cultural Services recommends that the historical setting be conserved so that those elements which define its historic character and context are preserved.

Nexus Architects state in their revised Heritage Impact Assessment of 9 December 2008 (page 3) that the Martin Smith House location is already a "symbolic gateway".

"The prominent location of the Martin Smith House at the south end of the village has been of cultural significance throughout the last century and a half as the symbolic gateway between village and rural countryside."

It would, therefore, be advisable to preserve the way in which the Martin Smith House and its property present itself as a marker of this traditional boundary. The overall effect of the proposed development would be that of adding a large wall around the southwest corner and the west face of this gateway the Kleinburg core. The proposed development does not serve to provide a transition from an existing village setting to a higher density of an urban area to the south.

Massing and Scale

The proposed Building B, is not in keeping with the height recommendations in place through the Kleinburg-Nashville Heritage Conservation District Plan. Section 9.5.2 of the Kleinburg-Nashville Heritage Conservation District Design Guidelines. The building has the appearance of 4-storeys in height, and as such, it overpowers the modest yet fine proportions, massing and form of the Martin Smith House. Thus, the resulting scale of the proposed building is not sympathetic to either the Martin Smith House or the Islington Avenue heritage streetscape character. Furthermore, appropriate design precedents have not been accurately selected or referenced appropriately.

The new proposal has begun to mitigate some of the negative impact of the building's proposed mass and scale by reducing its overall height but Cultural Services still feels that the proposed building's mass, scale and height are still larger than what is allowable and, therefore, not appropriate within the Kleinburg-Nashville Heritage Conservation District.

- overall form (square apartment building form with varied rooflines, apparent 4-storey height) and excessive repetition of small window and door openings and generically articulated or not in keeping with "village character" or any other precedent approved within the K-NHCD

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- the form, massing and design detailing selection as a whole does not have a historically accurate precedent in Kleinburg, or areas outside Vaughan.

The proposed building on 10834 Islington (Building A) does not compliment the Martin Smith house in the referenced precedent of its design, and is completely disassociated from the history or any fitting building type that could be associated with the history of the Part IV property.

Building A is shown at 9397mm high to midpoint of first gable (Front elevation), which is approximately estimated as three stories, however, the majority of its roof area seems to be made of a flat roof, which would raise its effective building height datum to the top of the flat portion, therefore it is the opinion of Culture staff that the height is not shown accurately.

Building B shows a similar case, where the building height is given to the midpoint of the front gable, however, the building stretches out behind for almost its entire building footprint area at a height that is correspondent to four storeys and significantly overpowering the Martin Smith house in height by at least one storey – this is considering that the house is on a higher grade, otherwise, in scale, it is approximately two storeys above the designated structure.

For Building B, both the south elevation and the front elevations are crucial to the Islington streetscape as this would be the first structure within the Heritage District and it acts as an important gateway into it and sets the mark for the District's characteristics.

Staff still have concerns that the proposal still shows one large building which spans into the Part IV designated property and materializes on this side to a structure that is not related in any precedent to the history of the designated site.

Views and Vistas

It is Culture staff's opinion that the size of the building will still be seen and negatively impact the westerly valley lands, in particular, from views and vistas from Highway 27 and Nashville Road. The preservation of the natural valley lands, free from building masses, was identified in the Kleinburg-Nashville Heritage Conservation District as being an integral characteristic of the area that should be preserved.

Architectural Detailing

That the overall architectural design of the new buildings have no overall historical precedent as a building style or plan in Kleinburg (or elsewhere in Vaughan) and should be redesigned to be more architecturally accurate in particular the removal of a garage door facing Islington Avenue that provides access to underground parking, the entranceway design to Building B, the overall window design and configuration, and balcony design etc are not appropriate architectural details as required by the Heritage Conservation District Guidelines.

Provincial Policy Statement 2005 of the Ontario Planning Act

The provisions of the Ontario Planning Act (Section 2 (d) and Section 3 (1) and (5a) require that municipalities shall have regard to matters of provincial interest (including the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest) and that municipal decisions shall be consistent with policy statements that have been approved by the Lieutenant Governor in Council on matters relating of provincial interest. The Provincial Policy Statement (PPS) 2005 of the Ontario Planning Act identifies two statements that provide municipalities with direction on land use planning matters and heritage properties:

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PPS 2.6.1. states that “*significant built heritage resources and significant cultural heritage landscapes shall be conserved.*” In the case of the proposed development, the scale and massing and architectural design of the proposal does not conserve the Martin Smith House and the Kleinburg-Heritage Conservation District. The Smith House is lost within the new building proposed for the site and the 19th century village core of Kleinburg identified as a significant aspect of the Heritage Conservation District will not be conserved.

PPS 2.6.3. states that “development and site alterations may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

In the case of the proposed development, it is recommended that the proposed two new buildings on the subject lands, their mass and scale and architectural detailing, do not conserve the heritage attributes of the Martin Smith House and the Kleinburg Village core/Heritage Conservation District.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Preserve our heritage and support diversity, arts and culture.

This report does not recommend a change from the priorities previously set by Council and the necessary resources have been allocated

Regional Implications

None

Conclusion

The revised Heritage Permit is recommended to be refused as it does not comply with legislative/policy provisions under Part IV of the OHA and the unsympathetic new building proposed to the rear of the Martin Smith House and its negative impact to the designated property at 10384 Islington Avenue. In addition, it does not comply with Part V of the Ontario Heritage Act and in its relation to the Kleinburg-Nashville Heritage Conservation District Plan and Design Guidelines. The proposal contradicts the Provincial Policy Statement 2005 of the Ontario Planning Act as it relates to the preservation of significant built heritage resources and significant cultural heritage landscapes (PPS Policies 2.6.1 & 2.6.3) and architectural preservation standards nationally instituted by Parks Canada. Lastly, it is recommended that the massing, form, scale, architectural design and historical architectural references of the new building be redesigned to reflect a contributing and historically appropriate precedent within the Kleinburg-Nashville Heritage Conservation District’s village core and a building mass and scale for the two new buildings that is more compatible with the historic Martin Smith House and an historic 19th century village core; and the overall architectural design of the new building having no overall historical precedent as a building style or plan in Kleinburg.

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Attachments

1. Elevation Drawings and Site Plan, Heritage Impact Assessment.

Report Prepared By

Mary Reali, Director of Recreation & Culture, ext. 8234
Angela Palermo, Manager of Cultural Services, ext. 8139
Stephen Robinson, Cultural Heritage Coordinator, ext. 3128

(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 9, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

9

**ASSUMPTION – NORTH COLUMBUS TRAIL
19T-97V06 & 19T-96V10 / 65M-3708
WARD #1**

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 10, 2009:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That Council enact the necessary by-law assuming the municipal services that are set out in the Subdivision Agreement for Plan 65M-3708, and that the municipal services letter of credit be released.

Economic Impact

Upon assumption of this development, approximately 2 lane kilometers of roadway and associated municipal services including sanitary sewers, watermain, street lighting, streetscaping, sidewalk, etc., will be added to the City's network of infrastructure. This additional infrastructure will incur the normal expense associated with annual operation and maintenance activities plus eventual life cycle renewal.

Communications Plan

The pertinent City departments will be notified of the assumption of this subdivision.

Purpose

This report pertains to the assumption of the municipal services in plan of subdivision 65M-3708 by the City.

Background - Analysis and Options

The North Columbus Trail, Plan of Subdivision 65M-3708 is a 90 lot residential development located west of Jane Street, south of Teston Road in Block 33 East as shown on Attachment No. 1.

The subdivision agreement with Forest Hill Homes (Maple) Ltd. was executed on September 9, 2003, and the Plan of Subdivision was subsequently registered on December 11, 2003. The construction of the roads and municipal services in Plan 65M-3708 was completed in July 2006.

The Developer has maintained the municipal services in the subdivision during the required minimum thirteen month maintenance period and has rectified all deficiencies. In addition, the grading of all lots in the subdivision has been certified by the Developer's engineering consultant. Accordingly, the Developer has requested that the roads and municipal services in the subdivision be assumed by the City, and that the development securities held by the City be released.

All documentation required by the subdivision agreement for assumption has been submitted. Engineering staff, in conjunction with the Developer's Consulting Engineer, have conducted all the necessary inspections of the municipal services in the subdivision and are now satisfied with the extent of the works.

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The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Development/Transportation Engineering, Development Planning, Building Standards, Parks Development, Parks Operations and Forestry, Public Works, and Clerks. In addition, the Reserves and Investments Department has confirmed that all of the City's financial requirements associated with this subdivision have been satisfied.

Relationship to Vaughan Vision 2020

The development of this subdivision and the assumption of the municipal services are consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth and the maintenance of City assets and infrastructure. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional implications with respect to the assumption of the municipal works within this subdivision development.

Conclusion

The construction of the roads and municipal services associated with the North Columbus Trail Plan of Subdivision 65M-3708 has been completed in accordance with the Subdivision Agreement. Accordingly, it is appropriate that the roads and municipal services in 65M-3708 be assumed and the municipal services letter of credit be released.

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461
Frank Suppa, Manager of Development Inspection and Grading, ext. 8073

VR/vp

(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 24, 2009

Item 10, CW Report No. 6 – Page 2

All documentation required by the subdivision agreement for assumption has been submitted. Engineering staff, in conjunction with the Developer's Consulting Engineer, have conducted all the necessary inspections of the municipal services in the subdivision and are now satisfied with the extent of the works.

The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Development/Transportation Engineering, Development Planning, Building Standards, Parks Development, Parks Operations and Forestry, Public Works, and Clerks. In addition, the Reserves and Investments Department has confirmed that all of the City's financial requirements associated with this subdivision have been satisfied.

Relationship to Vaughan Vision 2020

The development of this subdivision and the assumption of the municipal services are consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth and the maintenance of City assets and infrastructure. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional implications with respect to the assumption of the municipal services within this subdivision development.

Conclusion

The construction of the roads and municipal services associated with the Maple View Farms, Phase 1 Plan of Subdivision 65M-3389 has been completed in accordance with the Subdivision Agreement. Accordingly, it is appropriate that the roads and municipal services in 65M-3389 be assumed and the municipal services letter of credit be released.

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461
Frank Suppa, Manager of Development Inspection and Grading, ext. 8073

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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Item 11, CW Report No. 6 – Page 2

The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Development/Transportation Engineering, Development Planning, Building Standards, Parks Development, Parks Operations and Forestry, Public Works, and Clerks. In addition, the Reserves and Investments Department has confirmed that all of the City's financial requirements associated with this subdivision have been satisfied.

Relationship to Vaughan Vision 2020

The development of this subdivision and the assumption of the municipal services are consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth and the maintenance of City assets and infrastructure. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional implications with respect to the assumption of the municipal works within this subdivision development.

Conclusion

The construction of the roads and municipal services associated with the Campagna Forest Homes Corp. Plan of Subdivision 65M-3750 has been completed in accordance with the Subdivision Agreement. Accordingly, it is appropriate that the municipal services in 65M-3750 be assumed and the municipal services letter of credit be released.

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461
Frank Suppa, Manager of Development Inspection and Grading, ext. 8073

VR/vp

(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 24, 2009

Item 12, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

**12 ASSUMPTION OF VELLORE WOODS BOULEVARD AND COMDEL BOULEVARD
 COMDEL SUBDIVISION, PHASE 1
 19T-97V26 / 65M-3348
 WARD #3**

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 10, 2009:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That Council enact the necessary by-law assuming the portion of Vellore Woods Boulevard and Comdel Boulevard together with the associated municipal services that are set out in the Subdivision Agreement for Plan 65M-3348, and that the municipal services letter of credit be released.

Economic Impact

Upon assumption of this development, approximately 1.0 lane kilometers of roadway and associated municipal services including sanitary sewers, watermain, street lighting, streetscaping, sidewalk, etc., will be added to the City's network of infrastructure. This additional infrastructure will incur the normal expense associated with annual operation and maintenance activities plus eventual life cycle renewal.

Communications Plan

The pertinent City departments will be notified of the assumption of this subdivision.

Purpose

This report pertains to the assumption of the sections of Vellore Woods Boulevard and Comdel Boulevard within plan of subdivision 65M-3348 by the City.

Background - Analysis and Options

The first phase of the Comdel Subdivision, Plan 65M-3348, is located north of Rutherford Road between Highway 400 and Weston Road in Block 32 West as shown on Attachment No.1. The streets and municipal services within this subdivision were assumed on June 26, 2006 pursuant to By-Law Number 254-2006 with the exception of a portion of Vellore Woods Boulevard and Comdel Boulevard. These segments of Vellore Woods Boulevard and Comdel Boulevard were not assumed along with the balance of the subdivision because the roads were still being used as the construction access into the neighbourhood and not all the necessary department clearances had been received. House construction is now essentially completed in this neighbourhood.

Engineering staff, in conjunction with the Developer's Consulting Engineer, have conducted all the necessary inspections of these road segments and the associated municipal services, and are satisfied with the extent of the works. The Developer has maintained the roads during the required minimum thirteen month maintenance period and has rectified all noted deficiencies. Accordingly, the Developer has requested that the City now assume the remaining segments of Comdel Boulevard and Vellore Wood Boulevard in Plan 65M-3348, and that the development securities held by the City for these municipal services be released.

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All 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 Development/Transportation Engineering, Development Planning, Building Standards, Parks Development, Parks Operations and Forestry, Public Works, and Clerks. In addition, the Reserves and Investments Department has confirmed that all of the City's financial requirements associated with this subdivision have been satisfied.

Relationship to Vaughan Vision 2020

The development of this subdivision and the assumption of the municipal services are consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth and the maintenance of City assets and infrastructure. Accordingly, this report is consistent with the priorities established by Council in the Vaughan Vision Strategic Plan 2020.

Regional Implications

There are no Regional implications with respect to the assumption of the municipal services in this subdivision.

Conclusion

The southerly portion of Vellore Woods Boulevard and Comdel Boulevard in the Comdel Plan of Subdivision 65M-3348 has now been completed in accordance with the Subdivision Agreement. Accordingly, it is appropriate that these road segments and associated municipal services be assumed and the municipal services letter of credit be released.

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461
Frank Suppa, Manager of Development Inspection and Grading, ext. 8073

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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Item 13, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

13

**AWARD OF CONTRACT – QUOTE Q08-063
LED TRAFFIC SIGNAL HEAD REPLACEMENT
WARDS 2, 3, 4 AND 5**

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 10, 2009:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services and the Director of Reserves and Investments recommends:

1. That Quote Q08-083, LED Traffic Signal Head Replacement be awarded to Stacey Electric Limited in the amount of \$100,245.40, plus G.S.T.;
2. That a contingency allowance in the amount of \$10,000, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That the additional funds in the amount of \$21,100.00, plus G.S.T. required for Quote Q08-063, Traffic Signal Head Replacement be approved;
4. That the budget for Capital Project En-1679-07 be increased by \$21,100.00 and funded from Taxation;
5. That the inclusion of the matter on a Public Committee or Council Agenda for additional funding request for LED Traffic Signal Head Replacement is deemed sufficient notice pursuant to Section 2(1) (c) of By-Law 394-2002; and
6. That the Mayor and Clerk be authorized to sign the appropriate documents.

Economic Impact

Additional funding is being allocated to this specific project in the amount of \$21,100.00, which is required to complete the project.

Communications Plan

Not Applicable.

Purpose

To obtain Council approval for additional funding required to complete the previously approved Capital Project Number EN-1679-07 LED Traffic Signal Head Replacement program and to award a contract for Quote Q08-083 which will complete the conversion of all the City's traffic signals to LED signal heads.

Background – Analysis and Options

The quote closed on December 3, 2008 and six bids were received. Staff anticipated that the work in this contract would be under \$100,000.00. The successful bid however was over \$100,000.00, which requires this quote to be awarded by Council.

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The work covered by this quote requires the supply of material and services for the retrofit of traffic signals to LED signals. This conversion of signal heads provides for both a reduction in electrical energy required and an increase in signal visibility which enhances traffic signal safety at intersections. The quote was advertised in the Ontario Public Buyers Association (OPBA) and on the Electronic Tendering Network (ETN) on November 18, 2008, and closed on December 3, 2008. Six compliant bids were received by the Purchasing Services Department.

The following are the results of the bids:

<u>Contractor</u>	<u>Total Bid Amount (excluding G.S.T.)</u>
Stacey Electric Ltd	\$100,245.40
Beacon Utility Contractors	\$111,372.00
AGI Traffic Technologist Inc	\$114,930.00
Fellmore Electrical Contractors Inc	\$118,711.43
Guild Electric Ltd	\$127,000.35
Black & McDonald Ltd	\$148,280.94

The estimated cost for this project, including provisional items, a contingency allowance and all taxes is \$114,000 and is calculated as follows:

Stacey Electric Ltd. Bid Price (excluding G.S.T.)	\$ 100,245.40
Contingency Allowance (± 10%)	\$ 10,000.00
Sub-Total	\$ 110,245.40
G.S.T. (5% - amount is 100% recoverable)	\$ 5,512.27
Treasury Administration (3%)	\$ 3,307.36
Total	\$ 119,065.03
Less G.S.T. rebate	\$ (5,512.27)
Net Total Cost	\$ 113,552.76

ROUNDED \$114,000.00

The low bidder, Stacey Electric Ltd. has performed similar work for the City in past years, and is deemed capable of successfully completing this work.

New technology now provides retro-fit kits that replace the individual bulb unit rather than requiring an exchange of the entire head assembly. This new technology will provide additional cost savings to the City for the LED replacement program, along with reduced electricity consumption.

Capital Project EN-1679-07 Traffic Signal Head Replacement was originally planned as a three year program. Sixteen intersection signals were refitted in late 2007/early 2008. There are a total of thirty three remaining intersections (Quote Q08-063) to be completed.

The remaining budget in the Engineering Services Department's approved Capital Budget, Account No. EN-1679-07 for this work is \$92,988.57. To complete the upgrading of the remaining signals, additional funding is required. Staff recommends that this contract be awarded to Stacey Electric Ltd. in the amount of \$100,245.40, plus G.S.T.

Relationship to Vaughan Vision 2020/Strategic Plan

Enhance and Ensure Community Safety, Health & Wellness – to advocate for, protect and enhance community safety, health and wellness through education, design and enforcement.

This report is consistent with the priorities previously set by Council.

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Regional Implications

Not Applicable.

Conclusion

It is recommended the Quote Q08-063 for the LED Traffic Signal Head Replacement be awarded to Stacey Electric Ltd.

Should Council Concur with the additional funding request, this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act, before amending a budget, a municipality shall give notice of its intention to amend the budget at a Council meeting. Where a capital project has been subject to a public meeting during the adoption of the approved capital budget and where additional funding is required to completed the approved works, inclusion of the matter in a staff report requesting additional funding on a Public Committee or Council Agenda is deemed sufficient notice pursuant to section 2(1) (c) of Bylaw 394-2002

Attachments

None.

Report prepared by

Peter Trinh, Senior Traffic Technologist, ext. 3120
Mike Dokman, Supervisor, Traffic Engineering, ext. 3118

PT:mc

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Item 14, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

**14 RESPONSE TO DEPUTATION – MS. VICKI KOMAR-APREDA
REQUEST FOR REIMBURSEMENT OF COMMITTEE OF ADJUSTMENT FEES, OMB APPEAL
FEE, ARBOUR CONSTRUCTION AND DEMOLITION COSTS**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, dated February 10, 2009, be approved; and
- 2) That the deputation of Ms. Vicki Komar-Apreda, 357 Cunningham Drive, Maple, L6A 2G4, and written submission dated January 12, 2009, be received.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, recommend:

1. That Ms. Komar-Apreda's request for reimbursement of fees and other costs be refused.

Economic Impact

Not applicable.

Communications Plan

Not applicable.

Purpose

To respond to Council's direction for a report.

Background - Analysis and Options

Council at its meeting of December 8, 2008 adopted the following recommendation:

"That this matter be referred back to staff for further investigation and that a further report be provided to the Committee of the Whole meeting of February 10, 2009".

Ms. Vicki Komar-Apreda first appeared before Committee of the Whole on June 3, 2008 to request a refund of fees paid to the City of Vaughan relating to an arbour she had built on her property at 357 Cunningham Drive in Maple.

In October 2007, the City received a complaint about an arbour. Upon investigation, it was determined that the arbour was constructed with an interior side yard setback of 0 m, whereas, based on its height of 3.13 m, the Zoning By-law requires a minimum interior side yard setback of 3.13 m.

Ms. Komar-Apreda advised that prior to building the arbour, she sought information and clarification from the Enforcement Services Department as to whether any by-law applied to the construction of arbours. She claims that she was told that no such by-law existed and that it was not until after the arbour was erected that she was advised by the Building Standards Department that the arbour did not comply with Zoning By-law 1-88.

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As a result of the complaint and inspection, a Notice of Violation of the Zoning By-law was sent to the property owners in January 2008 advising that the structure be removed or that an application to the Committee of Adjustment be made. As a result, the owners applied to the Committee of Adjustment for a minor variance. At the Committee of Adjustment meeting on March 27, 2008, the variance was refused.

