

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: September 30, 2024

Name of Owner: Emilio Carinci - 8274-8286 Islington Avenue Inc.

Location: 8270, 8274, and 8286 Islington Avenue

File No.(s): A140/24

Proposed Variances (By-law 001-2021):

1. To permit the balconies to encroach up to a maximum of **2.75 m** into the required rear yard.
2. To permit a maximum height and setback of the retaining wall on south side to be **2.9 m** in height with a setback of 0 m.
3. To permit a maximum height and setback of the retaining wall on north side to be **3.2 m** in height with a setback of 0 m.
4. To permit a maximum rooftop amenity area of **544 m²**.
5. To permit an indoor amenity space with a maximum Gross Floor Area of **134 m²** to be located on the mechanical penthouse level, and shall not be considered a storey.

By-Law Requirements (By-law 001-2021):

1. Balconies are permitted to encroach up to a maximum of **1.5 m** into the required rear yard.
2. The maximum height and setback of a retaining wall on south side shall be **2 m** in height with a setback of 0 m.
3. The maximum height and setback of a retaining wall on north side shall be **3 m** in height with a setback of 0 m.
4. The maximum rooftop amenity area shall be **108 m²**.
5. Indoor amenity area is not permitted on the same level or within the mechanical penthouse in accordance with the definitions of Storey and Mechanical Penthouse

Official Plan:

Vaughan Official Plan 2010 ("VOP 2010"): "Low-Rise Residential 3" and "Natural Areas", by Schedule 2 – Land Use Plan, subject to site-specific policy 4.2.2.4 c, by Volume 2, Section 11.11 - Woodbridge Centre Secondary Plan.

Background:

In 2022, the Owner of 8270, 8274, and 8286 Islington Avenue submitted Official Plan Amendment Application File OP.22.003 and Zoning By-law Amendment Application File Z.22.005 to redesignate and rezone the Subject Lands to permit the development of a seven (7) storey residential building containing 168 residential apartment units, with a Floor Space Index (FSI) of 3.21 times the area of the lot. The proposed amendments are summarized in below bullet points:

- In VOP 2010, Volume 2, 11.11 Woodbridge Centre Secondary Plan ("WCSP"), redesignated from "Low-Rise Residential (2)" to "Low-Rise Residential (3)" and "Natural Areas", subject to a site-specific policy.
- In Zoning By-law 1-88, rezoned from "R2 Residential Zone" to "RA3(H) Apartment Residential Zone" with the Holding Symbol "(H)" and "OS1 Open Space Conservation Zone", subject to a site-specific exception.
- In Zoning By-law 001-2021, rezoned from "R2A(EN) Second Density Residential Zone (Established Neighbourhood)" and "I1 General Institutional Zone" to "RM2(H) Multiple Residential Zone" with a Holding Symbol "(H)" and "Environmental Protection Zone", subject to a site-specific exception.

On June 6, 2023, Vaughan Committee of the Whole adopted Item 8, Report No. 28 recommending approval of the above-summarized amendments. On June 20, 2023, Vaughan Council voted to pass by-laws 086-2023, 085-2023, and 084-2023 to amend the Subject Lands' Official Plan designation and zone categories under Zoning By-law 1-88 and Zoning By-law 001-2021 respectively in the above-noted manner to permit a seven (7)-storey apartment building.

On July 12, 2024, the Owner submitted Site Development Application File DA.24.039 to facilitate the development of a seven-storey apartment building with 168 residential units and a density of 3.00 times the area of the lot. The Site Development Application is still active and in-progress at the time of this report. The Owner submitted this minor variance application to address deficiencies identified through the site plan review process.

Comments:

The Owner is seeking relief to permit balcony projections to and amenity area adjustments on top of the seven (7) storey residential apartment building and adjust various retaining wall heights on site with the above noted variances.

The Development Planning Department has no objection to Variance 1 for the proposed balconies to encroach 2.75 m into the rear yard. The building has a stubby “J” shape. On the western tip of the J, balconies are proposed on floors 2 to 7. The balconies are located 4.25 m above grade, and do not impede access to the ground floor walkway located directly below. Toronto and Region Conservation Authority (TRCA) staff are satisfied that the encroachment will not interfere with the passage of oversized equipment below should TRCA staff need to access the rear portion of the property zoned “EP – Environmental Protection Zone”.

The Development Planning Department has no objection to Variances 2 and 3 to increase the maximum heights at two separate portions of a retaining wall spanning the rear of the apartment building. The property fronts onto Islington Avenue to the east, and is located on a slope generally running west to east. The existing grade has a difference of approximately 13 m between the highest point at the rear lot line and the lowest point at the front lot line. The steepest portion of the slope is located in the southwestern corner of the rear yard. A retaining wall is proposed west of the apartment building bordering the “EP – Environmental Protection Zone”, addressing the change in grade between the existing forested slope and the proposed development. Site-specific exception 14.1138 permits retaining walls of 2 m and 3 m in height to maintain a 0 m setback along the south and north lot lines respectively. The portion of the retaining wall requiring Variance 2 is located to the southwest, and the section requiring Variance 3 is located to the northwest. Both portions requiring variances are adequately screened from the public realm. As such, Variances 2 and 3 pertaining to retaining wall heights west of the building are in keeping with the intent of the Zoning By-law. Development Engineering staff have also reviewed the retaining walls and have no concerns with the location and height of the retaining walls as well as any impacts on stormwater management within the site.

