

## Committee of the Whole Report

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**DATE:** Tuesday, May 07, 2019

**WARD:** 5

**TITLE: REENA C/O BRYAN KESHEN  
SITE DEVELOPMENT FILE DA.19.003  
VICINITY OF CLARK AVENUE WEST AND BATHURST STREET**

**FROM:**

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Site Development File DA.19.003 for the Subject Lands shown on Attachment 1, to permit the development of a six-storey rental apartment building / supportive living facility containing 79 units and social, educational and job skills training space, as shown on Attachments 2 to 4.

**Report Highlights**

- The Owner proposes a six-storey rental apartment building / supportive living facility containing 79 units and social, educational and job skills training space.
- The Development Planning Department supports the approval of the proposed development, subject to the Recommendations of this report, as the Development is consistent with the *Provincial Policy Statement 2014*, conforms to the Growth Plan 2017, conforms with the York Region Official Plan and Vaughan Official Plan 2010, complies with Zoning By-law 1-88, and is compatible with the existing and planned uses in the surrounding area.

## **Recommendations**

1. THAT Site Development File DA.19.003 (Reena c/o Bryan Keshen) BE DRAFT APPROVED AND SUBJECT TO THE FOLLOWING CONDITIONS to the satisfaction of the Development Planning Department, to permit the proposed development subject to the following conditions:
  - a) That prior to the execution of the Site Plan Agreement:
    - i) the Owner, Reena c/o Bryan Keshen, shall successfully obtain approval from City of Vaughan Committee of Adjustment for a Consent application to provide an easement in favour of Reena c/o Bryan Keshen for driveway access over the lands at 927 Clark Avenue West, the Henry and Toby Battle Developmental Centre. The Committee's decision regarding the Consent Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by Committee;
    - ii) The Owners of the Henry and Toby Battle Developmental Centre, and Reena c/o Bryan Keshen, shall obtain approval from the City of Vaughan Committee of Adjustment for Consent applications to provide reciprocal easements for use of the shared parking areas. The Committee's decision regarding the Consent Applications shall be final and binding, and the Owners shall satisfy any conditions of approval imposed by the Committee;
    - iii) the Development Planning Department shall approve the final site plan, building elevations including bird friendly design treatments, landscape plan, landscape cost estimate, and lighting plan;
    - iv) the Owner shall enter into a Tree Protection Agreement with the City of Vaughan, which includes a Letter of Credit security for trees to be preserved and protected, to the satisfaction of the Development Planning Department;
    - v) the Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion and sediment control plan and functional servicing and stormwater management report, site illumination plan, hydrogeological assessment, and necessary transportation related reports;
    - vi) the Owner shall submit a Hydrogeological report to determine the elevation of the groundwater level in relation to the elevation of the lowest basement slab elevation and the quality and quantity of any

groundwater proposed to be pumped and discharged, to the satisfaction of the Development Engineering Department.

- vii) the Owner shall convey to the City the required easement for the existing municipal services, to the satisfaction of the Development Planning Department;
- viii) the Owner shall enter into a Development Agreement with the City for the installation of any proposed service connections and shall agree to pay for the design and construction of any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support the proposed development, to the satisfaction of the Development Engineering Department;
- ix) the Owner shall pay the applicable fees, pursuant to the current Fees and Charges By-law, including water consumption during building construction, to the satisfaction of the Development Engineering Department;
- x) the Owner shall pay the Development Engineering Site Plan fee for Phase 1 and Phase 2, pursuant to the Fees and Charges By-law, as amended, for \$38,308.70, to the satisfaction of the Development Engineering Department. Should the fee not be paid within the calendar year in which it is calculated, it will be subject to increase in the next calendar year;
- xi) the Owner shall be required to apply/enter into for the following:
  - an agreement and/or permit to discharge groundwater as required by the City for any temporary and permanent dewatering system that is required for the development.
  - an agreement and/or permit as required by the City, including an Encroachment Agreement/permit and payment of the associated fees for excavation and shoring that is required for the development.
- xii) the Owner shall enter into a Servicing Agreement with the City for the installation of any proposed services within the city right-of-way/ easements after approval of the site servicing plans, to the satisfaction of the Development Planning Department. The Owner shall agree to pay applicable fees and post necessary letter of credits pursuant to the City Fees and Charges By-law, as amended;