On April 16, 2008, Ms. Komar-Apreda filed an appeal of the Committee of Adjustment's decision to the Ontario Municipal Board.

On June 3, 2008, the deputant was requested to submit a detailed request for reimbursement in writing to the City Clerk. At its meeting on June 11, 2008, Council referred the matter to staff for review and a report to be provided to a future Committee of the Whole.

Ms. Komar-Apreda submitted a formal request for refund of fees in a letter to the City Clerk dated June 9, 2008. She requested the following:

1. The variance (Committee of Adjustment) and appeal (OMB) fees:

$$\$635.00 + \$275.00 = \$910.00$$

2. The cost of the arbour once removal confirmed:

$$\$2,400.00 + \text{GST } (\$144.00) = \$2,544.00$$

3. The cost of "removal" of the arbour: TBA

4. The cost of any plantings lost as a result of the removal of the arbour: TBA

The Ontario Municipal Board heard Ms. Komar-Apreda's appeal on July 3, 2008. Pursuant to Council direction, staff attended in support of the Committee of Adjustment's refusal of the variance. During the hearing, the appellant amended her application and agreed to reduce the height of the arbour to 2.5 m and remove the lattice panels along the side of the arbour facing the adjacent property owner. Based on this, the OMB allowed the appeal and permitted the minor variance subject to conditions as per the amendment.

However, following the hearing, Ms. Komar-Apreda wrote to the OMB to advise that she could not meet the conditions agreed to at the hearing. She requested that the Board permit the arbour to remain at its originally constructed height, with the existing lattice panels to be replaced with "much more open constructed lattice". The Board did not acknowledge this request in its formal Decision which was issued on August 5, 2008.

Enforcement Services inspected the property in October 2008 and confirmed that the arbour had been removed in its entirety.

Pursuant to the June 3, 2008 deputation, the Director of Enforcement Services undertook a review of the circumstances surrounding the deputant's contact with that department. During this review staff were interviewed and procedures reviewed.

The deputant had contact with two administrative staff members several times over the summer months in 2007. The original meeting was on June 22, 2007 where she filed a complaint against her neighbour regarding garbage on the property and a side yard shed. The deputant attended to the Enforcement Services offices to follow up on this complaint on July 18, 2007. At this time, she inquired about placing trees down the side of her property line. At this time two clerical staff members advised her that there was no bylaw restricting the placement or height of trees on or near the property line. Staff have confirmed that at no time on this visit was an arbour or structure of any kind discussed.

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Subsequent to this visit, the deputant telephoned Enforcement Services and repeated her request for restrictions on trees on the property line. She was provided the same answer.

Several days later, the deputant appeared at the Enforcement Services counter to inquire about a trellis and arbor. Staff directed Ms. Komar-Apreda to the Building Department to get a specific answer as they were unsure of the restrictions. At no time did Enforcement Services staff provide Ms. Komar-Apreda with permissions to construct the arbour or similar structure.

Following the deputation on December 3, 2008, the Director of Enforcement Services re-interviewed the staff members to confirm their actions. It was confirmed that Enforcement Services front counter staff will attempt to answer matters regarding the enforcement of by-laws, however, they will consistently refer staff to the appropriate departments for matters outside the departmental responsibilities, including such things as Building Permits, set backs, grading, burning permits, etc. This is following internal procedures in place to help guide staff in their duties.

It appears that Enforcement Services staff actions are being misconstrued by Ms. Komar-Apreda. There appears to be no basis to warrant the reimbursement of fees to Ms. Komar-Apreda.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

Not applicable.

Conclusion

Based on extensive investigation, there is no evidence to suggest that staff misadvised Ms. Komar-Apreda and there does not appear to be any basis to warrant reimbursement by the City for Ms. Komar-Apreda's minor variance application fee, Ontario Municipal Board fee, or arbour construction/demolition costs.

Attachments

None

Report prepared by:

Tony Thompson
Director of Enforcement Services

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Item 15, Report No. 6, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 24, 2009, as follows:

By receiving the memorandum from the Director, Enforcement Services, dated February 10, 2009.

15 CIDERMILL AVENUE – PARKING PROJECT – WARD 4

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, dated February 10, 2009, be approved; and
- 2) That the parking permits include provisions for restricting on-street parking for snow removal purposes.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, in consultation with the Commissioner of Engineering and Public Works, recommend:

1. That the On-Street Parking Pilot Project on Cidermill Avenue be made permanent; and
2. That the number of available permits and parking spaces be reduced to 20 from 35.

Economic Impact

Not applicable.

Communications Plan

Notification of the reduction of available permits and parking spaces will be mailed to area businesses.

Purpose

This report is to provide feedback on the On-Street Pilot Parking Project on Cidermill Avenue, 16 months after it started.

Background - Analysis and Options

Council, at its meeting of June 25, 2007 approved the following Recommendations:

1. That parking be allowed by Permit on Cidermill Avenue between Edgeley Boulevard and Millway Avenue for the hours of 6:00 a.m. to 6:00 p.m., Monday to Friday;
2. That a monthly Permit fee of \$50.00 per parking space be approved and a program be implemented;
3. That the Parking Pilot Project on Cidermill Avenue begin August 6, 2007 and run for a one year trial period.

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The Parking Pilot Project was commenced September 1, 2007. There were 35 monthly permits and spaces available for purchase. These permits were made available on the last Monday of each month.

As illustrated in Table 1.1, attached, there has not been as much use of the project as expected, with the highest monthly use being 40% of capacity and 10 months of only 2 permits being sold. Over the course of the 16 month pilot, 80 out of a possible 560 permits were sold, for an average of 7 permits per month being sold.

Enforcement activity also continued in the pilot area to encourage compliance. In the 16 month project period, 19 parking tickets were issued.

Although there is some use of the available permit parking system in place on Cidermill Avenue, the number of permits and available parking spaces can be reduced to open up 3 hour parking spaces for the general public.

Staff are recommending that the number of spaces and permits be reduced to 20 spaces. This will allow for the peak number of 14 permits sold, with some room for growth if required. Signs will be removed to reduce the number of spaces identified.

Staff also recommend that the \$50.00 per permit fee remain. This fee covers the costs associated with the administration of the program.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the Vaughan Vision as it relates to service excellence.

Regional Implications

Not applicable.

Conclusion

The Permit Parking Project on Cidermill Avenue has been used by the public but not to its full capacity. The project should be continued, with a reduced capacity.

Attachments

Table 1.1

Report prepared by:

Tony Thompson
Director of Enforcement Services

(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 16, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

**16 WHITMORE AND SHARER ROADS – PERMIT PARKING PROJECT
WARD 3**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, dated February 10, 2009:

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, in consultation with the Commissioner of Engineering and Public Works, recommend:

2. That the On-Street Parking Pilot Project on Whitmore Road and Sharer Road be made permanent.

Economic Impact

Not applicable.

Communications Plan

Not applicable.

Purpose

This report is to provide information relating to the On-Street Parking Pilot Project on Whitmore and Sharer Roads.

Background - Analysis and Options

Council, at its meeting of June 25, 2007, adopted the following Recommendations:

1. That parking be allowed by Permit on Whitmore Road (west side) and Sharer Road (south side) for the limits of the property located at 30 Whitmore Road, between the hours of 6:00 a.m. to 6:00 p.m., Monday to Friday;
2. That a monthly permit fee of \$50.00 per parking space be approved and a program implemented;
3. That the Parking Project on Whitmore Road and Sharer Road begin August 6, 2007 and run for a one year period;
4. That when the current owner/occupant sells or vacates the subject property/premises, then the permit parking on Whitmore Road and Sharer Road be rescinded.

The parking pilot project was commenced on September 1, 2007. There are 8 parking spaces on each of Whitmore and Sharer Roads, for a total of 16 available spaces subject to permits. These permits are made available for purchase on the last Monday of each month.

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The permits have been consistently sold out almost immediately upon being made available. Over the 16 months of the project, all available permits have been sold. There is, therefore, still a demonstrated local need for this kind of service.

Enforcement activity is continuing at these locations during the pilot to encourage compliance. During the 16 months of the pilot 16 tickets were issued on Sharer Road, and 23 tickets on Whitmore Road.

The \$50.00 permit fee covers the costs associated with the administration of the program.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the Vaughan Vision as it relates to service excellence.

Regional Implications

Not applicable.

Conclusion

There is a demonstrated need to continue the permit parking program on Whitmore and Sharer Roads. The current pilot project should be made permanent.

Attachments

None

Report prepared by:

Tony Thompson
Director of Enforcement Services

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Item 17, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

17 **MEETINGS CANCELLED DUE TO LACK OF QUORUM
MAPLE STREETSCAPE COMMUNITY ADVISORY COMMITTEE
SAFE CITY COMMITTEE
VAUGHAN YOUTH CABINET**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the City Clerk, dated February 10, 2009, be approved; and
- 2) That the Council representatives appointed to the affected committees report back with a strategy to address the participation issues.

Recommendation

The City Clerk recommends:

That this report be received for information.

Economic Impact

There is no economic impact.

Communications Plan

Not applicable.

Purpose

In accordance with Policy No. 01.28, this report is to advise that the Maple Streetscape Community Advisory Committee, the Safe City Committee and the Vaughan Youth Cabinet have each cancelled four regularly scheduled meetings due to lack of quorum.

Background - Analysis and Options

Policy No. 01.28, Clause 8, "General Rules, Roles and Procedures for Council Appointed Advisory Committees" states:

"That should a non-statutory advisory committee cancel four regularly scheduled meetings in a given year due to lack of quorum, support staff assigned to the relevant committee immediately forward a report to Council for Council to decide whether the committee should continue or be disbanded for the remainder of the term of office."

Details of the cancellations for the Maple Streetscape Community Advisory Committee, the Safe City Committee and the Vaughan Youth Cabinet are as follows:

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<i>Maple Streetscape Community Advisory Committee</i>	
<i>Date</i>	<i>Reason for Cancellation</i>
January 30, 2008	Cancelled prior to the meeting due to lack of quorum.
March 26, 2008	No Items.
April 30, 2008	Cancelled prior to the meeting due to lack of quorum.
June 5, 2008	Cancelled prior to the meeting due to lack of quorum.
June 25, 2008	Cancelled prior to the meeting due to lack of quorum.

<i>Safe City Committee</i>	
<i>Date</i>	<i>Reason for Cancellation</i>
January 17, 2008	Cancelled prior to the meeting due to lack of quorum.
March 20, 2008	Cancelled prior to the meeting due to lack of quorum.
April 17, 2008	Cancelled prior to the meeting due to lack of quorum.
May 15, 2008	Meeting stood adjourned due to lack of quorum.
October 22, 2008	Cancelled prior to the meeting due to lack of quorum.
November 19, 2008	Cancelled prior to the meeting due to lack of quorum.
December 11, 2008	Meeting stood adjourned due to lack of quorum.
January 17, 2009	Meeting stood adjourned due to lack of quorum.

<i>Vaughan Youth Cabinet</i>	
<i>Date</i>	<i>Reason for Cancellation</i>
April 16, 2008	Cancelled prior to the meeting due to lack of quorum.
May 14, 2008	Cancelled prior to the meeting due to lack of quorum.
September 10, 2008	Cancelled prior to the meeting due to lack of quorum.
October 16, 2008	Cancelled prior to the meeting due to lack of quorum.
November 12, 2008	Cancelled prior to the meeting due to lack of quorum.
December 10, 2008	Meeting stood adjourned due to lack of quorum.

Relationship to Vaughan Vision 2020

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

Regional Implications

There are no regional implications.

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Conclusion

As per Policy No. 01.28, this matter is before Council.

Attachments

None

Report prepared by:

R. Magnifico, Assistant City Clerk

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Item 18, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

18

SITE DEVELOPMENT FILE DA.07.023

TOYS "R" US LIMITED

(Referred from the Council meeting of December 8, 2008, Item 25, Report No 61)

The Committee of the Whole recommends:

- 1) **That consideration of Site Development Application File DA.07.023 (Toys "R" Us Limited), be deferred, pending the further review and analysis of the application by the Development Planning Department; and**
- 2) **That the memorandum of the Commissioner of Planning, dated February 5, 2009, be received.**

Council, at its meeting of December 8, 2008, adopted the following:

"That this matter be referred to the Committee of the Whole meeting of February 10, 2009, to allow further discussion with the applicant; and

That the written submission from Mr. Jim McKinlay, McDonald's Restaurants of Canada Limited, McDonald's Place, Toronto, M3C 3L4, dated December 5, 2008, be received."

Report of the Commissioner of Planning, dated December 1, 2008

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.07.023 (Toys "R" Us) BE APPROVED, to permit the construction of a single use McDonald's eating establishment having an outdoor patio and drive-through as shown on Attachment #2, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations, landscape plan, and signage details shall be approved by the Vaughan Development Planning Department;
 - ii) the final site grading and servicing plans, stormwater management report, and on-site vehicular circulation shall be approved by the Vaughan Engineering Department;
 - iii) the required variance to implement the final site plan shall be approved by the Committee of Adjustment, and such variance shall be final and binding; and
 - b) that the Site Plan Letter of Undertaking contain the following provision:

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- 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.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted a Site Development Application (File DA.07.023) on the subject lands shown on Attachment #1 for a 394.64m² McDonald's eating establishment having a drive-through and outdoor patio uses on a 2.94 ha site shown on Attachment #2. The subject lands are presently developed with two existing commercial buildings having a total gross floor area (GFA) of 5,104m² and 312 existing parking spaces. The existing commercial is to remain and the proposed McDonald's will be located at the southeast corner of the site (presently occupied by parking and landscaping).

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the northwest corner of Steeles Avenue West and Hilda Avenue, municipally known as 300 Steeles Avenue West, being Part of Block 39 on Plan 65M-2237, in Part of Lot 25, Concession 1, City of Vaughan.

Official Plan / Zoning

The subject lands are designated "General Commercial Area" by OPA #210 (Thornhill-Vaughan Community Plan), and zoned C2 General Commercial Zone by By-law 1-88, subject to site-specific Exception 9(483). The "General Commercial Area" designation and the C2 General Commercial Zone permits the proposed convenience eating establishment with drive-through and outdoor patio uses as-of-right.

The C2 General Commercial Zone requirements identified in site-specific Exception 9(483) restricts development on site to the two existing building locations. The location proposed for the McDonald's building as shown on Attachment #2 was not included within the established building footprint and therefore relief by way of a Committee of Adjustment Variance Application will be required. The Development Planning Department has no objection in supporting the required variance, which shall be final and binding, should the site plan application be approved by Council.

Site Design

The Site Plan shown on Attachment #2 proposes the addition of a single use convenience eating establishment with an accessory drive-through and outdoor patio. The total gross floor area of the proposed McDonald's is 394.64m², which does not include the 49.3m² outdoor patio use. The single-storey rectangular shaped building is located at the southeast corner of the subject lands in close proximity to the Steeles Avenue West and Hilda Avenue intersection. The proposed

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building location will result in the deletion of existing parking. The outdoor patio is located to the east of the building and the drive-through lane is situated on the south side of the building traveling eastward and turning in a northerly direction at the corner of the property as shown on Attachment #2. Parking spaces have been maintained to the north and the west of the building and no new accesses have been proposed. The proposed development does not require a loading space, however as shown on Attachment #2, one space has been provided on the west side of the building.

The final site plan must be approved to the satisfaction of the Development Planning Department.

Landscape Plan

The proposed landscape plan as shown on Attachment #3 provides for a mix of deciduous and coniferous shrub and tree planting in strategic locations within the buffer strips along Steeles Avenue West and Hilda Avenue in order to mitigate the view of the drive-through lane. A planting bed has also been incorporated at the southwest corner of the building creating additional screening of the loading and internal refuse storage area from Steeles Avenue West.

The final landscape plan must be approved to the satisfaction of the Development Planning Department.

Building Elevations

The proposed building elevations are shown on Attachments #4 and #5. The majority of the building will be built with a flat roof. Two architectural features are located above the height of the remainder of the building with an arched shape and are coloured yellow, complementing the colour of the awnings suspended over the windows located on the south and east elevations. The main entrance to the eating establishment is located on the north elevation facing the existing commercial on site and consists of a single glass door framed by stone work as shown on Attachment #5. There is also a second entrance at the southeast corner of the building, leading to a proposed new pedestrian connection to the Hilda Avenue and Steeles Avenue West intersection. There is an overhead door leading to the garbage/recycling room on the north elevation, which is set back from the main wall. The exterior elevations are to be constructed in brown brick with the east elevation facing Hilda Avenue comprised of stone. Stone has also been incorporated as accents on the remaining three elevations.

The final building elevations must be approved to the satisfaction of the Development Planning Department.

Parking

The parking area has been slightly modified to account for the proposed single-use convenience eating establishment. Site-specific Exception 9(483) permitted a reduction in the required parking rate from 6 parking spaces/100m² GFA to 5.5 parking spaces/100m² GFA. The proposed site development including the existing commercial uses requires a total of 304 parking spaces, 4 of which are required to be handicapped spaces. The required parking for the subject lands as shown on Attachment #2 is calculated as follows:

$$\begin{array}{r}
 5,104 \text{ m}^2 \text{ existing commercial @ } 5.5 \text{ parking spaces/100m}^2 \\
 443.94 \text{ m}^2 \text{ proposed McDonald's and patio @ } 5.5 \text{ parking spaces/100m}^2 \\
 \hline
 \phantom{5,104 \text{ m}^2 \text{ existing commercial @ } 5.5 \text{ parking spaces/100m}^2} = 280.72 \text{ spaces} \\
 \phantom{443.94 \text{ m}^2 \text{ proposed McDonald's and patio @ } 5.5 \text{ parking spaces/100m}^2} = \underline{24.41 \text{ spaces}} \\
 \phantom{443.94 \text{ m}^2 \text{ proposed McDonald's and patio @ } 5.5 \text{ parking spaces/100m}^2} = 305.13 \text{ spaces}
 \end{array}$$

Therefore, the total number of parking spaces required is 306 spaces, whereas the Applicant has provided 312 spaces.

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Transportation

The Applicant has submitted a Traffic Impact Study prepared by Paradigm Transportation Solutions Ltd., which has been reviewed by the Vaughan Engineering Department. The following comments have been provided by the Vaughan Engineering Department:

The site is currently serviced with three full movement accesses, one on Steeles Avenue West and two on Hilda Avenue. The proposed eating establishment use would generate about 134 vehicles per hour during the AM peak hour, 88 vehicles per hour during the PM peak hour, and 151 vehicles per hour during the Saturday peak hour. Presently, the signalized intersection at Steeles Avenue West and Hilda Avenue experiences approximately 3,410 vehicles per hour during the AM peak hour, 3,817 vehicles per hour during the PM peak hour, and 4,195 vehicles per hour during the Saturday peak hour.

For analysis purpose, the traffic consultant utilized a higher trip rate for the proposed eating establishment than the ITE Trip Generation Guide (internationally accepted trip estimation guide). Furthermore, the Saturday traffic volumes were observed slightly higher than the peak hour volumes. As noted by the traffic consultant in the report, the Saturday traffic volumes were unexpected due to some unknown condition on the particular date of the count. The Vaughan Engineering Staff also conducted Saturday peak hour observations on July 21, 2008, and confirmed that the Saturday peak hour traffic volumes utilized in the analysis and contained within the Traffic Impact Study were higher. It should be noted that the Saturday traffic conditions occur once per week compared to the ten weekday peak traffic conditions associated with the AM and PM peak traffic, and therefore are considered less critical.

a) Analysis Modeling/Assumptions

The Traffic Impact Study assigned development trips onto two accesses being the access on Steeles Avenue West and the southern access on Hilda Avenue, thus overlooking the third access located at the north end of the subject lands along Hilda Avenue. The analysis approach was found to be conservative in order to reflect the worst case scenario. It should be noted that the access located at the northeast corner of the subject lands is a secondary access, primarily used for service vehicles, but also used by Toys “R” Us/Retail plaza customers.

b) Existing Conditions

The existing level of service conditions were determined for the study area using existing traffic volumes observed in May 2008, existing signal timings and Synchro traffic analysis software. The analysis indicates that under existing conditions the signalized intersection of Steeles Avenue West and Hilda Avenue operates at an acceptable level of service. However, it should be noted that eastbound left turn movements onto Steeles Avenue and southbound left turn movements on Hilda Avenue are approaching a critical level. These movements are typical on a major arterial road (critical intersections and movements in the urban area are defined as those with a volume to capacity (v/c) ratio greater than 0.85).

The unsignalized northerly site driveway on Hilda Avenue under existing conditions during the Saturday peak hour was impacted due to the southbound left turning vehicles from Hilda to Steeles, thus resulting in higher delays on site access approaches to the intersection. However, the volume to capacity ratios for this situation are below 1.0, indicating that the intersection is able to accommodate the existing and anticipated volume of traffic.

c) Total Future Conditions

The future level of service conditions were determined for the study area intersections by utilizing future background total traffic volumes and proposed development for the 2012 planning horizon.

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Future background traffic consists of traffic growth from outside of the study area and traffic generated by other developments within the study area. The traffic consultant utilized the Regional model to estimate background traffic growth. The study used a background traffic growth rate of 1% per year for the next 5 years. The 1% background traffic growth rate is conservative to reflect worst case scenario.