The Development Planning Department has no objection to Variance 4 for an increased rooftop amenity area space of 544 m², of which 409.08 m² are located outdoors and 133.96 m² are located indoors. The architectural drawings submitted by the Owner as part of the Official Plan and Zoning By-law Amendment Applications depicted a rooftop plan consisting of a total of 192 m² of amenity space, of which 108 m² were located outdoors and 84 m² were located indoors. The approved site-specific exception 14.1138 identified the 108 m² outdoor amenity space, but did not account for the indoor portion.

The majority of the enlargement in rooftop amenity area is for the outdoor space. The outdoor amenity space approved in the site-specific consists of seating and lounging areas. The proposed enlarged outdoor amenity space provides great area for seating and lounging activities. Although the amenity area footprint has expanded, the uses accommodated within the enlarged spaces are considered appropriate for its location in relation to the overall building and is in keeping with the original intent of the Official Plan and Zoning By-law amendments. Policies in VOP 2010 encourage the provision of private outdoor amenity spaces on the rooftops of Low-Rise and Mid-Rise buildings. As such, the expanded rooftop amenity space maintains the general intent of the Official Plan and Zoning By-law, and is considered a desirable form of development.

The Development Planning Department has no objection to Variance 5 permitting an indoor amenity area of 134 m² of Gross Floor Area (GFA) to be located above the 7th storey and abutting the mechanical penthouse. The Subject Lands have a maximum permitted building height of 7-storeys as identified by VOP 2010, Volume 2, 11.11 Woodbridge Centre Secondary Plan (“WCSP”) and a maximum permitted building height of 24.1 m in Zoning By-law 001-2021. VOP 2010 and Zoning By-law 001-2021 defines Storey to be the number of levels within a building, not including mechanical penthouses. The Development Planning Department is of the opinion that the proposed indoor amenity GFA minimally affects density considerations, massing impact, and permitted uses.

Density Consideration

The Subject Lands are designated by VOP 2010 with a maximum permitted density of 3.21 times the area of the lot. The proposed apartment building, when considering the rooftop indoor amenity space, has a net density of 3.00 times the area of the lot. The Subject Lands are zoned with a minimum permitted lot area of 29 m² per dwelling unit. The proposed apartment building provides 29.71 m² of lot area per dwelling unit, which is within the per-dwelling density limit set out by the Zoning By-law. The addition of indoor amenity space on the rooftop has no impact on the density limitations set out by VOP 2010 and the Zoning By-law.

Massing Impact

The 134 m² rooftop indoor amenity area is located immediately south of the 226 m² mechanical penthouse, and east of the elevator lobby and enclosed corridor to be used by residents to access the outdoor amenity area on the roof. The various enclosed components can be considered one conjoined structure located atop the 7th storey. The mechanical penthouse is set back from the east wall face of the building, and the indoor amenity area would be in-line with the mechanical penthouse's east wall. The indoor amenity area's west wall is also in line with the elevator lobby and enclosed corridor. Portions of the southern elevation and all of the eastern elevation of the indoor amenity area will consist of window paneling, whereas the mechanical penthouse will not include any windows. While the mechanical penthouse is proposed to be 5.1 m in height, most of the indoor amenity area will step down to approximately 4.1 m in height toward the south and remain set back from the building's southern wall face, providing architectural articulation and mitigating the overall massing impact that the indoor amenity area will have on the outdoor amenity area. The indoor amenity area is considered an extension of the mechanical penthouse, elevator lobby, and enclosed corridor. Its massing impacts on the adjacent outdoor amenity area as well as on the public realm at street level are anticipated to be minimal.

Use Permission

Outdoor amenity areas located on a rooftop or terrace are permitted by the Zoning By-law and encouraged by policies of VOP 2010. The rooftop outdoor amenity space is proposed to be located on the southern portion of the rooftop, and is to be accessed through an elevator lobby located abutting the mechanical penthouse. The rooftop indoor amenity space is located between the access corridor and the outdoor amenity space, and is proposed to function as an open programmable space (i.e. party room). The indoor amenity space can be considered an extension to the enclosed elevator lobby, which is necessary for access to the 409.08 m² outdoor amenity space. The rooftop indoor amenity space is thus sized and oriented in a manner that is ancillary to the seating and lounging uses that are intended for the much larger outdoor amenity space. The Official Plan and Zoning By-law amendments that were approved by Council depicted a similar rooftop plan consisting of 108 m² of outdoor amenity space 84 m² of indoor amenity space, oriented in a complementary manner similar to the current proposal. The current proposal of 134 m² of rooftop indoor amenity space is therefore in keeping with the intents of the Official Plan and Zoning By-law.

Accordingly, Development Planning Department staff can support the requested variances and are of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Condition of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

1. That all comments on Site Development Application DA.24.039 be addressed to the satisfaction of the Development Planning Department.

Comments Prepared by:

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David Harding, Senior Planner