

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014

Item 1, Report No. 12, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on March 18, 2014.

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**OFFICIAL PLAN AMENDMENT FILE OP.13.015
ZONING BY-LAW AMENDMENT FILE Z.13.043
DRAFT PLAN OF SUBDIVISION FILE 19T-13V010
NINE-TEN WEST LIMITED
WARD 4 - VICINITY OF DUFFERIN STREET AND RUTHERFORD ROAD**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Interim Director of Planning/Director of Development Planning, dated February 25, 2014, be approved;
- 2) That a community meeting be set up involving the local Ward Councillor, interested Regional Councillors, the applicant, area residents and appropriate City staff;
- 3) That the following deputations and communication be received:
 1. Mr. Daniel Leeming, Partner, The Planning Partnership, Bay Street, Toronto, on behalf of the applicant;
 2. Ms. Irina Rakhimova, Santa Amato Crescent, Vaughan, and Communication C5, dated February 23, 2014;
 3. Mr. Selim Gabra, Maple Valley Road, Maple;
 4. Mr. Nilay Bhatt, Apple Blossom Drive, Thornhill;
 5. Mr. Joseph Del Vasto, Tuscana Boulevard, Concord;
 6. Mr. Furio Liberatore, Princess Isabella Court, Maple;
 7. Mr. Elliott Silverstein, Belvia Drive, Vaughan;
 8. Mr. Fadi Minawi, District Avenue, Vaughan;
 9. Mr. Peter Badali, Butterfield Crescent, Maple, representing Eagle Hills Community Association;
 10. Mr. Eduardo Suarez, Santa Amato Crescent, Thornhill;
 11. Mr. Jeffrey Stone, Bathurst Street, Vaughan;
 12. Mr. Kevin Hanit, Queensbridge Drive, Concord;
 13. Mr. Nikolay Shlepov, Maverick Crescent, Maple;
 14. Mr. Rubin Zak, Maverick Crescent, Maple;
 15. Mr. Sherif Abouelenin, Maple Valley Road, Vaughan; and
 16. Mr. Jason Badrick, Peter Rupert Avenue, Maple; and
- 4) That the following communications be received:
 - C1. Brad Byrne, Jacobi Court, Thornhill, dated February 23, 2014;
 - C2. Earl S. Weiner, Yale & Partners LLP, Holly Street, Toronto, dated February 24, 2014;
 - C3. Oz Solomon, Chaya Sara Gardens, Maple, dated February 24, 2014;
 - C4. Elvira Kondratovits, Maple Valley Road, dated February 23, 2014;
 - C6. Alexander Levin, Santa Amato Crescent, Vaughan, dated February 24, 2014;
 - C7. Memorandum from the City Clerk, dated February 24, 2014;
 - C9. Memorandum from the City Clerk, dated February 25, 2014;
 - C12. Anat Goldschmidt, Foxwood Road, Vaughan, dated February 24, 2014;
 - C13. Nicole Kondratovits, Maple Valley Road, dated February 24, 2014;
 - C14. Ali Karevan, Maple Valley Road, Maple, dated February 24, 2014;
 - C15. Abbas Rizvi, Santa Amato Crescent, Vaughan, dated February 25, 2014;
 - C16. Kaniz Sivjee, Santa Amato Crescent, Vaughan, dated February 25, 2014;

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- C17. Ekaterina Sitnikova, Artur Krzywiecki, Larisa Sitnikova, and Alexander Sitnikova, Santa Amato Crescent, Vaughan, dated February 25, 2014;**
- C18. Memorandum from the City Clerk, dated February 25, 2014; and**
- C19. Leonid Gvozdyev, Maple Valley Road, Maple, dated February 23, 2014.**

Recommendation

The Commissioner of Planning and the Interim Director of Planning/Director of Development Planning recommend:

1. THAT the Public Hearing report for Files OP.13.015, Z.13.043 and 19T-13V010 (Nine-Ten West Limited) BE RECEIVED; and, that any issues identified be addressed by the Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Hearing was circulated: January 31, 2014
- b) Circulation Area: 150 m and to the Valleys of Thornhill Ratepayers Association, the Eagle Hills Community Association and the Confederation Parkway Ratepayers Association
- c) Comments Received as of February 11, 2014: None