The analysis indicated that under future total traffic volumes, the signalized intersection of Steeles Avenue West and Hilda Avenue will generally operate at an acceptable level of service condition in the AM and PM peak hours. The intersection will however operate close to capacity with volume to capacity ratio close to 1.0, during the Saturday peak hour with higher delays anticipated. This condition indicates some congestion can be expected at this intersection during the Saturday peak hour. However, the Saturday condition will only exist once each week and is of less concern than congestion during the weekday peak periods. Vaughan Engineering Staff also confirmed that the Saturday peak hour traffic volume utilized in the analysis were higher, as no significant vehicle delay/queue were observed on Hilda Avenue.

Motorists using the unsignalized site access located at the south end of Hilda Avenue will experience higher delays on their approach to the intersection during all AM, PM and Saturday peak hours. This is related to the background traffic growth plus existing traffic rather than the traffic generated by the subject development. In fact, the delays on the site driveways as motorists approach Hilda Avenue could be less, as motorists would also utilize the third access located at the northeast corner of the subject lands along Hilda Avenue.

d) Transportation Summary and Conclusions

In view of the foregoing, the Vaughan Engineering Department would conclude that the traffic volumes generated by the proposed MacDonald's eating establishment is a small component of the total traffic passing through the intersection during peak hours, and therefore is a minor factor in intersection operation and determination of improvements. Furthermore, vehicle delay/queue could be different than the Synchro measured vehicle delay and queue length, as development trips were not distributed to the 3rd access located at the northeast corner of the subject lands. The Vaughan Engineering Department is of the opinion that a significant proportion of the site traffic during peak hours would be oriented to the north access in part due to potential delay in making left in/out movements to/from the subject lands, thus resulting in relatively less impact on Hilda Avenue.

Servicing

The Owner has submitted site-servicing and grading plans and a stormwater management report, which must be approved to the satisfaction of the City's Engineering Department.

All hydro requirements must be addressed to the satisfaction of PowerStream.

Snow storage will be maintained on the subject lands within the landscaped areas, and garbage and recycling collection services will be undertaken privately.

City of Toronto

The City of Toronto has no objection to the proposed site development.

Site Sustainability

The following sustainability features have been incorporated into the building and site design:

- Automatic lighting control system to ensure lights are shut off when the store is closed;

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- Automatic flush-meters are installed in washrooms;
- Low consumption water fixtures installed throughout, with hand sensors installed in washrooms;
- A “White Roof” will be installed on the building, which results in reduced cooling needed in summer by up to 5%;
- Bicycle racks will be provided adjacent to the building to encourage alternative modes of transportation;
- Drought tolerant plant material that is hardier and more resistant to damage from salt during the winter months will be provided; and,
- The building incorporates "Earth-tone" colour schemes having a more moderate effect on the heating and cooling of the building throughout the year.

The Ontario Building Code (OBC) has recently been revised to require increased insulation and more energy efficient standards to be met within new facilities. McDonald's will meet or exceed these requirements of the OBC.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, “Plan and Manage Growth and Economic Vitality”.

Regional Implications

The Region of York Transportation Services Department has no objection to the proposed development shown on Attachment #2.

Conclusion

The Development Planning Department has reviewed the proposed Site Development (File DA.07.023) in accordance with the policies of OPA #210 (Thornhill-Vaughan Community Plan), the requirements of By-law 1-88 as amended by site-specific Exception 9(483), and in context of the surrounding land uses. The Development Planning Department is satisfied with the proposed development subject to the comments and recommendations contained in this report. The proposed application to permit the development of a McDonald's eating establishment with permitted drive-through and outdoor patio uses as shown on Attachment #2, conforms to the policies of the area Official Plan and is considered to be compatible with the existing surrounding land uses, and can be supported, together with the variance that will be required to be obtained from the Committee of Adjustment to permit the McDonald's building outside of the two existing building envelopes on the site.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. East and West Elevations
5. North and South Elevations
6. Correspondence from Mr. J. McKinlay, McDonald's Restaurants of Canada Limited

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368

/CM

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(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 19, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

19

**SIGN VARIANCE APPLICATION
FILE NO: SV.08-020
OWNER: YORK REGION CONDOMINIUM CORP. #582
LOCATION: 180 WINGES ROAD
LOT 2, REGISTERED PLAN NO. 65M-2339
WARD 3**

The Committee of the Whole recommends:

- 1) That Sign Variance Application SV.08-020, York Region Condominium Corp. #582, be approved;
- 2) That the written submission of Slava Cutone, Royal Neon Group, 50 Four Valley Drive, Concord, L4K 4T9, dated February 5, 2009, be received; and
- 3) That the following report of the Sign Variance Committee, dated February 10, 2009, be received.

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.08-020, York Region Condominium Corp. #582, be REFUSED.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install a ground sign having a sign area of 15.92 sq m per single sign face as shown on the attached drawings.

Background - Analysis and Options

Bylaw Requirements (203-92, as amended):

Section 8.1 (a) Except as otherwise permitted in Section 8.7 and 8.8, no ground sign shall be larger than 10.0 sq m in area on a single sign face, or 20.0 sq m of sign area for all faces combined.

Relationship to Vaughan Vision 2020/Strategic Plan

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

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Regional Implications

Region of York Engineering approval is required for the proposed sign. (Minimum setback from the center line of Weston Road.)

Conclusion

The By-law permits a ground sign to have a maximum sign area of 10 sq m per single sign face. The applicant is proposing a ground sign having an area of 15.92 sq m per single sign face as shown on the attached drawings.

Members of the Sign Variance Committee heard the subject application at its October 15, 2008, November 12, 2008 and January 21, 2009 meetings. The original application as submitted was for the construction of a 18.9 sq m. ground sign that has subsequently been revised and reduced to 15.9 sq m by the applicants. At the Sign variance meetings there was not a majority of members that supported approval of the revised application.

Members of the sign Variance Committee note that the subject property is a “through lot” with its lot frontage and accesses located on Wings Road. (No access onto Weston Road.) There were additional concerns respecting the makeup of the sign (Small individual sections for the 23 tenants) and the overall size and massing of the sign when compared to the limited street exposure abutting Weston Road.

If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan
2. Sketch of Sign
3. Sign Construction Details
4. Arial Site Plan Photograph

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

20

**SIGN VARIANCE APPLICATION
FILE NO: SV.08-025
OWNER: INNOVATION COMMERCIAL CENTRE INC.
C/O HOMELIFE ROYAL CORP. REAL ESTATE INC./TONY RIMONATO
LOCATION: 20 INNOVATION DRIVE, BUILDING B, UNIT 1 (STARBUCKS COFFEE CO.)
BLOCK 1, REGISTERED PLAN 4044
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated February 10, 2009:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.08-025, Innovation Commercial Centre Inc. c/o Homelife Royal Corp. Real Estate Inc./Tony Rimonato, be APPROVED.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install a drive thru wall sign on the east building face of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Noting the above, where the property is regulated by a site plan agreement approved by the City, only those wall signs and pylon signs approved under the site plan agreement are deemed to be permitted by the City's Sign By-law.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

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Conclusion

The applicant is proposing to install a 1.17 sq m. (12.56 sq ft.) drive thru wall sign on the east building face as shown on the attached drawings. The proposed sign was not shown on the approved site plan agreement and therefore not permitted.

Members of the Sign Variance Committee note that the proposed sign is a smaller sign that advertizes the Drive-thru located on the property. Committee members have no objections to the application as submitted and are of the opinion that the intent and purpose of the Sign By-Law is being maintained.

If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan
2. Sketch of Sign
3. East and West Elevations

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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 21, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

21

**SIGN VARIANCE APPLICATION
FILE NO: SV.08-026
OWNER: INNOVATION COMMERCIAL CENTRE
LOCATION: 20 INNOVATION DRIVE, BUILDING B UNIT 2 (THE DENTAL SPA)
BUILDING 'B', BLOCK 1, REGISTERED PLAN NO. M-4044
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated February 10, 2009:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.08-026, Innovation Commercial Centre, be APPROVED.

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install a wall sign on the building face of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Noting the above, where the property is regulated by a site plan agreement approved by the City, only those wall signs and pylon signs approved under the site plan agreement are deemed to be permitted by the City's Sign By-law.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

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Conclusion

The applicant is proposing to install a 9 sq m. (96 sq ft.) wall sign on the building face as shown on the attached drawings. The proposed sign was not shown on the approved site plan agreement and therefore not permitted.

Members of the Sign Variance Committee note the proposed sign is to be located over the main entrance to the unit and have no objections to the application as submitted. Committee members are of the opinion that the intent and purpose of the Sign By-Law is being maintained.

If Council finds merit in the application, a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan
2. Sketch of Sign
3. Building Elevations

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(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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2. THAT the appropriate City Staff and external consultants be directed to attend the Ontario Municipal Board Hearing in support of the refusal.

Economic Impact

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

Communications Plan

On November 9, 2007, a Notice of a Public Meeting was circulated to all property owners within 120m of the subject lands, and to the Kleinburg and Area Ratepayers Association. The recommendation of the Committee of the Whole to receive the Public Hearing report of December 3, 2007 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on December 10, 2007.

Several letters were received by the Development Planning Department respecting the applications, including 4 letters generally supporting the applications, and 11 letters (4 letters, 7-form letters) and a 7 page (317 names) petition objecting to the applications.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachment #1, which were most recently revised on November 28, 2008:

- 1) An Official Plan Amendment Application (File OP.07.004) to amend OPA #601 (The Kleinburg Nashville Community Plan), as amended by OPA #633 to:
 - i) permit only the following uses on the subject lands:
 - a 64 unit residential condominium building, OR a 90 unit retirement residence;
 - The Martin Smith House to be retained for amenity purposes;whereas OPA #601, as amended by OPA #633, permits only a single family detached dwelling on the subject lands;
 - ii) permit a maximum building height of 13.4m, whereas a maximum of 9.5m is permitted;
 - iii) permit a minimum buffer of 5 metres from the top-of-bank, whereas a minimum of 10 metres is required;
- 2) A Zoning By-law Amendment Application (File Z.07.031) to amend By-law 1-88, specifically to:
 - i) rezone the lands at 10384 Islington Avenue from R1 Residential Zone to RM2 Multiple Residential Zone and OS1 Open Space Conservation Zone;
 - ii) maintain the existing RM2 Multiple Residential Zone and OS1 Open Space Conservation Zone on 10360 Islington Avenue;
 - iii) permit the following site-specific zoning exceptions:
 - a 64 unit residential condominium building OR a 90 unit retirement residence, whereas a single detached dwelling is permitted;

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- maintain the existing Martin Smith House on the lands to be used as amenity area;
- a minimum lot area of 92 m²/unit and 65 m²/unit for the multi-unit residential condominium and the retirement residence respectively, whereas a minimum lot area of 230 m²/unit is required;
- a minimum of 96 parking spaces for the multi-unit residential condominium building use, whereas a minimum of 112 parking spaces is required;
- for the retirement residence only, a range of between 50-100 parking spaces, whereas 135 parking spaces are required;
- a maximum building height of 13.4 m, whereas 9.5 m is permitted.

The revised site plan includes a multi-unit building that gives the appearance of being 2 buildings (Proposed North Building and Proposed South Building as shown on Attachment #2). The north and south ends of the building are linked at the rear of the site in an area where the height has been lowered to one-storey. The applicant has also altered the architectural style of the building from a modern flat roofed building to a building with architectural details, as shown on Attachments #3, #4 and #5.

On January 19, 2009, the applicant submitted additional revisions and information. Minor architectural revisions were made to the elevation drawings, as shown on Attachments #3, #4 and #5. A roof plan, as shown on Attachment #6, was also submitted at the request of the Vaughan Building Standards Department, which was required to determine the exact height of the proposed building. The applicant also submitted proposed underground parking plans dated December 2008, as requested by the Vaughan Engineering Department and Building Standards Department. The applications would facilitate a proposed development as shown on Attachment #2, with the following revised site statistics:

Total Site Area:	10813.0 m ²
Open Space (OS1) Area:	4871.9 m ²
Right-of-Way Dedication along Islington Avenue	29.02 m ²
Developable Lot Area:	5912.1 m ²
Proposed GFA:	6499.7m ²
Martin Smith House GFA (Amenity Area):	260.10 m ²
Total GFA:	6759.8 m ²
Proposed Parking for the 64 unit multi-unit residential condominium building:	96 spaces
Proposed parking for the 90 unit retirement residence:	Range Provided (50 to 100 spaces)
Proposed New Building Height:	13.4 m

Background - Analysis and Options

The subject lands are located on the west side of Islington Avenue, south of Nashville Road, municipally known as 10360 and 10384 Islington Avenue in the Village of Kleinburg, in Part of Lot 23, Concession 8 (Ward 1), City of Vaughan, as shown on Attachment #1.

The subject lands are designated "Kleinburg Core" and "Valley and Stream Corridor" by OPA #601, as amended by OPA #633. OPA #633 was adopted by Council on May 23, 2006, and subsequently approved by the Region of York on March 29, 2007. OPA #633 has been appealed to the Ontario Municipal Board (OMB).

The subject lands are located within the Kleinburg-Nashville Heritage Conservation District and were designated under Part V of the Ontario Heritage Act in 2003. The property at 10384 Islington Avenue contains the Martin Smith House (built in 1852) that was designated under

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Section 29 of Part IV of the Ontario Heritage Act in 1979 through By-law 55-79. The Ontario Heritage Act requires any proposed alterations, additions or demolitions of individually designated property or properties designated within a Heritage Conservation District (HCD) to be reviewed by Heritage Vaughan for a recommendation to Council (related Heritage File HP.2008.024.01). Heritage Permit approvals must be obtained by the property owners in conjunction with all other necessary City permits or approvals.

On November 9, 2007, a Notice of a Public Meeting was circulated to all property owners within 120m of the subject lands, and to the Kleinburg and Area Ratepayers Association. The recommendation of the Committee of the Whole to receive the Public Hearing report of December 3, 2007 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on December 10, 2007.

Several letters were received by the Development Planning Department respecting the applications, including 4 letters generally supporting the applications, and 11 letters (4 letters, 7 form letters) and a 7 page (317 names) petition objecting to the applications. The objections related to the following:

- the height and size of the proposed building and the number of units; the proposed development is not in keeping with the site, and does not maintain the atmosphere of the village of Kleinburg;
- traffic/safety concerns (proximity to Kleinburg Elementary School);
- the availability of water and sewage capacity to service the development;
- noise and environmental concerns;
- the submission of a noise and shadow study should be required to demonstrate that there are no negative impacts on the existing homes in the area;
- appropriate buffers adjacent to the Open Space Zone should be provided; and,
- the negative impact on the heritage structure (Martin Smith House) as well as the village of Kleinburg, and it was suggested that approval from the Historical Society of Canada should be obtained.

On January 21, 2009, the Cultural Services Department forwarded a report to Heritage Vaughan, recommending refusal of the Heritage Permit Application (#HP.2008.024.01) for 10360 Islington Avenue and 10384 Islington Avenue (Martin Smith House). Heritage Vaughan approved the Cultural Service Department's recommendation, which has been forwarded to the February 10, 2009 Committee of the Whole meeting, and is also attached hereto as Attachment #7.

Ontario Municipal Board Status – OPA #633 and consolidation of Site-Specific Official Plan and Zoning By-law Amendment Applications (Files OP.07.004 & Z.07.031)

On April 19, 2007, the applicant appealed OPA #633 (Kleinburg Core Area Policy Review) to the Ontario Municipal Board (OMB). On February 1, 2008, the applicant subsequently appealed their Official Plan and Zoning By-law Amendment Applications (Files: OP.07.004 & Z.07.031) to the OMB citing that the City has failed to make a decision on the applications within the time frames prescribed by the Planning Act as the reason for the appeal. The OMB Hearing to consider the appeals respecting the Official Plan and Zoning By-law Amendment applications and OPA #633 has been consolidated and a 4 week Hearing to consider these appeals is scheduled to commence on April 6, 2009.

Previous Zoning By-law Amendment and Site Development Approval - 10360 Islington Avenue

On February 14, 2005, Council approved Zoning By-law Amendment Application Z.03.064 and Site Development Application DA.03.055 (Carmela Greco) to permit a 15-unit, 2½ storey residential building with a maximum building height of 9.5 m on 10360 Islington Avenue.

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Subsequently, on April 27, 2006, a Site Plan Agreement was registered on title to implement the approved development for 10360 Islington Avenue, which has not been built.

Revisions made to the subject Official Plan and Zoning By-law Amendment Applications

To date, the applicant has submitted various revisions to the subject Official Plan and Zoning By-law Amendment Applications (Files OP.07.004 & Z.07.031), briefly summarized as follows:

- a) On June 29, 2007, the applicant submitted Official Plan Amendment and Zoning By-law Amendment applications for the lands that proposed two, 3½ storey residential condominium buildings (94 units), with 2 levels of underground parking. This proposal also included the relocation of the heritage structure (Martin Smith House) between the 2 proposed buildings. On August 15, 2007, a Heritage Vaughan meeting was held and a recommendation was adopted to refuse the request to relocate the Martin Smith House. The applicant advised the Development Planning Department that in light of the decision made by Heritage Vaughan, the applications not proceed to a Public Meeting, pending further instruction.
- b) On October 29, 2007, the applicant submitted revised plans and amended the Official Plan and Zoning By-law Amendment applications. The revised submission proposed one, "L"-shaped multi-unit building ranging in height from 2 to 5 storeys for the purpose of either a 78 unit residential condominium or a 120 unit retirement residence. This proposal included the addition of commercial uses, institutional uses (including a private school and a daycare centre), and a museum and community facility located within the Martin Smith House. The applications were considered at a Public Meeting held by Council on December 3, 2007.
- c) On August 7, 2008, the Official Plan and Zoning By-law Amendment Applications were further revised to permit a multi-unit residential building with 75 units, OR, a Retirement Residence with 100 units, and with a building height ranging from 6.3m at the front of the proposed building to 15.3m at the rear. The Martin Smith House was proposed to be used for amenity area for the new building and the request for additional uses (institutional/commercial) previously requested was abandoned.
- d) On November 28, 2008, a further revised submission was filed by the applicant, as outlined in the Purpose Section and is the subject of this report, in conjunction with a further submission made on January 19, 2009, that included revised elevation drawings dated January 2009, proposed underground parking plans dated December 2008, and a proposed roof plan, dated January 2009.

Planning Considerations

The Development Planning Department has reviewed the applications to amend the Official Plan and Zoning By-law and is of the opinion that they do not represent good planning for the following reasons:

- i) Applications are Not Consistent with the Planning Act

Section 2 of the Planning Act states that Council of a municipality in carrying out their responsibilities shall have regard to, among other matters, matters of provincial interest such as:

- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest

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As outlined in the Cultural Services section of this report, the proposed height, scale, and massing of the new building is unsympathetic to an existing heritage building (Martin Smith House) as well as having a negative impact on the designated property at 10384 Islington Avenue, which is designated under Part IV of the Ontario Heritage Act. The proposed new building is not in keeping with the policies of the Kleinburg-Nashville Heritage Conservation District, and is not consistent with the historic development pattern of the Kleinburg Core.

- the appropriate location of growth and development

As part of the review of the Kleinburg Core Area, a land use study was undertaken by the Policy Planning Department and a consultant to review the scale and massing of development and redevelopment within the Kleinburg Core Area. This also included a consolidation of planning regulations as they applied to the Village of Kleinburg (Kleinburg Core Area Policy Review – January 2006). The City has had regard for the appropriate location of growth and development through this land use review. The City also continues to review the appropriate locations for intensification through its City-wide Official Plan review as required by Provincial Policies.

Section 3(5) of the Planning Act requires that a decision of Council of a municipality in respect of the exercise of any authority that affects a planning matter:

- shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and,
- shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The applications are not consistent with the *Provincial Policy Statement and Places to Grow Plan*, as set out in the following section of this report.

ii) Applications are Not Consistent with the Provincial Policy Statement (PPS)

The applications to amend the Official Plan and Zoning By-law were filed with the City on June 29, 2007, and therefore, are subject to and must be consistent with the Provincial Policy Statement (PPS) 2005. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development.

The applications are not consistent with the following policies of the PPS:

- i) Section 1.1.3.3 states that Planning Authorities shall identify and promote opportunities for intensification and re-development where this can be accommodated taking into account the existing building stock or area. The subject lands are located within the Kleinburg Nashville Heritage and Conservation District (KNHCD) which is intended to protect and promote the historic built form of the Kleinburg Core Area. The intensity of the proposed use and the proposed built form does not serve to protect and/or enhance the goals of the Kleinburg-Nashville Heritage and Conservation District. The Development Planning Department accepts the opinion provided by the Cultural Services Department, that the level of development proposed and the scale of the proposed building(s) do not compliment the existing heritage structure and its heritage setting.