- xiii) the Owner shall satisfy all requirements of the Environmental Services Waste Management Division, and the Environmental Services Department shall approve the final site plan for conformity with the City's Waste Collection Design Standard Policy; and
  - xiv) the Owner shall satisfy all requirements and obtain all necessary approvals from York Region.
- b) the Site Plan Agreement shall include the following clauses:
- i) "Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify both the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division."
  - ii) "In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner, the Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services, and the Development Planning Department, Urban Design and Cultural Heritage Division."
  - iii) "The Owner shall agree to implement the recommendations of the final noise report into the design and construction of the buildings on the lands and include all necessary warning statements on all lease/rental agreements, and any future agreements of purchase and sale of individual units, all to the satisfaction of the City."
  - iv) "Prior to occupancy of each unit, a noise consultant shall certify that the required noise control measure(s) on the existing Toby and Henry Battle Development Centre building (927 Clark Avenue West) are in place, in accordance with the approved Noise Report and the January 25, 2019, letter from the President and Chief Executive Officer of the Toby and Henry Battle Development Centre, to the satisfaction of the City."
  - v) "Prior to occupancy of each unit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved noise report. Where wall, window and/or oversized forced air mechanical systems are required by the noise report, these features be certified by a Professional Engineer at the City's request. The Engineer's

certificate must refer to the final Noise Report and be submitted to the City's Chief Building Official and the Director of Development Engineering."

- vi) "The necessary warning clauses in lease/rental agreements and any future agreements of purchase and sale and condominium declarations including but not limited to the following:
  - "Tenants/Lessees are advised that despite the inclusion of noise control features in the development and within the individual dwelling units, sound levels from increasing road traffic and adjacent employment/industrial uses may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment, Conservation and Parks, environmental noise guidelines NPC-300."
- vii) "Prior to occupancy of each dwelling unit, the Owner shall submit to the City, satisfactory evidence that the appropriate warning clauses have been included in the lease/rental agreements and any future agreements of purchase and sale and condominium declarations."

2. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

"THAT Site Development File DA.19.003 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 79 residential units (175 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed to registration within a reasonable timeframe."

## **Background**

The subject lands (the 'Subject Lands') identified on Attachment 1, are located on the south side of Clark Avenue West and west of Bathurst Street. The Subject Lands are currently vacant. The surrounding land uses are shown on Attachment 1.

The Toby and Henry Battle Developmental Centre (the 'Battle Centre'), a Reena Facility, is located on the property immediately west of the Subject Lands, being 927 Clark Avenue West, as shown on Attachment 2. The Battle Centre provides day and evening programs for children and adults with developmental disabilities. The proposed development (the 'Development') consists of a six-storey rental apartment building / supportive living facility that contains 79 units and is intended to provide housing for persons with special needs with an area devoted to Reena-operated social, educational and job skills training programs.

## **Previous Reports/Authority**

[Committee of the Whole \(Public Hearing\) Files OP.18.012 and Z.18.019](#)

[Committee of the Whole Files OP.18.012 and Z.18.019](#)

## **Analysis and Options**

### ***The Development conforms to Vaughan Official Plan 2010***

The Subject Lands are designated “Mid-Rise Residential” by Vaughan Official Plan 2010 (“VOP 2010”), and subject to site-specific OPA 37, which permits the Development.

### ***The Development does not currently comply with Zoning By-law 1-88, however Vaughan Council approved the related Zoning By-law Amendment Application***

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, which permits only agricultural uses. However, Vaughan Council, on March 5, 2019, approved Zoning By-law Amendment File Z.18.019 to rezone the Subject Lands from “A Agricultural Zone” to “RA3 Apartment Residential Zone” with site-specific zoning exceptions to Zoning By-law 1-88 to permit the Development.