Purpose

The owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Official Plan Amendment File OP.13.015 to amend in-effect OPA #600, as amended by OPA #651 (Carrville District Centre Plan) to permit the following:
 - i) redesignate the subject lands from “Mixed Use 1”, “Mixed Use 2” and “Parks”, as shown on Attachment #5, to “High-Rise Mixed-Use”, “Low-Rise Mixed-Use” and “Parks”, in the manner shown on Attachment #6;
 - ii) increase the range of the permitted building heights for the Mixed-Use designations shown on Attachment #5 from 1 to 8-storeys, to 2 to 25-storeys, as shown on Attachment #6;
 - iii) reconfigure the planned road pattern shown on Attachment #5 in the manner shown on Attachment #3;
 - iv) increase the range of permitted densities on the subject lands from a Floor Space Index (FSI) of 2.0 to 3.0, to a Floor Space Index (FSI) of 2.0 to 6.05, as shown on Attachment #6; and,
 - v) modify the following three site-specific exceptions for the “High - Rise Mixed Use” designation on the subject lands, as follows:

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Exception #	OPA #651 Exception Requirement	Proposed Amendment to OPA #651 Exception Requirement
*1	A gas bar may be permitted at the location identified by a “*1” on Attachment #5 (Block “9” on Attachment #3)	Permit a commercial complex containing a combination of retail, office, recreational and entertainment uses on the lands identified by a “*1” on Attachment #6 (Block “5” on Attachment #3), and in accordance with the permitted building heights and densities as shown on Attachment #6
*2	<p>A landmark quality building that may include a public library of 10,000 to 15,000 square feet at the location identified by a “*2” on Attachment #5 (Block “5” on Attachment #3), with the following permitted uses:</p> <ul style="list-style-type: none"> • Office Uses • High Density Residential Uses • Small Scale Retail Uses • Cultural and Social Facilities, including a Library • Recreational Facilities • Community Facilities • Transit Facility • Public Utilities 	Permit single-use commercial buildings as an interim use on the lands identified by a “*2” on Attachment #6 (Block “3” on Attachment #3)
*3	One stand-alone, single-use food store building may be permitted at the location identified by a “*3” on Attachment #5 (Blocks “3” and “10” on Attachment #3), with no restriction to maximum floor plate area providing all of its required parking and landscaping are included on the same block. The food store shall have a minimum height of 10 metres, which may contain one-storey plus an above grade mezzanine as an alternative to a two-storey building	Permit single-use commercial buildings as an interim use with a minimum height of one-storey and a maximum Gross Floor Area (GFA) of 2,500 m ² , provided that there is no parking or vehicular circulation between the building face and the public street, on the lands identified by a “*3” on Attachment #6 (Blocks “6” and “8” on Attachment #3)

The Official Plan Amendment application has been submitted in consideration of the Carrville Centre Secondary Plan (Vaughan Official Plan 2010, Volume 2, Section 11.2). The proposed

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land use designations, development blocks, building heights, densities and road network and exceptions are consistent with the policies and objectives of the Carrville Centre Secondary Plan (CCSP) as incorporated into VOP 2010. The subject Official Plan Amendment Application may not be required once the applicable portions of Volume 1 of VOP 2010 are in effect.

2. Zoning By-law Amendment File Z.13.043 to amend Zoning By-law 1-88, specifically to:

- a) rezone a portion of the subject lands from A Agricultural Zone to RT1 Residential Townhouse Zone (Blocks 1, 1b, 1c and 1d) and OS2 Open Space Park Zone (Blocks 11 and 12) in the manner shown on Attachment #7, together with the following site-specific zoning exceptions:

	By-law Standard	By-law 1-88 RT1 Residential Townhouse Zone Requirements (Lot Accessed by a Lane)	Proposed Exceptions to RT1 Residential Townhouse Zone Requirements (Lot Accessed by a Lane)
a.	Minimum Lot Area	180 m ²	145 m ²
b.	Minimum Lot Depth	30 m	25 m
c.	Minimum Front Yard Setback to Dwelling	4.5 m	4.0 m
d.	Minimum Rear Yard Setback (Attached Garage)	15 m	1.5 m
e.	Minimum Exterior Side Yard Setback	4.5 m	3.0 m
f.	Minimum Exterior Side Yard Setback to Attached Garage Abutting a Sight Triangle	3.0 m	1.0 m
g.	Maximum Building Height	11 m	12 m
h.	Minimum Distance Between a Garage and the Nearest Wall of Dwelling	7.5 m	5.0 m