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- ii) Section 2.6.1 of the Provincial Policy Statement states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” As referenced in the Cultural Services report dated January 21, 2009 “...the scale and massing and architectural design of the proposal does not conserve the Martin Smith House and the Kleinburg-Heritage Conservation District. The Martin Smith House is lost within the new building proposed for the site and the 19th century village core of Kleinburg identified as a significant aspect of the Heritage Conservation District will not be conserved.”
- iii) Section 2.6.3 of the PPS addresses the manner in which development and site alterations to properties that are located adjacent to a protected heritage property are to be evaluated. This section of the PPS states that it must be demonstrated that the proposed development will protect the heritage attributes of the protected heritage property. The Cultural Services Department in its January 21, 2009 report states that the proposed development on the subject lands, given the mass and scale and architectural detailing, does not conserve the heritage attributes of the Martin Smith House, the surrounding property and the Kleinburg Village Core/Heritage Conservation District.

The applications are not consistent with the PPS, nor has the applicant demonstrated that the development would be complimentary to and protect the wider Kleinburg Village Core Heritage Conservation District or more specifically, the heritage integrity of the Martin Smith House and its lands.

- iii) Applications are not consistent with *Places To Grow Plan*

The Province's *Places to Grow Plan* implements a framework for the Provincial vision for building stronger, prosperous communities by better managing growth to 2031, and contains a policy providing insight into planning policy applicable to the proposed development.

Section 4.2.4 - A Culture of Conservation, states that:

“Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives (in part):

“...e) Cultural heritage conservation, including:

- i) Conservation of cultural heritage and archaeological resources as built-up areas are intensified.”

As the subject lands are designated under Part V of the Heritage Act, and the whole of the lands at 10384 Islington Avenue are designated under Part IV of the Heritage Act, the conservation of those lands is considered to be an important municipal objective. The City has incorporated into the Kleinburg-Nashville Community Plan (OPA #601), as amended by OPA #633, policies from the Ontario Heritage Act intended to preserve the integrity of the Kleinburg historic core area. In addition, the City has established a Heritage Conservation District in the Kleinburg Area. As the subject applications do not respect the heritage nature of the subject lands, they do not meet the objectives of the Province's Places to Grow Plan.

- iv) The Region of York Official Plan

The Regional Official Plan lists as an objective to “recognize, conserve and promote cultural heritage resources and to perpetuate their value and benefit to the community.” Specifically, it is a policy of Regional Council (in part):

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- “7. To ensure on lands that have or may have a cultural heritage resource, that an evaluation of the resource is carried out and that the proponent of the development in cooperation with the area municipality, the Region and the Province prepares a strategy for conserving the cultural heritage resource.
8. To encourage area municipalities to consider design that depicts heritage qualities when approving developments in older neighbourhoods or mainstreet areas, so that development or redevelopment reflects the character and streetscape of the area.”

OPA #601, as amended and the Kleinburg-Nashville Heritage Conservation District respond to the policy initiatives identified in the Regional Official Plan.

OPA #633

The Vaughan Policy Planning Department has advised the following:

“The subject lands are designated “Kleinburg Core” by OPA 601, as amended by OPA #633. OPA #633 was adopted by Council on May 23, 2006 and subsequently approved by the Region of York. OPA #633 is under appeal to the Ontario Municipal Board.

The purpose of OPA #633 was to incorporate policies based upon the findings of the Kleinburg-Nashville Heritage Conservation District Study and Plan and to include policies recommended in the Kleinburg Core Area Policy Review (January 2006) to more clearly define a mainstreet commercial area, including policies related to appropriate land use designations, permitted uses, development standards and the scale and massing of buildings.

Having reviewed the revised plans submitted by the applicant, the Department has the following concerns regarding the proposed development in that it:

- a) does not respect the goals, objectives or policies of the Official Plan as amended by OPA #633 in that it is not consistent with the urban design and development objectives;
- b) does not respect the urban design and development objectives of the Kleinburg/Nashville Heritage Conservation District Plan, Official Plan Amendment 633 and associated Zoning By-law with respect to the continuation and enhancements of the district’s historical and village-like ambiance and “single residential character and scale”, expressed through use and built form permissions. Specifically, a multiple family dwelling is not a permitted use and the proposal exceeds the permitted height limit of 9.5 metres.

The proposed development is located in a residential zone within the Kleinburg Core Area and therefore the policies for predominantly residential uses would apply as well as the policies applying generally to the Kleinburg Core Area.”

Kleinburg-Nashville Heritage Conservation District Study & Plan

In the summer of 2002, the City retained heritage consultant Philip H. Carter Architect, to examine the Kleinburg-Nashville community with the intent of creating a Heritage Conservation District. The consultant’s report, the “Kleinburg-Nashville Heritage Conservation District Study and Plan” (KNHCD Study and Plan), identifies an area of that community where heritage conservation is considered to be important. The KNHCD Study and Plan describes the architecture of existing buildings, and how each building relates to each other and contributes to

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the landscape and history of the district. The consultant has advised the Urban Design policies in OPA #601, as amended by OPA #633, are consistent with the objectives and policies of the Kleinburg-Nashville Heritage Conservation District Plan. The consultant has confirmed that in order to provide protections similar to those found within the Heritage Conservation District Plan, the report recommended changes to the Official Plan and Zoning By-law to better reflect the built form and heritage character of the District, and to the Part IV properties found in the District such as the Martin Smith House. The Kleinburg-Nashville Heritage Conservation District Study and Plan, was adopted by Council, by By-law 183-2003 as amended by By-law 268-2003.

The heritage consultant (Phillip H. Carter, Architect) has also commented on the proposed development and has reviewed the latest revisions, providing the following comments:

“In our professional opinion, the proposed development does not represent a compatible change within the Heritage Conservation District, under Part V of the Ontario Heritage Act, nor is it a compatible change to the Martin Smith House property, under Part IV of the Ontario Heritage Act.

The proposal is too large, too high, and the design is an inauthentic pastiche of architectural elements. In numerous ways the proposal does not conform to the objectives, policies, and guidelines of the Kleinburg-Nashville Heritage Conservation District Plan. And the change to the setting of the Martin Smith House, produced by the proposed development is detrimental to it, and should not be permitted.”

Official Plan Amendment Conformity

The applications do not meet the following goals, objectives and policies of OPA #601, as amended by OPA #633.

- i) The following Sections of the Official Plan address the intent of the policy framework to preserve and protect the historic architectural integrity of the Kleinburg Core.

Section 3.0 Goals:

Subsection 3.1 Goals – General (in part)

- “1) Ensure that land use and built form are compatible with the scale and character of the existing community and integrated with the existing and contemplated pattern of development in the surrounding area.”
- “6) Ensure, to the fullest extent possible, that the heritage resources, both built and natural, of the Kleinburg-Nashville Planning District are protected in accordance with the Kleinburg-Nashville Conservation District and Plan.”

The Cultural Services Department has commented on the revised development proposal and advised that the overall size of the proposed construction is still too large to be considered in keeping with the ‘village character’ or what is referred to in Section 9.1 of the Kleinburg-Nashville Heritage Conservation District Plan as the “heritage character of the District.” The Development Planning Department concurs with the opinion of the Cultural Services Department that the scale and massing of the proposed development are not within the desired scale of the Kleinburg Core.

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Subsection 3.3 Growth Management (in part)

- “2) Ensure a scale of development, housing type and lot sizes which are consistent with the rural and character of Kleinburg-Nashville as a village centre.”

As noted by the Cultural Services Department, the proposed development exceeds the current scale of development in the Kleinburg Core area and is not compatible with existing development within the Kleinburg Core Area. The Development Planning Department concurs with this opinion.

Subsection 3.5 Core Areas and Commercial Growth (in part)

- “3) Ensure core area development complements existing development in overall size and scale.”
- “4) Establish policies to implement the Kleinburg-Heritage Conservation District Plan as per Part V of the Ontario Heritage Act.”
- “12) Sensitively manage the core area of Kleinburg through the reinforcement of the traditional pattern of development and preservation of existing historic buildings and the unique environmental features which give the Village its special character.”
- “13) Ensure that neighbouring developments are physically compatible and respect existing development conditions, scale and building placement.”
- “15) Encourage the protection of significant trees.”

These goals address the need to develop the core area in a manner that preserves the nature of the core from an architectural and natural landscape perspective. The protection of significant trees is also an important goal of the official plan. In 2007, a previously existing stand of trees was removed from the 10384 Islington Avenue lands, which includes the Martin Smith House, which were intended to be protected and preserved. The Development Planning Department has included comments in this report respecting compensation for the loss of those trees.

Subsection 3.6 Residential Areas/Neighbourhoods (in part)

- “9) Ensure that residential development within the Kleinburg Core Area takes place in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan, adopted by By-law 183-2003 as amended by By-law 268-2003, and remains at a village scale and complements the historic, rural village character and architectural heritage of the community.”

Section 3.7 Heritage (in part)

- “4) Ensure that development or redevelopment occurs in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan, adopted by By-law 183-2003 as amended by By-law 268-2003 and designated under Part V of the Ontario Heritage Act.”

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The Cultural Services Department has commented that the proposed development “does not fit in the context or character of a 19th century village core that the Heritage Conservation District aims to protect and enhance. Its scale or design has no precedent in Kleinburg’s village core and is not suitable in preserving the historical context of the Martin Smith House.” Given the mass and scale of the proposed development, the Development Planning Department is also of the opinion that the proposed development does not meet the intent of the goals of the official plan.

ii) Land Use

Section 4.4.2.3 Kleinburg Core Area, Permitted Uses

OPA #601, as amended by OPA #633, designates the subject lands “Kleinburg Core” and “Valley and Stream Corridor”. The “Kleinburg Core” designation permits detached residential dwellings, Bed and Breakfast establishments, Parks and Open Space, and Public and Institutional uses.

The proposed multi-unit development/retirement residence is not a permitted use within the “Kleinburg Core” designation. The Development Planning Department is of the opinion that the multi-unit residential use cannot be supported.

iii) Compatibility, Height, Scale, Size and Massing

The importance of compatibility, size, shape and configuration of the development with adjacent uses within the Kleinburg Core, and the Kleinburg-Nashville Heritage Conservation District is stated in various policies of the Official Plan. Based on the information provided by the Cultural Services Department, as well as the opinion expressed by Phillip H. Carter, the heritage consultant who prepared the Kleinburg-Nashville Heritage Conservation District Study and Plan, the Development Planning Department is of the opinion that the proposed development does not adequately address certain policies of the plan as outlined below:

Section 4.0 Community Planning Policies

Subsection 4.4.2.2 “Kleinburg Core Area” and “Mainstreet Commercial Designations” Policies (in part):

- “5)a) Residential infilling within the village shall be permitted subject to conformity with the urban design provisions of this Plan, as detailed in the Kleinburg Nashville Heritage Conservation District Study and Plan, provided the proposed lot or development is compatible in size, shape and configuration with adjacent lots and the size and form of development located thereon.
- b) For all development within the Kleinburg Core Area, the urban design policies and heritage conservation policies set out in this Plan, as outlined in the Kleinburg Nashville Heritage Conservation District Study and Plan, shall also apply to development and redevelopment in Kleinburg.”

Subsection 4.7 Urban Design, Subsection 4.7.1 Objectives (in part):

- “b) predictable and consistent built form in keeping with the existing scale and massing of the buildings within established commercial and residential areas;

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- c) compatibility and enhancement of the unique rural village heritage character of the community;”

The above noted policies require that any development within the Kleinburg Core Area and Mainstreet Commercial designations, are compatible with the existing built form, in keeping with the existing scale of adjacent buildings and enhance the heritage character of Kleinburg. The Cultural Services Department has commented that “the resulting scale of the proposed building is not sympathetic to either the Martin Smith House or the Islington Avenue heritage streetscape character.” In light of these policies and the comments provided by the Cultural Services Department, the Development Planning Department cannot support the proposed development.

Subsection 4.7.4 Strategic Sites (Gateways)

The subject lands are identified as a strategic site requiring special design treatment due to their location and visibility.

“...The treatment of the architecture, building materials, massing and built form should reinforce their location as a gateway to the Kleinburg Core Area, a visual terminus or an important intersection...”

The Cultural Services Department has commented that the subject properties are the first series of buildings that appear as one enters the historic village core of Kleinburg, and that the design mass and scale of any new development at this location is required to maintain the “architectural integrity of the District”. The Cultural Services Department recommends that “the historical setting be conserved so that those elements which define its historic character and context are preserved. In light of the official plan policies as they pertain to strategic sites, the Development Planning Department concurs with the recommendations made by the Cultural Services Department.

Section 4.7.6 Kleinburg-Nashville Core Areas, including the Mainstreet Commercial Designation - Subsection 4.7.6.7 Built Form a) Building Compatibility states:

- “1. Where redevelopment of wide lots or consolidation of adjacent properties is proposed, the built form on the property shall reflect the historic scale and pattern of the historic scale and pattern of built form of the village and the adjacent and neighbouring properties. Subject to the provisions of the Zoning By-law, more than one building may be developed on the property in order to achieve a consistent scale and pattern of development.
2. New development will be compatible with adjacent and neighbouring development by ensuring that the siting and massing of new buildings does not result in negative impacts on adjacent properties, particularly with regard to overlook, shadows, wind and other environmental and compatibility factors.”

The compatibility of new development with existing development within the Kleinburg Core Area is an important component that is captured in many policies of the official plan. The Development Planning Department concurs with the opinion of the Cultural Services Department that the overall size of the development is too large to be considered in keeping with the “village character”, or within the Kleinburg-Nashville Heritage Conservation District Plan as the “heritage character of the District.”

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Subsection 4.7.6.7 b) Building Heights:

Subsection 4.7.7.7 b) of OPA #601, as amended states:

- “1) New buildings, additions to buildings or the redevelopment of existing site in the Core Areas of Kleinburg or Nashville shall generally not exceed a maximum height of 9.5 metres above finished grade.”

As previously noted, the roof plan was submitted for review on January 19, 2009. The Building Standards Department has confirmed that the height of the proposed building is 13.4 metres. Although the revised planning justification report states that the building height has been reduced, the Building Standards Department has advised that this statement is not accurate, as the building height is 13.4 m, which exceeds the maximum building height of 9.5 m, and therefore is not supportable. The proposed building would not be compatible with the existing built development in the area including the single detached residential development to the south (Daleview Court and Pennon Road) and to the north (existing single detached dwelling), as well as the proposed Kleinburg Public School building (height of 8.65m) on the east side of Islington Avenue.

The Cultural Services Department further expands on the size of the proposed development by referring to the mass and scale of the building. The “building has the appearance of 4-storeys in height, and as such, it overpowers the modest yet fine proportions, massing and form of the Martin Smith House.”

In summary, the applications to permit a multi-unit building on the subject lands are not consistent with several policies within OPA #601, as amended by OPA #633, as the proposed development would not be compatible in terms of height, scale and massing with respect to the Martin Smith property and existing development within the Kleinburg Core Area.

iv) Official Plan requirement for a 10 metre buffer from top-of-bank

The proposed application does not conform to Subsection 4.10.10.1 Valley and Stream Corridors – Policies, as amended. The applicant is proposing a 5 metre buffer area between the staked top-of-bank and the development limit, whereas the official plan requires a 10 metre buffer. In their comments on the proposed development, the Toronto and Region Conservation Authority (TRCA) have also requested a 10 metre buffer. The Development Planning Department is of the opinion that a 10 metre setback is required. This position is consistent with the recommendation made by the Commissioner of Planning on the previous Zoning By-law Amendment and Site Development applications for 10360 Islington Avenue (Carmela Greco) Files for Z.03.064 and DA.03.055. An exception for a minimum rear yard of 10m was recommended for the site-specific zoning by-law, in order to satisfy the requirements of the Official Plan and the Toronto and Region Conservation Authority. The Committee of the Whole, however, recommended that the building be permitted as per a revised application at a 5m setback from the top-of-bank. The Development Planning Department maintains its position that a 10 metre setback is required, and that a reduction to this requirement is not appropriate. An alternative design for the proposal, taking into consideration a reduction in the mass and scale of the building as suggested herein, would permit the accommodation of a 10 metre buffer.

Planning Justification Study

In November of 2007, the applicant submitted a “Planning Justification Report (PJR) prepared by Lorelei Jones & Associates Ltd. in support of the proposed development. The applicant

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subsequently revised the applications, and in August of 2008, the applicant submitted a “Revised Planning Justification Report” (PJR) prepared by Lorelei Jones & Associates Ltd. The PJR was further updated by way of a letter submission by Lorelei Jones & Associates Ltd, dated December 11, 2008 to reflect the November 28, 2008 revised submission. The Development Planning Department has reviewed the Planning Justification Reports and the addendum and are of the opinion that it fails to provide the necessary justification to support the subject applications, in the context of the City’s Official Plan.

The PJR report is based on the policies of OPA #601, and does not take into consideration the policies set out in OPA #633. The Development Planning Department does not agree with this approach, as OPA #633, adopted by Council, is a clear expression of Council’s intention for the area. Despite the fact that OPA #633 is under appeal, it is the Development Planning Department’s practice to review development applications pursuant to the most recently adopted official plan. Nonetheless, the applications do not conform to the original policies in OPA #601, as previously discussed in this report) such as, the Goals Section (ie. Heritage), Community Planning Policies, Development Standards (ie. building height, maximum floor space index), Urban Design policies, Built Form policies (ie. compatibility, building height, architectural design) and the 10 metre Buffer adjacent to the top-of bank requirement. Most of these issues were discussed in the previous section of this report, and further detailed through the review of OPA #633.

The report describes the revised application as “two multi-family residential buildings that are connected at the lower level. The southern building would have a 2 ½ storey eastern (front) and northern elevations, and 3 ½ storey southern and western elevations. The northern building would have 2 ½ storey eastern (front), northern and southern (front) elevation and a 3 ½ storey western (rear) elevation....the height of the southern building would be a maximum of 9.8 metres and the height of the northern building would be a maximum of 9.4 metres.”

The Development Planning Department has received comments from the Building Standards Department (included in the zoning section of this report) that do not support these statements. The “two multi-family residential buildings that are connected at the lower level” is interpreted as one building (being one footprint) since the north and south portions are connected at the rear, above grade, as shown on Attachment #3. The Building Department also advised that in order to determine the height of the proposed building, a roof plan was required. On January 19, 2009, the roof plan was provided and the Building Standards Department confirmed that the roof is considered to be a flat roof (over 10% of roof is flat), not a pitched roof, therefore the proposed maximum height of the building is 13.4 m, not 9.8 metres, as indicated in the planning justification report. The report does not address or justify the increase in the maximum building height (9.5m).

The PJR states that the applications are consistent with the Provincial Policy Statement, specifically Section 1.1.1 which promotes developments that demonstrate efficient development and land-use patterns, provides a range and mix of uses and is efficient in terms of land consumption and servicing costs. However, any development in the approved Kleinburg-Nashville Heritage Conservation District, must demonstrate the ability to protect the historical integrity of the core area, and in this case, the Martin Smith property. Since the development is unsympathetic to the historical value of the Martin Smith House property, it does not demonstrate an efficient development or land-use pattern, and does not respond to other policies of the PPS as outlined in this report.

The PJR states that the proposed development would protect the significant natural heritage features associated with the lands located below the top-of-bank. It is noted, however, that any development or re-development of lands adjacent to a valley or stream corridor, would, as a requirement of approval, require the owner to preserve all lands below top-of-bank. This is a standard condition that would relate to any development anywhere within the City of Vaughan or

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those areas regulated by the Toronto and Region Conservation Authority. Accordingly, a site can be developed in accordance with OPA #601, as amended, and still achieve this goal. In addition, the original PJR prepared in November 2007, acknowledged the Valley and Stream Corridor policies within OPA #601 requiring a minimum 10 metre buffer from the top-of-bank: “..buildings will be setback a minimum of 10 metres from it.” In the revised PJR dated August 2008, the report stated “For the lands at 10360 Islington Avenue, the top-of-bank was determined at the time of zoning the lands for open space and the by-law requires a 5 metre setback from the top-of-bank”, and that the lands below top-of-bank are now being dedicated with this new proposal. The report failed to address why only a 5 metre buffer should be applied to the new development proposal, which encompasses the lands at 10360 Islington Avenue and 10384 Islington Avenue. The final revised PJR dated December 1, 2008, indicates that the buffer area is 5 metres above the top-of-bank, where the “debris will be removed, bollards will be installed, and a 2 metre wide living fence will be planted. This PJR also fails to justify why the proposed new development cannot meet the 10 metre buffer requirement of OPA #601, and as previously respected in the original PJR dated November 2007. The Development Planning Department is of the opinion that a 10 metre buffer area from the top-of bank is required and can be achieved and therefore a 5 metre setback is not acceptable. The Toronto and Area Conservation Authority has also requested a 10 metre buffer area.

The PJR indicates that the proposed development meets the test presented in Section 2.6 of the PPS by preserving the heritage house in its current location. However, the Cultural Services Department has advised that they are of the opinion that the development as proposed would overwhelm the heritage aspects of the Martin Smith property and that the applications, if approved, would not be consistent with this section of the PPS.