A condition of Vaughan’s Council approval was that implementing zoning by-law not be enacted until Vaughan Council approves Site Development File DA.19.003. Should Vaughan Council approve Site Development File DA.19.003, the Development Planning Department will forward the site-specific zoning by-law to a future Council meeting for enactment.

### ***The Development Planning Department supports the Development, subject to the Recommendations in the report***

## **Site and Landscape Plans**

The Development shown on Attachments 2 to 4 includes a pedestrian access from the existing public sidewalk to an entrance off Clark Avenue West and the principal entrance on the west side of the building. Twenty-one at grade parking spaces are provided along the west side of the apartment building. An additional 116 surface parking spaces exist on the Battle Centre lands to the west.

Easements over the lands to the west are required to provide for shared parking and driveway access. The Owner of the Subject Lands and the Owner of the Battle Centre, are required to obtain approval from the City of Vaughan Committee of Adjustment for Consents to allow for shared parking on each property. The Owner of the Subject Lands is also required to obtain approval from the City of Vaughan Committee of Adjustment of a Consent application for a driveway access easement over the Battle Centre lands. The Committee’s decisions to facilitate shared parking and for driveway access shall be

final and binding, and the Owners shall satisfy any conditions of approval imposed by the Committee. Conditions to this effect are included in the Recommendations of this report.

The landscape plan shown on Attachment 3 includes a 7 m wide landscape strip along Clark Avenue West and additional landscape along the east side of the Development, which includes hard and soft landscape, planter boxes and walkways. A walkway, located along the west side of the Development, provides access to the principal entrance and Clark Avenue West, and is proposed to continue along the south side of the building and connect to proposed patios.

#### Tree Protection Protocol

The Development requires the removal of three existing private trees and four street trees. In addition, there are 15 trees larger than 20 cm diameter at breast height ('DBH') on the adjacent property to the west that are recommended by the Arborist report to be removed. Nineteen (19) replacement trees are required in accordance with the City of Vaughan's Replacement Tree Requirements. The Owner proposes to provide twenty-four (24) new trees, therefore, this would accommodate the nineteen (19) required replacement trees. The Owner shall enter into a 'Tree Protection Agreement' with the City in accordance with Vaughan Council enacted Tree Protection By-law 052-2018 and the City's Tree Protection Protocol, prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendations of this Report.

#### Building Elevations and Signage

The proposed building elevations shown on Attachment 4 consist of a mixture of brick veneer, vision glass and spandrel glass. Glazing spans larger than 2 m<sup>2</sup> are required to use a bird-friendly glass treatment. Black, brown and yellow brick veneer colours are proposed. The principal building entrance includes a prefinished metal canopy with brick veneer columns. The north elevation includes a secondary entrance also covered by a prefinished metal panel canopy with brick veneer columns. An address sign box is located on the west elevation with an additional address sign located on the proposed bench/planter box wall at the Clark Avenue West entrance.

The building design ranges from three to six-storeys, as shown on Attachment 4. The stepped building design conforms to the 45-degree angular plane from the south property line.

The Development Planning Department is satisfied with the Development shown on Attachments 2 to 4. The final site plan, building elevations, landscape plan, landscape cost estimate, and lighting plan must be approved prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

***The Urban Design and Cultural Heritage Section advises that the Subject Lands are cleared of any concern for archaeological resources.***

The Development Planning Department, Urban Design and Cultural Heritage Division has reviewed the Application and advise that the Subject Lands are cleared of any concern for archaeological resources. The following standard conditions shall be included in the implementing Site Plan Agreement, which is included in the Recommendations of this report:

- “Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify both the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.”
- “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner, the Registrar of the Cemeteries Regulation Unity of the Ministry of Government and Consumer Services, and the Development Planning Department, Urban Design and Cultural Heritage Division.”

***The Policy Planning and Environmental Sustainability Department has no objection to the Development, subject to the conditions in this report***

The Policy Planning and Environmental Sustainability (‘PPES’) Department have reviewed the Application and advise that they have no objection to the approval of the Development, subject to the Owner providing bird-friendly design treatments consistent with the Council-approved City-Wide Urban Design Guidelines and the Sustainability Performance Metrics Program. A condition to this effect is included in the Recommendations of this report.