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- b) create the "CMU3 Mixed Use 3 - Carrville Centre Zone" as a new zone in Zoning By-law 1-88 for Blocks 2 to 10 inclusive, as shown on Attachment #7, in order to implement the policies of the Carrville Centre Secondary Plan, with the following permitted uses and development standards:

Proposed Permitted Uses

Apartment Dwelling	•	Personal Service Shop
Art Gallery	•	Pharmacy
• Banking and Financial Institution	•	Place of Amusement
• Business or Professional Office	•	Place of Entertainment, including a multi-screen cinema complex
Club or Health Centre	•	Parking Garage
Clinic	•	Parks
Day Nursery	•	Public Parking Lot
• Doctor, Dental or Medical Office or Clinic	•	Public Parking Garage
Eating Establishment	•	Public Uses
• Eating Establishment, Take-Out	•	Recreational Uses
• Eating Establishment, Convenience	•	Regulated Health Professional
• Employment Use	•	Retail Store
• Freestanding Commercial Complex	•	Seniors' or Retirement Home
• Hotel	•	Service or Repair Shop
• Live/Work Units	•	Supermarket
• LCBO and Brewers Retail Outlet	•	Technical School
• Mixed Use Development	•	Townhouse Dwelling
• Mixed Use Development, Main Street	•	Video Store
• Nursing Home	•	Veterinary Clinic
• Office Building		

Proposed Development Standards

	By-law Standard	CMU3 Mixed Use 3 - Carrville Centre Zone
a.	Minimum Lot Area	500 m ²
b.	Minimum Lot Frontage	50 m
c.	Maximum Building Height	As shown on Attachment #6
d.	Minimum Front Yard Setback (Rutherford Road and Dufferin Street)	3.0 m
e.	Minimum Front Yard Setback (Local Road)	0 m

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f.	Minimum Floor to Floor Height for Ground Floor Commercial and Residential Uses	4.5 m
g.	"Build to Zone", meaning an area abutting a street line within which a portion of the building on the lot must be located. The horizontal extent to which the build to zone is required to be occupied by a building is given as a percentage of the length of the street line of the lot on which the building is located.	75% on lands adjacent to local roads 50% on lands adjacent to Rutherford Road and Dufferin Street

Other zoning exceptions may be identified through the detailed review of the applications.

3. Draft Plan of Subdivision File 19T-13V010 as shown on Attachment #3 to facilitate a mixed-use plan of subdivision consisting of the following:

Low-Rise Mixed-Use Blocks (Blocks 1, 1b, 1c, and 1d)	0.87 ha
High-Rise Mixed-Use Blocks (Blocks 2, 3, 4, 5, 6, 7, 8, 9, 10)	7.63 ha
Parks (Blocks 11 and 12)	0.48 ha
Public Rights-of-Way (Streets "A", "B", "C", "D", "E" and Lanes "1" "2" and "3")	2.24 ha
Total	11.22 ha

Background - Analysis and Options

Following the approval of the Carrville District Centre Plan (OPA #651) in 2006, Vaughan Council approved the Carrville District Centre Urban Design Streetscape Master Plan Study in 2008 that facilitated modifications to the policies included in OPA #651 to achieve an appropriate built form and massing within the Carrville District Centre. Other modifications included minor adjustments to the road and block pattern, and increased building heights while maintaining the same overall density within the District Centre, through the reduction in size of the building floor plates. These modifications allowed for taller narrower buildings on podiums to reduce shadowing, and create a more interesting skyline. These changes, were incorporated into the adopted City of Vaughan Official Plan 2010, as the Carrville Centre Secondary Plan (Volume 2, Section 11.2) as shown on Attachment #6, which was approved by the Ontario Municipal Board on December 2, 2013. Through the final approval of the City of Vaughan Official Plan 2010, OPA #651 will be superceded.

The owner is proposing amendments to the in-effect Carrville District Centre Plan (OPA #651), to conform to the Carrville Centre Secondary Plan (CCSP) as incorporated into VOP 2010, Volume 2, Section 11.2, as Volume 2 is dependant on portions of Volume 1 of VOP 2010 being fully in effect. The proposed land use designations, development blocks, height, density and road network are consistent with the policies and objectives of the CCSP.