The PJR indicates that “it protects the existing heritage resources on site through retention and restoration of the Martin Smith house... and it satisfies the intent of the Heritage Conservation District through the design, placement and architectural character of the proposed development”. Based on the comments received from the Cultural Services Department as well as from the heritage consultant, Phillip Carter Architect, included in this report, the proposed development does not represent a compatible change within the Heritage Conservation District, and does not conform to the objectives, policies and guidelines of the Kleinburg-Nashville Conservation District Plan.

The PJR states that the Provincial Growth Plan for the Greater Golden Horseshoe indicates that the future employment and population growth will be accommodated by directing significant amounts of new growth to existing built up areas and that the application is consistent with the intent and principles of the Growth Plan. The Development Planning Department is of the opinion that the intent of the Growth Plan with respect to intensification will be achieved in Vaughan as part of the current City-wide Official Plan Review, which will develop and implement an intensification strategy for the City, as required by the Growth Plan, on a comprehensive basis. The approval of a site-specific development plan to permit the intensification proposed within a designated Heritage Conservation District is not consistent with the goals of the Growth Plan. The most efficient way of addressing the requirements of the Growth Plan would be by way of a comprehensive planning analysis that evaluates all existing built up areas in Vaughan and recommends an intensification strategy that is sensitive to the needs and requirements of all Vaughan’s existing and future residents.

Zoning

The subject lands at 10360 Islington Avenue are zoned RM2 Multiple Residential Zone and OS1 Open Space Conservation Zone by By-law 1-88, subject to Exception 9(1214), which permits a 15-unit residential building (2376.6m²) with a maximum building height of 9.5 metres. 10384 Islington Avenue is zoned R1 Residential Zone and OS1 Open Space Conservation Zone by By-law 1-88. The R1 Zone permits a single detached dwelling, with a minimum building height of 9.5m.

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The Building Standards Department has provided the following comments based on the proposed development, and the proposed RM2 Multiple Family Dwelling Zone:

- i) The maximum building height in Schedule "A" is 11.0m and the maximum building height indicated in Exception 9(1214) is 9.5m. Based on the provided roof plan, the roof is considered to be a flat roof and the building height appears to be 13.4m (information scaled from the front elevation on the drawing provided by the applicant).
- ii) A landscape strip of three metres is required around the periphery of an outdoor parking area and the screening must have a minimum height of 1.2m. The applicant is proposing a 1.5m wide landscape strip along the southerly lot line and the height of the landscaping has not been provided.
- iii) Parking areas must be surfaced with hot mix asphalt or concrete. This cannot be determined.
- iv) The underground parking spaces appear to comply with the minimum typical size, however, the width must be clear of any obstructions and the height clearance should be provided.
- v) The size of the handicapped parking spaces has not been provided.
- vi) The parking required per unit is 1.5 spaces for a total of 96 parking spaces for the condominium proposal and 135 parking spaces for the seniors proposal, and there is also a requirement for visitor parking of 0.25 parking spaces per unit which would require 16 visitor parking spaces for the condominium proposal and 23 visitor parking spaces for the seniors proposal. A total of 112 parking spaces are required for the condominium proposal and a total of 158 parking spaces for the seniors proposal. The applicant is proposing a total of 96 parking spaces for the condominium proposal and 50-100 parking spaces for the seniors proposal.
- vii) The minimum width for aisles servicing parking is 6.0m and the maximum access or driveway width shall not exceed 7.5m.
- viii) Compliance of encroachment features cannot be determined at this time.

Cultural Services Department

The Cultural Services Department provides comments to the Development Planning Department on development applications located within the Kleinburg-Nashville Heritage Conservation District.

The Cultural Services Department comments received by the Development Planning Department are included in the January 21, 2009 Cultural Services Department report to Heritage Vaughan, recommending refusal of a Revised Heritage Permit Application (HP.2008.024.01) for New Construction, on the subject lands.

The Cultural Services Department has reviewed the revised submission made by the applicant on January 19, 2009, which included revised elevation plans, parking plan and roof plan. The minor alterations made by the applicant were to the following elements:

- front entrance canopy
- balcony floor detail
- arched upper floor window heads
- stone cladding of ground floor front entrance to parking garage

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- parking garage door detail
- enlarged dormers in south section of building

The Cultural Services Department advises that the proposed alterations are minor and had no effect to change Cultural Services recommendations to Heritage Vaughan to refuse Heritage Permit HP.2008.024.01. The roof plan, however, confirmed the more significant aspect of the proposed design, being a flat roof. This plan resulted in a confirmed building height of 13.4 m from the Building Standards Department. This information has no effect to change Cultural Services recommendations to Heritage Vaughan to refuse Heritage Permit HP.2008.024.01.

On January 21, 2009, Heritage Vaughan approved the recommendation made by Cultural Services Department, as shown on Attachment #7. That report has been forwarded by the Commissioner of Community Services and the Director of Recreation and Culture to this Committee of the Whole meeting (February 10, 2009).

Archaeological Assessment

The Cultural Services Department has received a copy of the Stage 1 and 2 Archaeological Resource Assessment prepared by Archaeological Consultants and Contractors (dated May 2008) for the applicant.

Prior to final approval of any development application, the Owner, by way of development agreement, shall agree that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as protective and mitigative measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Culture (Archaeology Unit) and the municipality.

The Stage 1 Archaeological Resource Assessment of the site determined that there was the potential for the documentation of additional archaeological remains. The Stage 2 assessment comprised a test pit survey at a 5 metre interval which resulted in the documentation of one nineteenth century Euro-Canadian site (Martin Smith: AIGv-288).

In their conclusion, the archaeologist recommended that the property in question should be subject to a Stage 3-4 investigation to identify more precisely the site's character and extent.

The Cultural Services Department is not able to provide a Heritage Clearance Approval for any soil disturbance, excavation or any Grading or Fill Permit Application until the Ministry of Culture (Archaeology Unit) is satisfied that concerns for archaeological resources or sites have been met for the area of this development.

Development Planning Department

The Development Planning Department has reviewed the proposed site plan, elevation drawings, and roof plan submitted January 19, 2009, and concur with the comments made by the Cultural Services Department. The following additional comments are provided:

- a) careful attention should be paid to the style, material expression and colours of the building, to the satisfaction of the Cultural Services Department (Heritage Vaughan).
- b) The scale of the roof of Building "B" is out of proportion and should be reduced as not to overwhelm the scale of buildings along Islington Avenue in historic Kleinburg.
- c) The Martin Smith House should be framed appropriately to highlight its features (Building 'A' appears to stick out from the rear awkwardly with only a partial pediment and windows visible. The building silhouette to the rear should not compete with the heritage house.

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- d) In compensation for the mature character trees removed, in violation of the principles set forth in OPA #601, a stand of large caliper (100mm caliper trees) evergreen and deciduous trees (minimum 6) is to be planted on the site.

Vaughan Engineering

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

i) Servicing Capacity Allocation

The previous site plan application (DA.03.055) for 10384 Islington Avenue was granted servicing capacity for 15 residential apartment units on November 08, 2004 by Council. It is our understanding that this file is now closed. As a result, the allocated servicing capacity is still available and has been reverted back to Council's control. Subject to Council approval, these units may be considered for allocation to the new application in accordance with the City's Servicing Capacity Distribution Protocol. Please note the Martin Smith House will remain as is and will retain its existing service connections and associated allocated servicing capacity for one unit.

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on March 31, 2008, servicing allocation capacity for the above noted development application(s) has not been reserved nor assigned at this time. Therefore servicing allocation capacity is currently not available for the required residential units for the subject development application(s).

The City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol. The availability of servicing allocation capacity for the above noted development application(s) may be revisited at this time based on the status of the subject development application(s).

However, based on the Region's "Retirement Home Type Facility – Servicing Allocation Requirements" dated April 2, 2007, allocation of servicing capacity is not required for retirement home type facilities where:

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

The Owner shall confirm the proposed facility type for the application in order for us to determine if servicing capacity allocation is required.

Functional servicing options for the proposed development will be subject to the completion of the City's on-going OPA #601 Kleinburg-Nashville Servicing Strategy Study. The Consultant is currently analyzing various servicing options.

The Region's Class Environmental Assessment is complete and the Environmental Screening Document has been filed with the Ministry of the Environment. The preferred servicing alternatives identified by the approved Class EA Study include upgrades to the existing Water Pollution Control Plant and decommissioning of the communal wells such that a lake based water supply source can be achieved for the entire community. This will require the construction of a new Regional supply watermain along Huntington Road from Rutherford Road to a new elevated tank in Kleinburg. The project has proceeded to the detailed design and implementation stage and it is anticipated that construction will be complete by the end of 2009. The Region of York has confirmed that its currently planned water and sewage infrastructure expansion will support

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7,745 persons in the Kleinburg-Nashville community. Under the Region's established protocol, pre-sales of units with servicing allocation can proceed 1-year prior to the expected completion date of the required infrastructure and registration of plans can proceed 6-months prior to the expected completion date.

Based on the recommendations of the City and Regional Studies, developments within the Kleinburg-Nashville Community Plan OPA #601 will have to contribute their proportionate share of the required works. If the plans proceed prior to the completion of the study a financial contribution shall be made in the form of a letter of credit for the estimated costs of each plan's contribution.

ii) Functional Servicing Report

The updated Functional Servicing Report dated December 12, 2008 prepared by Condeland Engineering Limited was reviewed and generally found to be acceptable. Ultimately, the site's design will have to conform to the City's final Kleinburg-Nashville Servicing Strategy Master Plan.

The following conditions of approval are required:

- 1) The ultimate servicing scheme shall conform to the final conclusions and recommendations of the Kleinburg-Nashville Servicing Strategy Master Plan Class Environmental Assessment.
- 2) Financial contribution towards the ultimate Kleinburg-Nashville Servicing Strategy shall be made to the satisfaction of the City.

iii) Transportation

The latest site plan shows two access points to serve the proposed development on Islington Avenue; one at the existing Martin Smith House property (proposed service access), and the other at the south end of the site, directly opposite the existing McMichael Gallery access. The Transportation Planning Division does not support the north access (service access) to the existing Martin Smith House, as this access could create confusion to visitors or motorists and may impact traffic operation on Islington Avenue. Furthermore, this proposed north access is too close to the existing speed hump, therefore service vehicles slowing to enter via the north access may cause safety and operational issues on Islington Avenue. The Engineering Department's opinion is that there is no need for the service access for the existing Martin Smith House, as it could be served via the south access.

Engineering notes that the site plan should clearly specify the use of the proposed development, since the parking requirement should be determined on the basis of the proposed use. Relocation of the garbage pick-up area is also required as a garbage truck would block the underground garage access, and would have no maneuvering space.

iv) Phase 1 Environmental Site Assessment

The Engineering Department advises that the "Report, Phase 1 Environmental Site Assessment, Proposed Residential Development, 10384 Islington Avenue, Kleinburg Ontario", prepared by Forward Engineering and Associates Inc., dated February 29, 2008 is unacceptable for the following reason:

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“Section 1.3 – “Limitations of the Report indicates any use or re-use of the document, or findings, conclusions or recommendations presented therein is at the sole risk of said user, which is unacceptable to the City. The City suggests the addition of the following wordings as a separate and 3rd (third) paragraph of Section 1.3: “Notwithstanding what has been delineated in the above, this submitted Report can be used for development approval purposes by the City of Vaughan and their peer review consultants, who may rely upon the findings, analysis, conclusions and recommendations of the Report.” Please be advised that the City does not accept a separate Letter of Reliance.

Prior to any approval, documented proof of the satisfactory registration of the Record of Site Condition (RSC) with the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes a copy of the RSC signed by a Qualified Person and acknowledgement from MOE, has to be submitted to the Engineering Department for review and approval.”

Toronto & Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority has requested that a 10 metre buffer area be provided from top-of-bank. The recent drawings indicate a 5 metre buffer area between the staked top-of-bank and the development limit. The basis of the reduced buffer is to permit some private amenity space between the buffer area and the building. This reduced buffer has not been agreed to by the TRCA.

The TRCA has requested additional “geotechnical review due to the presence of a bend in the main Humber River at the location of this site.” The TRCA advises that they are still reviewing additional information provided to them, as well as the Functional Servicing Report. As such, approval of this application is considered premature.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The subject lands are identified as being within the “Urban Area” of the Region of York Official Plan. Official Plan Amendment #601, as amended by OPA #633 is consistent with the policies set forth in the Regional Official Plan (ROP) in respect to growth management and heritage preservation. On March 29, 2007, Regional Council approved OPA #633. The Region has advised that on April 19, 2007, the Applicant for the subject lands appealed the approval of OPA #633.

The Region of York is aware of the pending Ontario Municipal Board hearing and is not a party to the matters before the OMB.

Conclusion

The Development Planning Department has reviewed the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit the development of a 64 multi-unit residential building, or 90 unit retirement residence and the retention of the existing heritage structure. As outlined in this report, the applications do not conform to the Planning Act, Provincial Policy Statement (2005), the Growth Plan for the Greater Holden Horseshoe, the Regional Official Plan, OPA #601 (Kleinburg-Nashville Community Plan), as amended by OPA #633 and the Kleinburg-Nashville Heritage Conservation District Plan. The review was conducted in accordance with OPA #601 (Kleinburg-Nashville Community Plan), as amended by OPA #633 (The Kleinburg-Nashville

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Heritage Conservation Plan). Accordingly, the Development Planning Department cannot support the Official Plan and Zoning By-law Amendment Applications (Files OP.07.004 & Z.07.031) and recommends that the applications BE REFUSED.

Attachments

1. Location Map
2. Proposed Site Plan
3. Elevations-East/West Buildings "A" and "B"
4. Elevations-North/South Building "A"
5. Elevations-North/South Building "B"
6. Roof Plan
7. Cultural Services Department report to Heritage Vaughan - January 21, 2009

Report Prepared by:

Carmela Marrelli, Planner, ext. 8791

Mauro Peverini, Manager of Development Planning, ext. 8407

/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. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

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**SITE DEVELOPMENT FILE DA.08.024
THORNHILL VILLAGE PLAZA INC. AND M4 DEVELOPMENTS INC.
WARD #5**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.08.024 (Thornhill Village Plaza Inc. and M4 Developments Inc.) BE REFUSED.
2. THAT the appropriate City Staff and external consultants be directed to attend the Ontario Municipal Board in opposition to File DA.08.024 (Thornhill Village Plaza Inc. and M4 Developments Inc.).

Economic Impact

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

Communications Plan

N/A

Purpose

On April 18, 2008, the Owner submitted a Site Development Application on the subject lands shown on Attachment #1, which was subsequently amended by revised site plan submissions dated August 8, 2008 and December 22, 2008. The latter submitted Site Plan proposal is to permit a mixed-use development consisting of: one 12-storey, 169 unit seniors residential apartment building having 525m² of GFA devoted to ground floor retail commercial uses; one 2-storey detached residential dwelling unit; six 3-storey live/work units; and the relocated (closer to Yonge Street) Robert Cox House being an existing heritage structure.

The current site plan submission proposes one 2-storey single detached residential dwelling to be located at 14 Arnold Avenue (as shown on Attachment #2), in place of the five, 2-storey townhouse units and the four 2-storey semi-detached units that were previously proposed at 14 Arnold Avenue (Attachment #7). An Ontario Municipal Board Hearing dealing with the three development applications for the property (Official Plan, Zoning By-law, and Site Plan) is scheduled to begin on March 4, 2009. The Hearing also includes the applicants' appeal of OPA #669 and Heritage Permit application.

Background - Analysis and Options

Location

The subject lands are located south of Thornridge Drive, on the north side of Arnold Avenue, and on the west side on Yonge Street, municipally known as 7584, 7586, 7588, 7592, 7596, 7598, 7600; 7602, 7604, 7610 and 7616 Yonge Street and 14 Arnold Avenue, in Ward 5, City of Vaughan as shown on Attachment #1. The Hearing also includes the applicants' appeal of OPA #669 and Heritage Permit Application.

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Council Action

On December 10, 2007, Vaughan Council adopted a motion to refuse Official Plan and Zoning Amendment Files OP.05.004 and Z.05.011 (Thornhill Village Plaza and M4 Developments Inc.). On October 27, 2008, Vaughan Council adopted a motion to refuse the related Site Development Application (File DA.08.024), as shown on Attachment #7.

On December 22, 2008, a revised Site Plan proposal was submitted as noted earlier, which is the subject of this staff report.

Changes to the Site Development Application

Below is a chronology outlining the processing to-date of the Site Development Application for Thornhill Village Plaza and M4 Developments Inc. (File DA.08.024):

- April 18, 2008, the Applicant submitted a Site Development Application on the subject lands shown on Attachment #1;
- On June 23, 2008, the Applicant referred their Site Plan Application to the Ontario Municipal Board (OMB) in light of Council's failure to consider the application within 30 days of the submission to the City of Vaughan;
- August 22, 2008, a revised plan dated August 8, 2008 was submitted reflecting minor changes to the Site Statistics referenced on the Site Plan, Drawing A1;
- October 27, 2008, Council adopted without amendment, the Committee of the Whole decision to approve the recommendation of refusal contained in the Staff report dated October 6, 2008;
- December 22, 2008, the Applicant submitted a full set of revised plans reflecting the site plan shown on Attachment #2 to this staff report;
- January 21, 2009, Heritage Vaughan at their Meeting approved the recommendation to refuse the revised Heritage Permit HP.208.015.01; and,
- The Development Planning Department prepares a staff report in consideration of the revised site plan for the February 10, 2009 Committee of the Whole agenda.

The Thornhill Yonge Street Study – 2005

The Thornhill Yonge Street Study- 2005 was jointly undertaken by the Town of Markham and the City of Vaughan. The study was initiated in 2002 and led by the consulting firm of Urban Strategies Inc. The consultation process included a number of workshops with key stakeholders, including the City of Vaughan, Town of Markham, Region of York, Region of York Rapid Transit Consortium, property owners and local residents. The land use recommendations arising from the study, which was approved by Vaughan Council on March 20, 2006, provided the policy framework for Official Plan Amendment #669, which amended the existing OPA #210 (Thornhill Vaughan Community Plan). The recommendations were based on the vision, key planning principles, goals, analysis and conclusions outlined in the report prepared by Urban Strategies Inc.

OPA #669 incorporates land use and urban design policy components of the Thornhill Yonge Street Study (2005). The land use designations established in OPA #669 reflect the Land Use Plan from the Study. The principle changes introduced by OPA #669 are the creation of two new land use designations being "Mid-Rise/Mixed Use" and "Heritage Main Street".

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Official Plan

The proposed development encompasses 3 parcels of land which are designated by three Official Plan Amendments, being OPA #210 (Thornhill-Vaughan Community Plan), OPA #669 (Thornhill/Yonge Street Corridor Plan – approved by Vaughan Council and Region of York, but appealed by applicant, and not in effect), and OPA #589 (R1V Large Lot Protection Policy), as follows:

a) OPA #210 - "Low Density Residential Area"

The lands located at 14 Arnold Avenue are designated "Low Density Residential Area" by OPA #210 (Thornhill-Vaughan Community Plan), as shown on Attachment #1, which permits single detached dwellings at a maximum net density of 22 units per hectare. The proposed single detached residential dwelling conforms to the permitted uses outlined in OPA #210 (Thornhill-Vaughan Community Plan). However, the introduction of the outdoor amenity space and a driveway access required for use by the 12-storey seniors' residential/commercial development on the same lot as the single detached residential dwelling is not in keeping with the intent of the policies of OPA #210 respecting the "Low Density Residential Area" designation.

The "Low Density Residential Area" designation permits single detached units not exceeding 22 units per ha in net density. The applicant is proposing to provide driveway access to the 12-storey seniors' residential/commercial building as well as the outdoor amenity area required for the seniors development on lands designated Low Density Residential, in effect introducing elements required for a high density development on the low density residential lands.

b) OPA #589 - "R1V Large Lot Protection Policy"

The proposed development of 14 Arnold Avenue is in contravention of OPA #589, being the City's Policy for the protection of large lots (minimum 30m) zoned R1V Old Village Residential Zone by By-law 1-88. OPA #589 aims to protect areas that have successfully maintained a historical pattern of large lots for single-detached dwellings that are recognized as an important historical component and as unique enclaves within their broader communities, including Arnold Avenue. Specifically, OPA #589 states:

"All development in older established residential areas characterized by large lots or by historical, architectural or landscape value, shall be consistent with the overall character of the area."

If the intention of the Owner is to apply to the Committee of Adjustment for a consent to sever the southerly portion of the lot (14 Arnold Avenue), from the outdoor amenity area and driveway access from the northerly portion of the residential lot, this would contravene the policies of OPA #589, as it would alter the large lot historic character of the neighbourhood.

c) OPA #669 - "Mid-Rise/Mixed Use" & "Heritage Mainstreet"

The remainder of the development lands being 7584, 7586, 7588, 7592, 7596, 7598, 7600, 7602 and 7604 Yonge Street are designated "Mid-Rise/Mixed Use", and 7610 and 7616 Yonge Street are designated "Heritage Main Street" by OPA #669, as shown on Attachment #1. OPA #669 has been approved by the Region of York, but has been appealed by the Owner to the Ontario Municipal Board.