***The Development meets the Bronze Sustainability Threshold Score, with an Overall Application Score of 41 and an Overall Community Score of 57.***

The Owner has submitted the completed Sustainability Scoring Tool and Summary Letter (“Sustainability Metrics Package”), dated February 28, 2019, in support of the Development. The Sustainability Metrics Package demonstrates an Overall Application Score of 41 and an Overall Community Score of 57, meeting the Bronze Sustainability Threshold Score.

***The Development Engineering Department has no objection to the Development, subject to the conditions in this report***

The Development Engineering (‘DE’) Department has reviewed the Application, and advised they have no objection to the Development subject to the conditions in the

Recommendation section of this report. The DE Department has identified the following matters to be addressed prior to final approval and the execution of a Site Plan Agreement:

#### Water Supply Network

The Subject Lands are located within Pressure District 5 ('PD5'). The Owner proposes to connect to the existing 450 mm watermain on Clark Avenue West through an existing stub. To confirm the watermain will be able to service the Development, the Owner shall revise the submitted Functional Servicing Report ('FSR') to:

- a) use 300 litres per capita per day ('Lpcd') to calculate the water demand for the both residential and non-residential development
- b) include the result of a hydrant flow test on the existing watermain on Clark Avenue West, in accordance with the National Fire Protection Association ('NFPA') 291 Recommended Practice for Fire Flow Testing and Marking of Hydrants
- c) review and analyze the result of the hydrant flow test to confirm the availability of the required flow and pressure in the pipe, as required by the City of Vaughan Design Criteria

#### Sanitary Sewer Network

The Owner proposes to connect to the existing municipal sewer on Clark Avenue West through an existing control maintenance hole at the property line. The Owner shall revise the FSR to demonstrate the proposed sanitary flows are equal/less than what were assumed in the original design or undertake a downstream capacity analysis to confirm the system is capable to service the Development. Accordingly, the Owner shall revise the FSR to:

- a) use 370 Lpcd to calculate the generated sanitary flows
- b) confirm there is enough spare capacity in the existing sanitary sewer system by showing the future sanitary flows are equal or less than what were allocated for the Development or conducting a downstream capacity analysis

#### Storm Sewer Network

The Owner proposes to connect to the existing municipal storm sewer on Clark Avenue West through an existing control maintenance hole at the property line. The FSR demonstrates that the post-development flows will be controlled to the allowable release rate by using underground storage chambers and an orifice tube, therefore no upgrade will be required to the existing storm sewer. A filter-based treatment device is proposed to achieve Level 1 water quality target as required by the City's Design Criteria.

The Owner shall clarify how permanent groundwater discharges will be managed and satisfy water balance/erosion control requirements. Accordingly, the Owner shall revise the FSR to:

- a) confirm whether groundwater will need to be pumped as part of the design of the building. Provide a clear strategy proposed for this Development in the report with respect to any groundwater pumping and discharging. A hydrogeological report is required to determine the elevation of the groundwater level in relation to the elevation of the lowest basement slab elevation and the quality and quantity of any groundwater proposed to be pumped and discharged. Discharging of groundwater into a city storm sewer is subject to the provisions of the City of Vaughan Sewer Use By-law
- b) demonstrate how a minimum of 5mm of every rainfall will be retained and reused on the Subject Lands to satisfy water balance and/or erosion control requirements

#### Environmental Noise Feasibility Study

The Environmental Noise Feasibility Study recommends several noise control measures to be implemented to mitigate the noise effects from both transportation and stationary sources to meet the sound level targets as per the Ministry of Environment, Conservations and Park ('MCEP'), environmental noise guidelines NPC-300. The recommendations include mandatory air conditions, suitable building materials for the proposed development, and rooftop acoustic screens for some of the mechanical units, or direct to roof-top unit mitigation or unit replacement for the existing building (927 Clark Avenue West).

#### Environmental Site Assessment

The Subject Lands are not changing to a more sensitive land use, also, there will be no lands to be conveyed to the City, therefore, no further study is required.