The "Mid-Rise/Mixed Use" designation permits buildings at a maximum height of 5-storeys, with a maximum net density of 2.0 FSI (Floor Space Index). Within the "Mid-Rise/Mixed Use" designation, mixed use retail/residential or retail/office development is encouraged. New development on lands with frontage on Yonge Street and/or along any plaza/public open space

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frontage is required to include ground floor, grade-related commercial uses. Residential uses at grade are not permitted along these street frontages. The designation also permits a maximum 5-storeys or 17m in height abutting Yonge Street only. The development proposes a 12-storey seniors building (including ground floor commercial) with a building height of 42.3m, which exceeds the permitted 5-storey and 17m maximum building height in OPA #669. The proposed development as shown on Attachment #2 has an FSI of approximately 4.89 (25,760m² building GFA/5,265.383m² lot area). The proposed 12-storey building with an FSI of 4.89, exceeds the maximum permitted height of 5-storeys and FSI of 2.0, and does not conform to the Official Plan. Furthermore, the proposed seniors residential building has a building frontage along Yonge Street (see Attachment #4) in excess of 60m, which does not conform to the maximum 30m of continuous commercial building frontage permitted in OPA #669.

The "Heritage Main Street" designation applies to lands where designated or significant heritage buildings are located. This designation also applies to sites in close proximity to heritage buildings. The primary intent of the "Heritage Main Street" designation is the protection and adaptive re-use of existing heritage buildings. The maximum height of any building within the "Heritage Main Street" designation shall be 3-storeys or 9.0m, subject to compatibility with existing heritage structures. The maximum permitted FSI is 0.75. The proposed development includes the relocated Robert Cox House and six 3-storey live/work units, which have an FSI of 0.63 (1,210m² building GFA/1,935.36m² lot area).

d) OMB Status – Official Plan

On December 10, 2007, Council refused Official Plan Amendment Application OP.05.004 (Thornhill Village Plaza and M4 Developments Inc.) to redesignate the entire subject lands to a "Mixed Residential/Commercial" designation in order to permit the proposed development, which has an FSI of 2.78 (27,918m² building GFA/10,022m² lot area). The Owner has appealed Council's refusal of the official plan amendment application to the Ontario Municipal Board. An OMB Hearing date has been set for March 4, 2009.

Zoning

The portion of the lands subject to this application at 14 Arnold Avenue are presently zoned R1V Old Village Residential Zone by By-law 1-88, subject to site-specific Exception 9(662). The R1V Zone permits single detached residential dwellings. Currently, the City of Vaughan has implemented an interim control by-law on all lands zoned R1V Old Village Residential Zone in order to conduct a Land Use Study. No building permits are to be issued for properties zoned R1V if the proposed building exceeds 500m². This interim control by-law will expire in June, 2009.

The remainder of the subject lands as shown on Attachment #1 are zoned C1 Restricted Commercial Zone, and except for 7610 and 7616 Yonge Street, are subject to site-specific Exception 9(1150). The proposed development would not be permitted by the existing zoning on the subject lands. The Applicant has proposed a rezoning of the subject lands to RA2 Apartment Residential Zone for the Yonge Street portion of the subject lands (to facilitate the seniors apartment with ground floor commercial, live/work and Robert Cox heritage building) and RM2 for the 14 Arnold Avenue portion of the subject lands. In light of the revised submission to permit a detached dwelling on this portion of the site, the RM2 zoning category is no longer appropriate to apply to 14 Arnold Avenue as the plan no longer contemplates multiple residential dwellings. Additional information is required from the applicant to determine what zoning exceptions will be required to facilitate the development on the lot.

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a) OMB Status - Zoning

On December 10, 2007, Council refused Zoning By-law Amendment Application Z.05.011(Thornhill Village Plaza and M4 Developments Inc.) to rezone the subject lands to RM2 and RA2 Zones in order to permit the proposed development. The Owner has appealed Council's refusal of the zoning by-law amendment application to the Ontario Municipal Board. An OMB Hearing date has been set for March 4, 2009.

Site Plan Review

The Development Planning Department has reviewed the revised plans (December 22, 2008) and cannot support the proposed site plan application as the FSI and building height do not conform to the Official Plan.

The revision to the proposed development has reduced the number of residential ground units interfacing with the existing neighbourhood to the west and introduced an outdoor amenity area located on the northerly portion of 14 Arnold Avenue. Furthermore, the revised plans also provide enhanced landscaping and streetscaping treatments in front of the Robert Cox House and made additional efforts to promote sustainability, in the form of porous pavers and underground stormwater cisterns. The current site plan proposes a 12-storey, 169 unit seniors residential building, a single detached residential dwelling, six 3-storey live/work units, and the retention and relocation of the Robert Cox House (an existing historical structure) that is proposed to be relocated slightly eastwards towards Yonge Street. The entire development proposes a total of 176 residential units reduced from 184 units in the original site plan proposal (Attachment #7). A single detached residential dwelling is proposed to be located at 14 Arnold Avenue with the high-rise condominium building and live/work units being situated along Yonge Street. Driveways and pedestrian walkways, together with surface and underground parking, will link the properties together as shown on Attachment #2.

While intensification along the Yonge Street corridor is desirable and encouraged through the Regional Official Plan and Provincial Policy Statement and Places to Grow the Growth Plan for the Greater Golden Horseshoe, the location of the subject lands as shown on Attachment #1 is within the Thornhill Heritage Conservation District which is not considered to be suitable for a development of this scale. The Places to Grow Act and the PPS both support the preservation of Cultural Heritage resources. The Development Planning Department cannot support a proposal of this magnitude as it would set a negative and undesirable precedent that would render the implementing municipal legislation ineffective in protecting this and other similar Heritage Conservation Districts.

Development within the Thornhill Heritage Conservation District should be consistent and complimentary to the existing land uses on both sides of Yonge Street and sensitive to the future vision for the District. The subject lands should create an acceptable spatial built form transition to the adjacent existing low rise areas within the Historic Thornhill Community to the west of the subject lands as shown on Attachment #1. To achieve this goal, proposed developments within the Mid-Rise/Mixed-Use" designation should not exceed 5-storeys as stipulated in OPA #669 and should transition down in scale to interface with the low rise residential area.

The single detached residential dwelling conforms to the permitted uses outlined in OPA #210 (Thornhill-Vaughan Community Plan). However, the introduction of the outdoor amenity space and a driveway access road for use by a high density residential and mixed-use commercial development on a low density residential single detached lot is not in keeping with the policies of OPA #210. If however, it is the Owner's intention to apply for a consent to sever the southerly portion of 14 Arnold Avenue (containing the proposed residential dwelling) from the northerly portion (containing the outdoor amenity area) from the residential lot, it would no longer be in conformity with OPA #589 as noted earlier.

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The proposed 12-storey seniors apartment development would overwhelm the existing 2-storey low density residential development to the west, as it exceeds the maximum 5-storey development contemplated along Yonge Street within the "Mid-Rise Mixed Use" designation, and the maximum 3-storey development contemplated in the "Heritage Main Street" designation including the Robert Cox House. The elevations for the 12-storey building and the 3-storey live/work units to the north are both overly modern which in the design expression and articulation are not sympathetic to the Robert Cox House and the heritage-like development contemplated by the Thornhill Village Conservation District policies and Design Guidelines for the Yonge Street Corridor.

The applicant's overall development concept appears to be ill-conceived by seeking to maximize development density on the Yonge Street portion of the subject lands with a variety of residential dwelling types and commercial uses, including live/work units that are squeezed in the north end of the site in between the proposed 12-storey seniors building, the Robert Cox House, and the existing 2½-storey office building on the lands to the north. The attempt to bring the redevelopment of 14 Arnold Avenue into conformity with OPA #210 and OPA #589 by replacing the five townhouse units and four semi-detached units with a single detached unit is inappropriate as the property is still tied to the amenity area for the high-rise and the private road. The overall site is proposed to be developed with inappropriate residential dwelling types, with building heights and architecture that are not in keeping with the vision contemplated by OPA #210 and OPA #589 for 14 Arnold Avenue, and OPA #669 for the Yonge Street lands. The proposed development will overwhelm the historic character and scale of the community.

a) OMB Status – Site Plan

On June 23, 2008, the Applicant referred their Site Plan Application approval to the OMB to be heard together with the other matters before it. The Ontario Municipal Board ordered that the site plan application (File DA.08.024) be heard together with their appeals of the site-specific Official Plan and Zoning By-law Amendment Applications, OPA #669, and the Thornhill Heritage Conservation District Study and Plan (2007). Council's refusal of the Heritage Permit Application HP.2008.015.01 has also been consolidated.

Vaughan Cultural Services Division

The subject lands are located within the Thornhill Heritage Conservation District and therefore governed by Design Guidelines outlined in Section 3.0 of the Thornhill Heritage Conservation District Study. All properties within the boundary of the Thornhill Heritage Conservation District are designated under Part V of the Ontario Heritage Act. Part V not only provides policies for the heritage buildings, but also contemporary buildings found within the district boundaries.

Any change to buildings or properties within the Thornhill Heritage Conservation District must be reviewed by the Cultural Services Division and forwarded to Heritage Vaughan for consideration and a recommendation to Council.

The lands located at 7616 Yonge Street (see Attachment #1) known as the Robert Cox House is within the subject lands and the Thornhill Heritage Conservation District. The Cox House has been included in the City of Vaughan's Register of properties of cultural heritage value or interest (approved by Council in 2005) according to Section 27 of the Ontario Heritage Act. The 1.5-storey, brick building was built c.1884 in the Victorian Gothic style and achieved a preliminary score of 67 in the Built Heritage Evaluation process rendering a rating of "significant" as a heritage property.

Below is a chronology of the process the Applicant has undertaken with the Cultural Services Division:

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- On April 18, 2008, the Cultural Services Department received Heritage Permit Application File HP 2008.015 requesting permission to demolish the existing retail plaza, the integration of the Cox House into the proposed development as was previously recommended by Heritage Vaughan on August 24, 2005; and to permit the construction of 175 seniors' residential dwelling units and 1,099m² of commercial space at grade in a 12-storey mixed-use commercial residential building and the construction of 5 townhouse units, 4-semi-detached units and 18 apartment dwelling units.
- On May 21, 2008, Heritage Vaughan deferred consideration of the Heritage Permit application until the Planning Applications are considered by the Ontario Municipal Board.
- On July 14, 2008, Vaughan Council refused Heritage Vaughan Permit Application File HP 2008.015 due to the number of deficiencies and lack of completeness identified by the Cultural Services Division.
- On December 22, 2008, the Cultural Services Division received the revised submission through the Site Development Application process (File DA.08.024). The revised submission has been considered by the Cultural Services Division as Revised Heritage Permit Application File HP.208.015.01.
- On January 21, 2009, Heritage Vaughan approved the recommendation of the Cultural Services Division to refuse the revised Heritage Permit Application File HP.208.015.01.

The Cultural Services Division has reviewed the December 22, 2008 revised site plan submission respecting the subject lands which included site plan and building elevations for the proposed development and has provided the following comments:

The revised submission continues to propose a 12-storey seniors retirement condominium and six 3-storey live/work units to the west of the Robert Cox House, which is to be retained and restored at 7616 Yonge Street (see Attachment #2). The most significant change from the previous submission is that a 2-storey single family dwelling is proposed to be built on the portion of the subject lands at 14 Arnold Avenue.

The revised scheme of the development proposal still does not comply with the Thornhill Heritage Conservation District Plan and Design Guidelines as it relates to:

- i. the preservation of the Thornhill Village character;
- ii. the significance of the property and new buildings as an important part of the general gateway to the Thornhill Village area;
- iii. a massing and scale that is in keeping with the historical streetscape;
- iv. the preservation of views to and from the Robert Cox House and the Thornhill Heritage Conservation District; and,
- v. appropriate building design that is acceptable in this part of the historical streetscape of Yonge Street in the Thornhill Heritage Conservation District.

The proposed development, and in particular the 12-storey seniors apartment building, is still not in keeping with the heritage character of the former Village of Thornhill. The revised proposal is neither sympathetic to the heritage streetscape of the Thornhill Heritage Conservation District nor specifically to the scale of the Robert Cox House, the Thornhill Public School or the west side of the historical Yonge Street streetscape.

In general terms, the proposal does seek to preserve heritage attributes of the Robert Cox House but does not serve to protect the general integrity of the historical streetscape of Yonge Street. The Robert Cox House is only one individual element of

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the subject lands within the southern portion of the Thornhill Heritage Conservation District streetscape. The proposal does not conform to the goals and objectives of the Thornhill Heritage Conservation District Plan in that most of the proposed development, specifically the 12-storey building is far too large to be considered an appropriate neighbouring building to the Robert Cox House or to be considered “compatible with the human scale of the village” as described in the Thornhill Heritage Conservation District Plan.

The 12-storey mixed use residential/commercial seniors building has been designed with current contemporary styling with flat roofs and contemporary materials. The exterior walls finished predominantly in glass and brick. No attempt has been made to emulate appropriate building height according to the Thornhill Heritage Conservation District Plan nor has there been any attempt to emulate any elements of established heritage style precedents seen in the Thornhill Heritage Conservation District.

The same current contemporary styling and materials of the main building is also used in the 3-storey live/work units to be built to the west of the Robert Cox House at 7616 Yonge Street. Even though this building is of a size and scale that could reflect area heritage styles and materials, no attempt has been made to emulate any established heritage style precedent seen in the Thornhill Heritage Conservation District.

The 3-storey building has not been designed in a way that is consistent with the Design Guidelines of the Thornhill Heritage Conservation District Plan which states:

“iii) Building Character

The intent of new buildings, additions to older buildings, or renovations is that they are compatible with the scale and character of the village. It is not the intent of these guidelines to dictate architectural style. Architectural integrity and original architecture specifically designed for the site shall be encouraged. Traditional styles and materials are considered to be appropriate.”

The site plan shows the Robert Cox House with a similar front yard setback as that of the heritage buildings to the north creating a consistent street frontage rhythm which is broken by the front of the 12-storey building. The relocation to align the Robert Cox House with the adjacent property to the north is unnecessary as the Cox House is already well situated in relation to the setbacks of the historical streetscape being preserved in the district.

A front setback for the new construction that is consistent with the existing historical streetscape and the current (original) location of the Robert Cox House should be provided.

Thornhill Heritage District Conservation Design Guidelines identify a maximum 5-storey height with the front podium three storeys and top 2-storeys stepped back with a 45 degree angular plane and therefore, the proposed development does not conform to this requirement.

The front elevation shows a continuous architectural language over most of the front ground floor. This should be changed to have a cumulative effect with more variation to suggest multiple building fronts as seen in many early 20th Century streetscapes. Emphasis should be placed on creating actual store entrances (or at least the appearance of which) within the Yonge Street streetscape.

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A major change from the previous submission is that only a 2-storey single family dwelling would be built on the portion of the subject lands at 14 Arnold Street. This portion of the subject lands lies outside but adjacent to the Thornhill Heritage Conservation District. The proposed dwelling does have an appropriate size, height and scale for new construction that is adjacent to the Thornhill Heritage Conservation District but the building does need to have a more consistent approach in massing and style in such a way that emulates more accurately the established heritage style precedents seen in the Thornhill Heritage Conservation District.

Furthermore, Cultural Services Division has provided the following comments in response to the Heritage Impact Assessment (received 14 January 2009):

“In response to the conclusion made in the Heritage Impact Assessment prepared for the applicant by E.R.A. Architects Inc., dated December 23, 2008 and received by the Cultural Services Division in January 2009, the following comments are provided.

While the proposed redevelopment is an opportunity to retain and rehabilitate the Robert Cox House, this should not be done in such a way that the balance of the proposal compromises either the heritage attributes of the Robert Cox House or the Thornhill Heritage Conservation District in general. The original stone foundation is not listed as a heritage attribute and the Cultural Services Department feels that this feature should be included as such and the plan should seek to preserve it. There is not sufficient justification given in the report stating the reasons for relocating the house. The relatively small change in location does not justify the loss of a heritage attribute.

The existing front yard setback of the Robert Cox House is the original setback and does not need to be re-aligned with the historical buildings to the north. In fact, that difference in setback is appropriate to keep and protect as an intrinsic historic characteristic of the Thornhill Village character.

The development proposes to promote “positive, quality commercial, retail, and residential development” and in doing so, contributing to the commerce and vitality of the area, but at the expense of the physical integrity of the Heritage Conservation District. The jarring introduction of a 12-storey structure in plain view from Yonge Street and Arnold Avenue would throw up a wall which can only serve to divide the established skyline and profile of the historical streetscape.

Although the only front façade wall height that would be appreciated from street level would be the 5-storey podium, the balance of the design from any other vantage point presents a towering mass that dominates not only the immediate area but the entire south portion of the district. There is no precedent for buildings of this height in a Heritage District within the City of Vaughan.

The fact that the podium steps down from 5 to 3-storeys next to the Cox House does not successfully mitigate or erase the imposing impact of the 12-storey structure to the existing and historical streetscape massing and scale of this portion of Yonge Street and the entire length of Yonge Street within the Thornhill Heritage Conservation District. For this reason it is not clear how the Heritage Impact Assessment can claim that “the highest building elements remain compatible and appropriate” in the Thornhill Heritage Conservation District. (HIA, page 50)

The Cultural Services Division does not support the concept of increasing building height in lock-step with the widening of the Yonge Street right-of-way in that it would become increasingly less compatible with the human scale of the Village concept. “

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Vaughan Engineering Department

The Owner has submitted revised site servicing and grading plans, storm water management and functional servicing reports, Phase 1 and 2 Environmental Site Assessments and an Environmental Noise Assessment report. The Engineering Department has reviewed the most recent submissions and have forwarded red-lined comments accordingly.

The Vaughan Engineering Department does not consider the findings contained in the Environmental Site Assessment information submitted to-date to be adequate. Additional information is required including but not limited to an ESA Phase 2 Report and a record of Site Condition.

The engineering information provided to date has not accurately accounted for existing elevations and drainage patterns beyond the subject property limits. The Engineering Department's concern with respect to the development of the subject lands and surrounding area is the recurring flooding in the area and the related overland drainage issues. The Owner has yet to demonstrate to the satisfaction of the City that overland flow can be successfully conveyed via the subject lands thereby ensuring that flooding or additional drainage from the development of the subject lands will not adversely impact adjacent properties.

The City's consultant is currently underway with the completion of a City-Wide Drainage and Storm Water Management Criteria Study. Based on the draft Study, the sewer and surface drainage system in the area of the subject lands seems to be below current standards as the lands are located in a relatively old area of Vaughan. As a result, roadside ditches, culverts and sewer inlets are under designed. Preliminary recommendations of the Study include conducting a comprehensive evaluation of the drainage system in the area.

In accordance with the City's "Servicing Capacity Allocation Distribution Protocol" as adopted by Council on March 31, 2008, servicing capacity allocation for the proposed development application has not been reserved nor assigned potential future capacity at this time. Therefore allocation of servicing capacity is currently not available for the residential component of the subject development.

Traffic and Transportation

The Transportation Section of the Vaughan Engineering Department has had an opportunity to review the revised site plan submission and the associated Traffic Impact Study and are of the opinion that traffic issues can be resolved based on transportation requirements through the site plan process should this application be approved by the Board. As a condition of Site Plan approval, the Owner shall provide the following:

- The Owner shall have prepared, by a qualified professional transportation consultant, a functional plan outlining the required road improvements for this site plan. The plan shall explain all transportation issues and shall recommend mitigative measures for these issues;
- The Owner shall submit detailed engineering drawing to York Region and City of Vaughan for review and approval that incorporates the recommendations of the functional plan as approved by York Region and City of Vaughan;
- The Owner shall agree to implement the recommendations of the approved plans to the satisfaction of York Region and City of Vaughan; and,
- The Owner shall demonstrate to the satisfaction of the City of Vaughan that proposed parking supply is adequate for the proposed development.

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Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) advises that a Flood/Drainage study initiated by the Vaughan Engineering Department is currently underway for the Thornridge area which encompasses the subject lands. The TRCA requested that the scope of the study be expanded to ultimately produce flood plain mapping data for the area. As the study is not yet completed, the TRCA is of the opinion that it is premature to advance the Official Plan and Zoning By-law Amendment applications without considering the impact this study may have on the development potential of the subject lands.

The TRCA has requested and has been granted party status at the upcoming Ontario Municipal Board Hearing.

York Region District School Board

The York Region District School Board has no further comments or objections with respect to this application.

Town Of Markham

The Thornhill-Yonge Street Study - 2005, was a joint study conducted by the City of Vaughan and the Town of Markham. As a result of the proposed development and the pending Ontario Municipal Board Hearing, the Town of Markham has raised concerns with the compatibility and appropriateness of the proposed development to the established heritage character of the area. Furthermore, the Town of Markham has raised the issue of whether the proposal adequately takes into consideration and incorporates the conclusions and recommendations contained in the joint study. Other issues raised include the potential of the proposed development giving rise to unacceptable traffic congestion, the potential impact on stormwater management, drainage and related concerns, and whether the proposal is compatible and comparable to the Town of Markham's OPA's #154 and #167, as well as Markham's Thornhill Heritage Conservation District Plan.

The Town of Markham has requested and has been granted party status at the upcoming Ontario Municipal Board Hearing.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The subject lands are identified as being within the "Urban Area" of the Region of York Official Plan. The joint Thornhill Yonge Street Study between the Town of Markham and the City of Vaughan and the implementing OPA's (OPA #669 in Vaughan) are consistent with the policies set forth in the Regional Official Plan Amendment (ROPA) in respect to growth management, transit supportive development and heritage preservation. Although both the City of Vaughan OPA #669 and Town of Markham OPA #154 are consistent with Regional policies, the Region of York Planning and Development Services Department in their August 25, 2006 report titled "Thornhill Yonge Street Study Implementation – City of Vaughan OPA #669 and Town of Markham OPA #154" recommended deferral of the subject lands in light of the existing application. The subject lands were deferred and the balance of OPA #669 and OPA #154 were approved and are now in effect. The deferral was intended to provide an opportunity for the City and the Region to work with the Applicant with respect to proposed Official Plan and Zoning By-law Amendment Files OP.05.004 and Z.05.011.

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On September 27, 2007, Regional Council removed the deferral allowing the further approval of OPA #669 to occur for the subject lands as was intended by City of Vaughan Council. The Region has advised that on October 22, 2007, the Applicant for the subject lands appealed the approval of OPA #669.

The Region of York is aware of the pending Ontario Municipal Board hearing and is not a party to the matters before the OMB.

Conclusion

The Development Planning Department has reviewed the revised Site Development Application to permit the development of a 12-storey, 169 unit seniors condominium development, a single detached residential unit, six 3-storey live/work units, and the retention and relocation of the existing heritage structure. The review was conducted in accordance with OPA #210 (Thornhill-Vaughan Community Plan), OPA #669 (Thornhill/Yonge Street Corridor Plan), and OPA #589 (R1V Large Lot Protection Policy), the Thornhill Conservation District Plan, and the surrounding area context. The proposal involves intensification of the existing subject lands with buildings at a scale not in keeping with the intent of the applicable Official Plans for the area. Accordingly, the Development Planning Department cannot support the revised proposal and recommends that Site Development Application DA.08.024, BE REFUSED.

Attachments

1. Location Map
2. Site Plan & Ground Floor Plan
3. Landscape Plan
4. East & North Elevations - Seniors Condominium
5. West & South Elevations - Seniors Condominium
6. Elevations –Single Detached Dwelling and Live/Work Units, and Robert Cox House
7. Original Site Plan Refused by Council - October 27, 2008

Report prepared by:

Armine Hassakourians, Planner, ext. 8368
Mauro Peverini, Manager of Development Planning, ext. 8407

/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 24, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

24

**ZONING BY-LAW AMENDMENT FILE Z.08.053
2124396 ONTARIO LTD.
WARD #3**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.053 (2124396 Ontario Ltd.) BE APPROVED, specifically to amend By-law 1-88, to permit the additional use of a metal sorting/recycling establishment with no outside storage in the EM2 General Employment Area Zone, on the subject lands shown on Attachment #1, and to be located wholly within the existing industrial building as shown on Attachment #2.
2. THAT the implementing zoning by-law:
 - i) prohibit the outside storage of any recycling materials on the subject lands; and,
 - ii) define a waste recycling establishment as follows:

"A waste recycling establishment is an operation engaged primarily in the collection, sorting and separation of metals from waste recyclable materials, and the processing or preparation thereof in the form of densification for the efficient storage and/or shipment to another facility or directly to end users for the purpose of creating a new product but does not include a concrete or asphalt recycling facility or a composting facility".

Economic Impact

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

Communications Plan

On October 10, 2008, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. No written comments were received prior to the Public Hearing meeting on November 3, 2008. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 3, 2008, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on November 10, 2008. As of January 16, 2009, no additional written comments have been received by the Development Planning Department.

Purpose

The Owner has submitted an application to amend the Zoning By-law, specifically By-law 1-88, to permit the additional use of a metal sorting/recycling establishment with no outside storage in the EM2 General Employment Area Zone, on the subject lands shown on Attachment #1, and to be located wholly within the existing industrial building as shown on Attachment #2. By-law 1-88 does not permit a metal sorting/recycling establishment use in an EM2 General Employment Area Zone.

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Background - Analysis and Options

The subject lands shown on Attachment #1 are located southeast of Langstaff Road and Weston Road, known municipally as 562 Chrislea Road, being Lot 45 on Plan 65M-2588, in Part of Lot 10, Concession 5, Ward 3, City of Vaughan.

Official Plan

The subject lands are designated "Employment Area General" by the City's Employment Area Plan (OPA #450) and are further subject to the following official plan policies, definitions, criteria and general provisions for Waste Recycling Establishments in the Employment Area:

"2.2.7.2 Waste Recycling (in part):

1. "A waste recycling establishment is an operation that may collect and store and/or process recyclable materials for the purposes of creating new products or raw materials, and includes a waste transfer station and a material recovery facility but does not include a concrete or asphalt recycling facility or a composting facility;"
2. "i) A waste recycling establishment shall only be permitted in areas designated "Employment Area General" by this plan;
ii) A waste recycling establishment shall not be permitted to operate on lands abutting an arterial road and existing or planned provincial highways;"
3. b) i) "A waste recycling establishment shall be permitted to operate within a wholly enclosed building or structure that is free standing. Accessory outside storage shall be permitted in designations that permit such use."

OPA #450 also sets out criteria for the establishment of waste recycling operations within a wholly enclosed building, which are discussed later in this report. The application conforms to the official plan.

Zoning

The subject lands are zoned EM2 General Employment Area Zone by By-law 1-88, which does not permit recycling uses as-of-right. Outside storage is permitted in the EM2 Zone, however, the proposal does require outside storage to be undertaken. The applicant is proposing to amend By-law 1-88, to permit a metal sorting/recycling use within a wholly enclosed building in the EM2 General Employment Area Zone. The zoning category that would implement the "Employment Area General" designation in the Official Plan is the EM2 Zone.

Planning Considerations

The proposed metal sorting/recycling establishment use is permitted by the Official Plan. The proposal complies with the location and operational policies of the Official Plan, as the subject lands are designated "Employment Area General", do not abut an arterial road or a provincial highway, and the daily operations will take place within a wholly enclosed building.

The applicant (York Metal Recycling) has advised that the daily operations would consist of receiving construction or demolition materials/waste (eg. metal window frames, pipes, metal ladders, steel cables, aluminum siding, etc.) via truck. The waste/material will be sorted and separated by hand (no machines will be used) within the existing single use building and various

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metals including but not limited to copper, steel and aluminum will be separated from the construction/demolition waste and placed in individual bins and sent off site via truck to be further processed and or melted by others for the purpose of creating a new product. All construction/demolition waste received and sorted/separated metals will be stored in the existing building in bins. No outside storage is proposed. The materials that remain after the metal separation process is complete is stored internal to the building and shipped by the applicant to a waste transfer station to be disposed of and/or further sorted by others for the recycling of non-metals, such as plastic or wood. The applicant is currently operating the metal recycling business at the subject lands. On January 28, 2009, Development Planning staff visited the site and building and can confirm that the activities described by the applicant is consistent with what was observed.

Subsection 2.2.7.2.3f) i) of OPA #450 states that when considering a proposal for a waste recycling establishment, the City may request a traffic study to identify the traffic to be generated, the impact on the road network, and any transportation improvements required to accommodate the development. The Vaughan Engineering Department through their review has not identified a need for a traffic study to be provided by the applicant. Single axle trucks will deliver and distribute the raw and separated materials to and from the site, using the existing loading door(s) and parking area (Attachment #2). Minimal truck traffic will be generated by the operation of this facility onto local roads, as approximately 4-6 trips to and from the facility are made daily. All existing driving surfaces are paved with asphalt and all existing parking spaces and loading area are designed in accordance with the standards in By-law 1-88 and as required by Subsection 2.2.7.2.3f) ii) and iii) of OPA #450.

The Official Plan states that waste recycling establishments shall operate in a manner that does not result in a nuisance or hazard to the health and safety of the natural environment and persons (Subsection 2.2.7.2.3a) i)). In addition, a substantial separation distance between these facilities and existing and planned residential, institutional and parkland uses shall be established (Subsection 2.2.7.2.3h) i)). The sorting operations are undertaken by hand within the existing enclosed building, and there are no machines inside the building that would be used for processing, no outside storage, and no expected related dust, odour or other potential nuisances. As shown on Attachment #1, the site is located on an internal road that is not visible from Weston Road or Highway #400, is surrounded by existing industrial uses, and a substantial distance separates the site from the existing residential on the west side of Weston Road.

By-law 1-88 does not include a definition for a waste recycling establishment. Therefore, it is recommended that the following definition for a waste recycling establishment be included in the implementing zoning by-law:

“A waste recycling establishment is an operation engaged primarily in the collection, sorting and separation of metals from waste recyclable materials, and the processing or preparation thereof in the form of densification for the efficient storage and/or shipment to another facility or directly to end users for the purpose of creating a new product but does not include a concrete or asphalt recycling facility or a composting facility.”

This definition is consistent with the definition provided for a waste recycling establishment in the Official Plan.

Outside Storage

The waste recycling policies of the Official Plan provide for and permit outside storage, but only accessory to the waste recycling use and only in a designation that permits such use (Subsection 2.2.7.2.3c) i)). The subject lands are designated "Employment Area General", which permits outside storage, however, despite the permission, the Owner has advised that outside storage will not be required for this establishment given the value of the metals being sorted. A clause

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will be included in the implementing zoning by-law to reflect the nature of the proposed recycling establishment and prohibit outside storage on the subject lands.

Ministry of Environment

The Vaughan Building Standards Department has advised that a certificate of approval from the Ministry of the Environment is not required as the operation does not include the melting of the metals, which would require proper ventilation and force emissions into the air and would necessitate a certificate from the Ministry.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

N/A

Conclusion

The proposed Zoning By-law Amendment application has been reviewed in accordance with the policies in OPA #450, the requirements of By-law 1-88, the comments received from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposal to permit a metal sorting/waste recycling establishment within the existing building and without outside storage, complies with the waste recycling policies of the Official Plan and is appropriate at this location, within the EM2 General Employment Area Zone, subject to the comments and recommendations in this report. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

The Development

1. Location Map
2. Site Plan
3. Interior Floor Plans

Report prepared by:

Christina Napoli, Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

/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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Item 25, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

25

**INTERIM CONTROL BY-LAW AMENDMENT FILE Z.08.052
JULIE CARERI
WARD #5**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT Interim Control By-law Amendment File Z.08.052 (Julie Careri) BE APPROVED, to provide an exception to the provisions of Interim Control By-law 193-2007 as amended by By-laws 264-2007 and 138-2008, to permit the construction of a single detached residential dwelling having a maximum gross floor area of 671.03 m² on the subject lands shown on Attachment #1.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted an application (File Z.08.052) to amend Interim Control By-law 193-2007 as amended by By-laws 264-2007 and 138-2008 to request an exception to the provisions of the Interim Control By-law, affecting the lands shown on Attachment #1, in order to facilitate the construction of a single detached dwelling having a gross floor area (GFA) of 671.03 m², as shown on Attachments #2 and #3. The Interim Control By-law, as amended, permits single family dwellings and/or additions thereto resulting in a building not exceeding 500 m². The proposed use of the dwelling is for residential purposes.

Background - Analysis and Options

The subject lands are located on the south side of Helen Avenue, east of Riverside Boulevard, municipally known as 31 Helen Avenue, Ward 5, City of Vaughan. The 1,857.45 m² lot has frontage of 30.5 m on Helen Avenue and a depth of 60.9 m. The surrounding land uses are shown on Attachment #1.

Official Plan

The subject lands are designated "Low Density Residential Area" by OPA #210 (Thornhill-Vaughan Community Plan), which permits single detached dwellings. The proposal conforms 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 single detached dwellings. The Owner filed a Minor

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Variance Application with the Committee of Adjustment (File A101/08) to permit an increase in the permitted lot coverage under By-law 1-88 from 20% to 23%, which was approved by the Committee of Adjustment on May 22, 2008.

Interim Control By-law and Group Homes Land Use Study

On June 11, 2007, Council approved a recommendation contained in a report brought forward by the Ward 5 Councillor respecting a Group Homes Land Use Study. The report recommended that an Interim Control By-law applicable to properties zoned R1V Old Village Residential Zone be forwarded to Council for enactment and that the Group Homes Land Use Study be completed within six months.

On June 11, 2007, Interim Control By-law 193-2007 was enacted, thereby prohibiting the issuance of building permits within the R1V Old Village Residential Zone for a period of 1 year. As a result, a number of residents expressed concerns respecting the restrictions of By-law 193-2007, which did not allow for the construction of projects generally permitted within the municipal application process. In response to the concerns raised, an amending Interim Control By-law, (By-law 264-2007) was enacted by Council on July 19, 2007, and exempted single detached dwellings, additions and accessory structures not exceeding a maximum GFA of 500 m². On June 11, 2008 Council enacted By-law 138-2008 to extend the effective period of the interim control by-law by one year to June 11, 2009.

The Group Homes Land Use Study is currently being conducted by the Vaughan Policy Planning Department. The intent of the study is to update the City of Vaughan's policies respecting Group Homes within the R1V Old Village Residential Zone.

The subject lands are proposed to be developed with a single detached dwelling having a maximum GFA of 671.03m² for use as a residence and not a group home. The proposed 671.03m² GFA does not comply with the maximum 500m² GFA permitted by By-law 264-2007. Therefore, an amendment to By-law 264-2007 is required, to provide an exception to the subject lands from the provisions of the interim control by-law, and thereby allow the Owner to obtain a building permit for construction of the proposed 671.03m² residence.

Planning Considerations

The proposed development, as shown on Attachments #2 and #3, and described in the Interim Control By-law Amendment Application, is for a single-detached residential dwelling and not intended for use as a group home. Interim Control By-law 193-2007 was amended by By-law 264-2007, which has been granted exceptions to the following properties:

- 14 Elmbank Road (File 15.34.4, Lidia Maio) with GFA of 821 m²;
- 108 Brooke Street (File Z.07.044, David Sherifi) with a GFA of 569 m²;
- 17 Oakbank Road (File Z.07.045, Omid Sharifi) with a GFA of 733 m²;
- 36 Riverside Boulevard (File Z.07.051, Marsha Jacobson) with a GFA of 754.5 m²;
- 24 Donna Mae Crescent (File Z.07.048, Giovanni and Tina Raimundo) with a GFA of 518.95 m²;
- 95 Thornridge Drive (File Z.07.060, Stephen and Helene Sender) with a GFA of 548.13m²; and,
- 4 Welton Street (Z.08.030, Josie D'Angelo) with a GFA of 600 m².

The Vaughan Policy Planning Department has reviewed the application and has no objection to the subject lands being granted an exception to the provisions of the Interim Control By-law in order to permit the construction of a single detached dwelling having a maximum GFA of 671.03m². The intent of the study focuses on group homes as a land use, whereas the Owner of the subject lands is proposing a single detached dwelling to be used as a residence.

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Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the proposed application to amend the Interim Control By-law to provide an exception to the provisions of the Interim Control By-law 193-2007 as amended by By-laws 264-2007 and 138-2008. Based on the comments received from the Policy Planning Department, the Development Planning Department is satisfied that the application to provide an exception to the provisions of the Interim Control By-law to permit the construction of a residential dwelling with a GFA of 671.03 m² will not impact the ongoing Group Homes Land Use Study.

Attachments

1. Location Map
2. Site Plan
3. Elevation

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Mauro Peverini, Manager of Development Planning, ext. 8407

/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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Item 26, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

26

**SITE DEVELOPMENT FILE DA.08.054
ARISTA HOMES (VAUGHAN VALLEY ESTATES) INC.
WARD #1**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009, be approved; and
- 2) That the coloured elevation drawings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.08.054 (Arista Homes (Vaughan Valley Estates) Inc.) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the Letter of Undertaking:
 - i) the final site plan, landscaping plan, and building elevations shall be approved by the Vaughan Development Planning Department; and,
 - ii) the final site servicing and grading plans shall be approved by the Vaughan Engineering Department.

Economic Impact

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

Communications Plan

N/A

Purpose

To permit the development of the subject lands shown on Attachment #1 with 68 street (freehold) townhouse dwelling units within 17 townhouse blocks, as shown on Attachment #2.

Background - Analysis and Options

Location

The subject lands are located north of Major Mackenzie Drive and west of Weston Road, specifically on Hansard Drive, being Blocks 186 to 202 inclusive on Registered Plan 65M-4106, in Lot 23, Concession 6, City of Vaughan (Ward 1) as shown on Attachment #1. The surrounding land uses are shown on Attachment #1.

Official Plan and Zoning

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600. The proposed residential street townhouse development conforms to the Official Plan.

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The subject lands are zoned RT1 Residential Townhouse Zone by By-law 1-88, subject to Exception 9(1288). The proposed residential street townhouse development complies with By-law 1-88.

Site History

On September 25, 2006, Council approved Draft Plan of Subdivision File 19T-06V04 (Greenbrooke Developments Inc.), which included 17 Blocks (186 to 202 inclusive) to facilitate the development of 68 (freehold) street townhouse dwelling units. The Plan of Subdivision was registered as Plan 65M-4106 on November 12, 2008. The subject lands are currently vacant.

Site Plan Review

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, landscaping plan and building elevations for the overall development shown on Attachment #2, and will continue to work with the applicant to finalize the details. A typical site plan layout, landscaping, and building elevations (Block 196) are shown on Attachments #3, #4 and #5, respectively.

Servicing

The applicant has submitted site servicing and grading plans for review and approval by the Vaughan Engineering Department.

Sustainability

The applicant has advised that the following sustainable features will be provided within the building design:

- i) hardwood floors to reduce interior airborne particulates;
- ii) water efficient toilets to conserve water;
- iii) high efficiency heating systems and double glazed, low emissivity, gas filled windows for energy conservation; and,
- iv) recycling bins to reduce household waste.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The subject lands are located internal to the subdivision, and there are no Regional issues.

Conclusion

The Site Development Application has been reviewed in accordance with OPA #600, By-law 1-88, the comments from City Departments and external public agencies, and the area context. The Development Planning Department is generally satisfied that the proposed development for 68 (freehold) street townhouse dwelling units within Blocks 186 – 202 inclusive on Plan 65M-4106 is appropriate and compatible with the existing and permitted uses in the surrounding area, and with the lotting pattern in the approved Plan of Subdivision. Accordingly, the Development Planning Department can support the approval of the Site Development Application.

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Attachments

1. Location Map
2. Overall Site Plan
3. Typical Site Plan – Block 196
4. Typical Landscape Plan – Block 196
5. Typical Elevations – Block 196

Report prepared by:

Morgan Jones, Planner, ext. 8216
Mauro Peverini, Manager of Development Planning, ext. 8407

/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.)

Regional Councillor Ferri declared an interest with respect to the foregoing matter as his son is an employee, and did not take part in the discussion or vote on the matter.

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Item 27, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

27

**ZONING BY-LAW AMENDMENT FILE Z.08.043
PETER AND ERICA ADAMO
WARD #1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.043 (Peter and Erica Adamo) BE APPROVED, specifically to amend Section 3.20 (a) of By-law 1-88, to permit two (2) single family dwellings on the subject lands, whereas By-law 1-88 does not permit more than one (1) single family dwelling on the subject lands shown on Attachment #1, in order to facilitate the severance of the subject lands into two (2) residential lots as shown on Attachment #2.
2. That the implementing zoning by-law include the following provisions respecting Lot 1 (corner lot) as shown on Attachment #2:
 - i) that the Ravendale Court lot line shall be deemed to be the front lot line; and,
 - ii) that all driveway access to Lot 1 shall be from Ravendale Court only.

Economic Impact

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

Communications Plan

On October 24, 2008, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands and to the Kleinburg and Area Ratepayers Association. As of January 22, 2009, no written comments have been received by the Development Planning Department, and there were no concerns expressed by the public at the Public Hearing on November 17, 2008.

The recommendation of the Committee of the Whole to receive the Public Hearing report of November 17, 2008, and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on November 24, 2008.

Purpose

The Owner has submitted an application to amend the Zoning By-law, specifically to amend Section 3.20(a) of By-law 1-88, to permit two (2) single family dwellings on the subject lands, whereas By-law 1-88 permits only one (1) single family dwelling on the subject lands (legally described as Lot 13 on Plan M-5582) shown on Attachment #1.

The requirement to amend the Zoning By-law is a condition of an approved Committee of Adjustment Consent Application (File #B058/07) related to the subject lands, which facilitates the severance of the subject lands being Lot 13 on Plan M-5582 (Attachment #1) into two lots, each to be developed with a single family dwelling within the proposed building envelopes as shown on Attachment #2.

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Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the property municipally known as 160 Ravendale Court, and adjacent to Stegman's Mill Road and Ravendale Gate, being Lot 13 on Registered Plan M-5582, in Part of Lot 25, Concession 8, Ward 1, City of Vaughan. The surrounding land uses are shown on Attachment #1.