#### Transportation

The Owner shall revise the drawings to include the following:

- Remove landscaping within the Clark Avenue West right-of-way
- Include two stop signs within the private roadway
- Revise the accessible parking spaces according to Accessibility for Ontarians with Disability Act ('AODA') standards
- Add short term bicycle parking at the second entrance along Clark Avenue West
- Revise the Pedestrian and Bicycle Circulation Plan to reflect the site plan drawing

### ***Servicing is in place to support this Development***

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. Accordingly, servicing capacity to Site Development File DA.18.037 is available and unrestricted. Therefore, the following resolution to allocate capacity to the Development may be recommended for Council approval:

“THAT Site Development File DA.19.003 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 79 residential units (175 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed to registration within a reasonable timeframe.”

### ***Development Charges are applicable to the Development***

The Owner will be required to pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.

### ***The Environmental Services Department, Waste Management Division has no objection to the Development, subject to conditions***

The Environmental Services Department, Waste Management Division has reviewed the Application and advise they have no objection to its approval, subject to the following:

- that the plans submitted in support of the Development be updated to show the multi-sort system/compactor unit in the waste storage room, and the multi-sort three stream system on every floor (i.e. chute room)
- a loading pad must be provided, constructed to a minimum base 300 mm of compacted 20 mm crusher run-limestone and finished to a minimum 200mm of concrete.
- the Owner must demonstrate how waste containers will be staged on the loading pad
- the Owner must revise the Truck Turning Movement plan showing a 11.5 m collections vehicle as opposed to a 9.85 m vehicle
- the Owner must revise the Waste Collection Design Standards form to reflect the number and size of the bins shown on the drawings

Prior to final approval and execution of a Site Plan Agreement, the Owner must satisfy all requirements of the Environmental Services Department. A condition to this effect is included in the Recommendations of this report.

***The Fire and Rescue Services Department have not objection to the Development***

The Fire and Rescue Services Department have no objection to the Development.

***Cash-in-Lieu of the dedication of parkland is required***

The Office of the City Solicitor, Real Estate Department has confirmed the cash-in-lieu of parkland is required in accordance with the *Planning Act* and the City’s cash-in-lieu Policy. The following clause applies:

"For high-density residential development, the Owner shall convey land at the rate of 1 ha per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at fixed unit rate, prior to the issuance of a Building Permit."

***York Region Catholic District School Board and York Region District School Board have no objections to the Development***

The Development has been reviewed by both school boards who advise the have no objections to the Development.

**Financial Impact**

Not applicable.

**Broader Regional Impacts/Considerations**

The Development has been reviewed by external agencies, including York Region, Canada Post, NavCanada, and various utility companies, who advise they have no objection to the Development, subject to the conditions included in the Recommendations of this report.

***York Region has no objection to the Development, subject to conditions***

The Application was circulated to York Region for review and approval. The York Region Community Planning and Development Services Department has no objection to the Application, subject to the Owner satisfying York Region’s conditions.

Prior to final approval, the Owner shall submit to the Regional Community Planning and Development Services Department a copy of the Vaughan Council resolution confirming that the City of Vaughan has allocated water and sewage servicing capacity for the Development. City of Vaughan staff shall confirm that the Council adopted resolution is remains valid at the time of the request for Regional clearance of this condition.

The Region requires that the integrity of the York Region 450 mm diameter watermain be maintained at all times during any grading and construction works. Should there be any change in the servicing strategy, a revised servicing plan shall be submitted to the Region for review.

York Region is satisfied with the Development subject to the conditions in this report.

### **Conclusion**

Site Development File DA.19.003 has been reviewed in consideration of the applicable provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Development is consistent with provincial policy, conforms to the YROP 2010 and VOP 2010, complies with Zoning By-law 1-88, and is appropriate and compatible with the existing and permitted uses in the surrounding area.

Accordingly, the Development Planning Department supports the approval of Site Development File DA.19.003. Should Council approve Site Development File DA.19.003, conditions of approval are included in the Recommendations of this report.

**For more information**, please contact: Carol Birch, Planner, at extension 8485

### **Attachments**

1. Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations

### **Prepared by**

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/CM