Official Plan

The subject lands are designated "Suburban Residential" by OPA #601 (Kleinburg-Nashville Community Plan), which permits single detached dwellings. The proposal conforms to the Official Plan.

Zoning

The subject lands are zoned RR Rural Residential Zone by By-law 1-88, which requires a minimum lot frontage and lot size of 45 m and 4,000 m² (0.4 hectares), respectively. The lands to be severed will have a lot frontage of 62.31 m (Ravendale Court) and a lot area of 4,000 m² (0.4 hectares) and the lands to be retained will have a lot frontage of 51.90 m and a lot area of 4,375.93 m² (0.43 hectares) as shown on Attachment #2. Therefore, each proposed lot would comply with the minimum lot frontage and lot area requirements of the RR Rural Residential Zone.

On August 28, 2008, the Committee of Adjustment approved a Consent Application (File B058/07) to sever the subject lands in the manner shown on Attachment #2, subject to the following condition:

"Relief from Section 3.20 (a) of By-law 1-88 "use of residential lots" is required, subject to the satisfaction of the Building Standards Department and the Development Planning Department."

Section 3.20 (a) of Zoning By-law 1-88 states that no person shall erect more than one (1) single family dwelling on any lot within Registered Plan M-5582. The subject lands represents Lot 13 on Registered Plan M-5582. Accordingly, an amendment to Section 3.20 (a) is required in order to facilitate the severance of the existing residential lot on Plan M-5582 into two lots for the purposes of erecting a new single family detached dwelling on each proposed lot.

Planning Considerations

The proposed zoning by-law amendment would facilitate the severance of the subject lands into two parcels in the manner shown on Attachment #2. The proposed lots would have lot frontages of 62.31 m and 51.90 m and lot areas of 4,000 m² and 4,375.93 m², respectively, which would meet the minimum By-law 1-88 requirements for lot frontage and lot area of 45 m and 4,000 m² in a RR Rural Residential Zone. The proposed lots would also be compatible in size, frontage and configuration with other lots on Ravendale Court, which range in lot frontage from approximately 21 m to 47 m, and in lot area from approximately 2,400 m² to 6,900 m². In addition, the proposed building envelopes shown on Attachment #2 also comply with the minimum required front, rear, and interior and exterior side yards for the RR Zone in By-law 1-88, and the applicant has not requested any other variances to the Zoning By-law at this time.

By-law 1-88 defines the front lot line as the line facing the main entrance of the building when a lot abuts more than two (2) streets. The applicant did not originally identify which lot line the main entrance to the dwelling of the proposed corner lot (Lot 1) would face. However, there is an existing raised centre median along Ravendale Gate for almost its' entire length. In addition, the existing dwellings in this development front onto Ravendale Court. Accordingly, the front wall

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containing the main entrance to the future dwelling should face Ravendale Court to be consistent with the existing dwellings and that all driveway access to Lot 1 be provided from Ravendale Court. This would mean that the lot line along Ravendale Court would be the front lot line as defined by By-law 1-88, and the area between the proposed dwelling and this lot line would be the front yard. The applicant has provided a drawing showing the proposed building envelopes for both Lots 1 and 2, which would facilitate a single family dwelling within each envelope as shown on Attachment #2.

It is noted that the RR Rural Residential Zone of By-law 1-88 permits a maximum lot coverage of 10%. The applicant has outlined the building envelopes as shown on Attachment #2 for both Lots 1 and 2. These building envelopes will adequately accommodate the placement of a single family dwelling subject to a maximum 10% lot coverage as provided by Zoning By-law 1-88.

Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application as the two proposed lots would conform and comply with the requirements of the Official Plan and Zoning By-law, respectively, and result in residential lots and dwellings that are consistent and compatible with the existing surrounding development.

Servicing

The Vaughan Engineering Department has advised that servicing is available for each proposed lot.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

There are no Regional issues associated with this application.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.08.043 to amend By-law 1-88, specifically to provide an exception to Section 3.20 (a) to permit two single family dwellings on the subject lands, in order to facilitate the severance of the subject lands into two (2) lots as shown on Attachment #2. The zoning by-law amendment conforms to the Official Plan, and each lot would comply with the minimum lot frontage and lot area requirements of By-law 1-88 for the RR Rural Residential Zone. In addition, the Owner has not requested any other variances to the zoning by-law at this time, and therefore, the future dwellings would comply with the zoning by-law standards for the RR Zone. The Development Planning Department is also recommending that the front lot line be deemed to be Ravendale Court and that all driveway access be provided from Ravendale Court. The proposed zoning by-law amendment, subject to the recommendations in this report, would result in the creation of two lots that are compatible and in keeping with the existing residential development in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Location Map
2. Proposed Severance Plan

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 24, 2009

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Report prepared by:

Mary Serino, Planner, ext. 8215

Mauro Peverini, Manager of Development Planning, ext. 8407

/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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Item 28, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

28

**SITE DEVELOPMENT FILE DA.08.093
VOGUE HOMES (WESTON) INC.
WARD #1**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009, be approved; and
- 2) That the coloured elevation drawings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.08.093 (Vogue Homes (Weston) Inc.) BE APPROVED, subject to the following condition:
 - a) that prior to the execution of the Site Plan Letter of Undertaking, the final site plan, landscaping plan and building elevations shall be approved to the satisfaction of the Vaughan Development Planning Department.

Economic Impact

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

Communications Plan

N/A

Purpose

To permit the development of the subject lands shown on Attachment #1, with 7 street (freehold) townhouse units as shown on Attachment #2.

Background - Analysis and Options

Location

The subject lands shown on Attachment #1 are located on the east side of Summit Drive, south of Canada Drive, being Block 137 on Plan 65M-4107, within Planning Block 33W, Ward 1, City of Vaughan. The surrounding land uses are shown on Attachment #1.

Official Plan and Zoning

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600. The proposed street townhouse development conforms to the Official Plan.

The subject lands are zoned RT1 Residential Townhouse Zone by By-law 1-88, which permits the street townhouse uses.

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Site Plan Review

The proposed 7 street townhouse units are situated on Block 137 in the approved Plan of Subdivision File 19T-00V10, which was registered as Plan 65M-4107 on November 18, 2008.

The subject lands are subject to Architectural Control. The Owner has provided a site plan and elevation plans that have been stamped approved by the Block 33W Control Architect, being the Planning Partnership Inc.

The Development Planning Department is satisfied that the proposed site plan, landscape plan and building elevations, as shown on Attachments #2, #3 and #4, respectively, are satisfactory.

The Vaughan Engineering Department is satisfied with the grading plan submitted in support of the application.

Sustainability

The applicant has advised that the following sustainable features will be offered within the building and site design:

- i) tankless water heaters/on demand hot water;
- ii) low VOC (paints and finishes);
- iii) an "Energy Star" appliance package is offered;
- iv) low "E" Argon gas windows;
- v) high efficiency furnaces;
- vi) R40 spay foam insulation in garage ceilings; and,
- vii) recycled aggregates for the driveway sub-bases.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The Region of York has no objections to the proposed development.

Conclusion

The Site Development Application has been reviewed in accordance with OPA #600, By-law 1-88, the comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development for seven two-storey street townhouse units is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development Application File DA.08.093.

Attachments

- 1. Location Map
- 2. Site Plan
- 3. Landscape Plan
- 4. Elevations

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 24, 2009

Item 28, CW Report No. 6 – Page 3

Report prepared by:

Laura Janotta, Planner, ext 8634

Mauro Peverini, Manager of Development Planning, ext. 8407

/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

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Item 29, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

29

**COMMERCIAL LAND USE REVIEW
RFP AWARD – RFP08-200
FILE #25.1.13**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated February 10, 2009:

Recommendation

The Commissioner of Planning, in consultation with the Purchasing Services Department, recommends:

1. That RFP08-200 for the retention of consulting services to prepare the City of Vaughan Commercial Land Use Review, be awarded to the firm 'urbanMetrics Inc.', in the amount of \$142,838.00, excluding taxes; and
2. That the Mayor and City Clerk be authorized to sign the contract and necessary documents.

Economic Impact

There will be no additional economic impact. This study was included in the 2008 Capital Budget as part of the City's Official Plan Review (Project No. PL-9003-07) a component of the City's *Vaughan Tomorrow* growth management program.

Communications Plan

The Request for Proposal (RFP08-200) was advertised in the Vaughan Citizen, Globe & Mail, Electronic Tendering Network, and the Ontario Public Buyer's Association web site on July 3, 2008, with a closing date of July 29, 2008.

Purpose

The purpose of this report is to obtain direction to retain a new consulting firm to prepare the City's Commercial Land Use Review, due to failure by the first team selected by the Evaluation Committee to sign the contract to undertake the work. The Commercial Land Use Review is a component of the Official Plan Review project, and will inform the preparation of the City's new Official Plan.

Background – Analysis and Options

The City has not carried out a comprehensive analysis of its commercial space requirements and associated issues since the Vaughan Retail Planning Study was carried out in 1993-94 by Stamm Economic Research. The Retail Planning Study was completed as part of the planning process which led to the approval of the City's Official Plan Amendment #400 in 1995.

In May 7, 2007 Council approved the Terms of Reference for the City's Official Plan Review, including a number of component studies, one of which was a comprehensive commercial study. The approved 2008 Capital Budget included funds to carry out a commercial study to inform the Official Plan's preparation. On June 23, 2008, Council approved the Terms of Reference for the Commercial Land Use Review.

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The Procurement Process

The Request for Proposal (RFP08-200) was advertised in the Vaughan Citizen, Globe & Mail, Electronic Tendering Network, and the Ontario Public Buyer's Association web site on July 3, 2008, with a closing date of July 29, 2008.

A total of thirteen (13) documents were issued. One addendum to the RFP was subsequently released.

A total of three (3) proposals were received from the following proponents:

The Climans Group
Toronto, Ontario

urbanMetrics Inc.
Toronto, Ontario

John Winter Associates Ltd.
Toronto, Ontario

All of the proposals were within the upset fee of \$150,000.00 prescribed in the Request for Proposals.

An Evaluation Committee of City Staff was struck to review the proposals. The Committee included representatives from the City Manager's Office (1), Policy Planning (2) and Economic Development (2). A representative from the Purchasing Department provided support with the process and administrative matters.

The Committee evaluated the written proposals on the basis of the criteria set out in the RFP. As a result of the evaluation of the written proposals, the Committee determined that all three firms should be interviewed. The three teams were interviewed on October 14th, 2008.

Based on the evaluation process, including consideration of the written proposals, the interviews and a positive reference check, the consulting team led by The Climans Group was recommended and approved by Council to undertake the Commercial Land Use Review.

On Nov. 10, 2008, the team led by The Climans Group was approved by Council to be retained to undertake the Commercial Land Use Review. However, due to failure to sign the agreement by the selected consultant, "The Climans Group Inc", as required by the terms and conditions of the RFP, it is now recommended that the contract be awarded to the next highest scorer, "urbanMetrics Inc".

Therefore, a team led by urbanMetrics Inc., is now being recommended to undertake the Commercial Land Use Review. In the consultant selection process, the urbanMetrics team placed second. The team is capable of fully addressing the project requirements. Both urbanMetrics and its sub consultant SGL have previously completed other contracts on the City's behalf.

urbanMetrics will be the lead consultant and will be responsible for overall project management. urbanMetrics will work with SGL to undertake the necessary technical analyses and prepare the resulting policy recommendations to be coordinated and integrated with the new Official Plan's policy framework being developed by the City's Core Consulting Team.

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Relationship to Vaughan Vision 2020

This report is consistent with Vaughan Vision 2020's Strategic Initiatives respecting planning and managing growth and economic vitality, specifically "Complete and Implement the Growth Management Strategy".

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

Regional Implications

The Commercial Land Use Review will address the City's future commercial space requirements and their spatial allocation within the context of the Region of York's long term employment forecasts.

Conclusion

Based on the evaluation of the written proposals, the subsequent interviews and reference checks, urbanMetrics Inc., was found to have the experience and expertise to fully address the requirements of the Request for Proposals. Therefore, it is recommended that the contract be awarded to the team led by the consulting firm, urbanMetrics Inc., to carry out the Commercial Land Use Review.

Attachments

N/A

Report prepared by:

Paul Robinson, Senior Policy Planner, ext. 8410

CITY OF VAUGHAN

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Item 30, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

30

**ONTARIO MUNICIPAL BOARD
APPEALS OF COMMITTEE OF ADJUSTMENT DECISIONS
STANDING INSTRUCTIONS**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioners of Legal and Administrative Services and Planning, dated February 10, 2009, be approved;**
- 2) That all appeals or legal issues relating to Committee of Adjustment decisions, be forwarded to Council for information purposes;**
- 3) That after the first year of implementation, a report be provided to Council for information purposes; and**
- 4) That the written submission of Ms. Carrie Liddy, dated February 7, 2009, be received.**

Recommendation

The Commissioners of Legal and Administrative Services & Planning recommend that the following standing instructions be provided regarding City Staff attendance at Ontario Municipal Board Hearings for appeals of Committee of Adjustment decisions for minor variances and consents.

1. Appeal of a Committee of Adjustment approval where City Staff have no objections or are in support: That staff be directed to attend Ontario Municipal Board Hearings in support of the Committee of Adjustment Decision, (subject to 4 below);
2. Appeal of Committee of Adjustment refusal where City Staff support the refusal: That staff be directed to attend Ontario Municipal Board Hearings in support of Committee of Adjustment Decision, (subject to 4 below).
3. If a Committee of Adjustment decision is contrary to the staff position: That staff attend Ontario Municipal Board Hearings only to request conditions, if any, should an application be approved.
4. Where a Committee of Adjustment decision in Categories 1 and 2 does not have significant impacts or broader implications, or where the parties are represented by lawyers and/or planners; That staff attend Ontario Municipal Board Hearings only to request conditions, if any, should an application be approved.
5. If a revised proposal or a settlement proposal is submitted and staff and the parties have no objections; Staff advise the Ontario Municipal Board that the City supports the revised or settlement proposal.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

N/A

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EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 24, 2009

Item 30, CW Report No. 6 – Page 2

Purpose

The purpose of this report is to seek Council's standing instructions regarding appeals of Committee of Adjustment decisions to the Ontario Municipal Board.

Background - Analysis and Options

The *Planning Act* provides that Decisions by the Committee of Adjustment and conditions imposed by the Committee may be appealed to the Ontario Municipal Board. It has been the longstanding practice to provide a report to Council prior to each OMB Hearing to seek instructions regarding Legal and Planning staff attendance at the Hearings, once scheduled.

The OMB schedules hearings and provides 30 days notice. With the new Committee and Council meeting schedule, and the summer and holiday hiatuses, standing instructions would allow the City to facilitate the OMB when the Board is scheduling hearings particularly regarding length of hearings when the City's participation would be known. This may result in speedier resolutions of appeals for residents.

Currently, there are significant, lengthy OMB Hearings which have been scheduled to the end of June 2009. There are 6 OMB Hearings of Committee of Adjustment appeals scheduled in February and March. While the City has retained external counsel on two of the lengthy matters, the Solicitor/Litigation is assisting with the preparation of and reviewing comments, reports and witness statements of City staff and external consultants to keep costs down. It is a more cost effective use of City staff time to attend the matters with significant planning issues for the City.

The appeals fall into four main categories. In Category 1, City Departments have no objections and Planning Staff are in support of minor variance and consent applications, and the Committee of Adjustment approves the applications. Appeals may be filed by neighboring owners for various reasons. Category 2 are instances where City Staff are not in support and the Committee of Adjustment refuses the applications, which are then appealed by the applicant. In both examples, Council has historically directed City Staff to attend OMB Hearings in support of the Committee's decisions. These two examples comprise the majority of appeals over the past years.

An example of variances having broader impacts are those which could set precedents for areas or where Council has set a particular standard, such as lot coverage and front yard setbacks in R1V zones. Another example would be severance applications when staff indicate a plan of subdivision is necessary, or that a matter should proceed by way of zoning by-law amendment, rather than minor variance.

The issue of broader implications is generally a planning matter, and would be determined by the Commissioner/Director of Planning in consultation with the Legal Services Dept.

In Category 3, two instances here involve (1) Planning or other staff are not in support and the applications are approved, (2) Planning Staff are in support and the applications are refused. Council has historically directed staff to attend and take no position, but request conditions, should the OMB deal with the appeals resulting in the approval of the applications.

Category 4 involves matters from Categories 1 and 2, but deals with circumstances when the City's interests in the matter before the OMB are minimal, as no public interest or issue is involved, and in those circumstances, attendance is not necessary.

When the decision of the Committee of Adjustment is clearly dealing with a variance or consent request that has no material impact on area wide or City wide issues or interests, or where the appeal relates to a dispute between neighbors, the City need not attend the Hearing. One example would be a very small (4 to 6 inches) side yard variance, or a variance for an air conditioner.

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There are also a number of cases where both the applicants and appellants are represented by lawyers and/or have planning consultants. In these cases, unless there is a significant impact or broader implications, City legal and planning staff need not attend. The Board can request a City representative attend the hearing if it has a question. City legal staff have always advised sitting Board Members that staff are available to provide assistance to the Board if the Board has a question. In Category 4 cases, staff would attend the Hearing to request conditions, if any, in the event the variance/consent is allowed.

There are instances where a revised proposal or settlement proposal may be submitted to settle an appeal. If there is City Staff support for such a settlement proposal, and other parties involved in the appeal are in support, Council has also usually directed that the OMB be advised the City supports the settlement. It would be appropriate that the standing direction in Recommendation 5 be given as well, as such proposals are usually just prior to the Hearing and there may not be a Council meeting prior to the Hearing to obtain instructions on the settlement.

Presently, the Legal Services Department provides a list of upcoming Ontario Municipal Board matters which is revised as Prehearings, Motions, and Hearings are scheduled. This list would now be accompanied by a short memo providing information regarding each Committee of Adjustment appeal (location, nature of appeal, standing instructions) for Council's information.

Staff will report on matters requiring further direction or the provision of legal advice to Council as authorized by Section 239 (c) (e) of the *Municipal Act*. Particular applications may result in direction to attend depending on the circumstances. Council will also be advised of the outcome of each matter after the Hearing, as is the present practice.

Relationship to Vaughan Vision 2020

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

Regional Implications

None.

Conclusion

Standing instructions will allow potential appellants to take the City's position into account when deciding whether to appeal. This may result in frivolous appeals not being filed.

The provision of standing directions regarding Ontario Municipal Board appeals of Committee of Adjustment decisions will facilitate efficient and effective use of staff time, and will afford applicants and the public with knowledge of the City's position when they start the process. The recommended standing instructions reflect Council's historical practice in providing direction to staff regarding attendance at OMB Hearings.

Attachments

None

Report prepared by:

Heather A. Wilson

CITY OF VAUGHAN

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Item 31, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 24, 2009.

**31 NEW BUSINESS – ISSUES RELATING TO THE REEVES NURSERY
PLAN OF SUBDIVISION APPLICATION**

The Committee of the Whole recommends approval of the recommendation contained in the following revised report of Councillor Carella, dated February 10, 2009:

Recommendation

Councillor Carella recommends:

- 1) That preliminarily staff and subsequently the Mayor and all three Regional Councillors, as a group, meet with the appropriate officials of the Region of York, to convey the wish of the residents of the surrounding area and of the Council of the City of Vaughan, as evidenced by this motion, that access from Islington Avenue onto the site via the existing driveway be maintained until such time as that phase of construction marked by heavy vehicular access into and from the site has been completed, for the following reasons:
 - a. local streets (i.e., Kiloran Avenue, Charmaine Drive, etc.) cannot sustain the weight of heavy-duty vehicles such as dump trucks, cement mixers, etc., without serious damage to the streets and considerable disruption to the lives of neighbouring residents
 - b. traffic of this nature constitutes a general safety hazard that can easily be dealt with by maintaining access at Islington Avenue during the heavy-construction phase of the project

The Region has indicated that a condition of draft approval of this application is that once the internal road has been completed and connected at two points to Charmaine Drive, all construction access from Islington Avenue will cease. Residents think this premature, and that access should continue until all heavy construction has been completed.

- 2) That appropriate staff review the current policy with respect to the threshold at which sidewalks are required on streets within a plan of subdivision, such review to consider
 - a. recommendations relating to this matter as contained in the *Report of the Mayor's Task Force on Community Safety and Security*, chaired by Julian Fantino, a resident of the area; and
 - b. the proposal put forward by the applicant in this instance, as follows:

"Recognizing that our proposal complies with the current City standard regarding the provision of sidewalks, and in the interest of advancing this project, we feel that the decision to install or not install a sidewalk should realistically be left to the future residents of the new homes to be built within the proposed development. In this context, we would be prepared to post with the City, a Letter of Credit for the value of the sidewalk construction, for a period of five (5) years from the date of registration of the plan of subdivision";
 - c. the feasibility of mandating curbside (or "monolithic") sidewalks, as on Firglen Ridge, a nearby street, to address safety concerns arising from the absence of any sidewalk, while at the same time maximizing the length of driveway needed to accommodate all household vehicles;
 - d. any other information relevant to this issue, no matter the source

The foregoing matter was brought to the attention of the Committee by Councillor Carella.