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Location	<ul style="list-style-type: none"> Northwest of Dufferin Street and Rutherford Road, City of Vaughan, being part of Planning Block 18 (Attachment #8), shown as “Subject Lands” on Attachments #1 and #2.
<p>Official Plan Designation</p> <p>a) In-effect Official Plan</p> <p>b) VOP 2010</p>	<ul style="list-style-type: none"> “Mixed Use 1”, “Mixed Use 2”, and “Parks” by in-effect OPA #600, as amended by OPA #651 (Carrville District Centre Plan). The “Mixed Use 1” designation permits a maximum building height of 8-storeys and a maximum Floor Space Index (FSI) of 3.0. The “Mixed Use 2” designation permits a maximum building height of 4-storeys and a maximum FSI of 2.0. The proposed amendments to the land use designation boundaries, road pattern, maximum densities, and building heights do not conform to OPA #600, as amended by OPA #651. The lands are subject to the Carrville Centre Secondary Plan (CCSP) area policies of the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012 and April 17, 2012) and further modified and endorsed by Region of York Council on June 28, 2012, and was approved, in part, by the Ontario Municipal Board on July 23, 2013, December 2, 2013 and February 3, 2014. The Carrville Centre Secondary Plan (Volume 2, Section 11.2 of VOP 2010) was approved by the Ontario Municipal Board on December 2, 2013. The proposed amendment to the Official Plan is consistent with the Carrville Centre Secondary Plan as incorporated into Volume 2 of VOP 2010. The subject Official Plan Amendment Application may not be required once the applicable portions of Volume 1 of VOP 2010 are in effect.
Zoning	<ul style="list-style-type: none"> “A” Agricultural Zone by Zoning By-law 1-88. The proposed rezoning and site-specific exceptions do not comply with Zoning By-law 1-88, and therefore, a zoning by-law amendment is required.
Surrounding Land Uses	<ul style="list-style-type: none"> Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the applications, the Planning Department has identified the following matters to be reviewed in greater detail:

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	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with Provincial policies, Regional and City Official Plans	<ul style="list-style-type: none"> The applications will be reviewed in consideration of the applicable Provincial policies, and Regional and City Official Plan policies, with the purpose to be consistent with the Carrville Centre Secondary Plan (VOP 2010, Volume 2).
b.	Appropriateness of Proposed Land Uses, Lot Configuration, Building Height and Density	<ul style="list-style-type: none"> The appropriateness of the proposed modifications to the land use and site-specific exceptions, road pattern, and the permitted building heights and density will be reviewed in consideration of compatibility with the surrounding existing and planned land uses, and to be consistent with the general intent of the Carrville District Urban Design Streetscape Master Plan Study and the City of Vaughan Official Plan, CCSP (VOP 2010, Volume 2), to ensure that this area is the focus of the highest intensity and order of land uses within the Carrville community and its development as an urban core.
c.	Appropriateness of the Proposed Street Network	<ul style="list-style-type: none"> The appropriateness of the proposed street network, including potential connections to the broader Carrville Centre Secondary Plan Area, will be reviewed. The owner is proposing a private road between Blocks 2, 7, and 8, as shown on Attachment #3, whereas the Carrville Centre Secondary Plan designates this road as a public local right-of-way, as shown on Attachment #6. The appropriateness of the proposed private road will be reviewed and addressed in a comprehensive technical report to a future Committee of the Whole meeting.
d.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> The proposed development must conform to the approved Carrville District Centre Urban Design Streetscape Master Plan Study.
e.	Zoning By-law 1-88	<ul style="list-style-type: none"> The Zoning By-law Amendment Application will be reviewed in consideration of the provisions of the City's Zoning By-law 1-88 and the appropriateness of the proposed new zone categories and site-specific zoning exceptions necessary to implement the development proposal. Thirteen of the 40 proposed permitted uses in the CMU3 Mixed Use 3 - Carrville Centre Zone are not defined in Zoning By-law 1-88. The appropriateness of permitting the range of commercial uses proposed and any required definitions will be reviewed and addressed in a comprehensive technical report to a future Committee of the Whole meeting.

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f.	Block 18 Plan	<ul style="list-style-type: none"> The approved Block 18 Plan as shown on Attachment #8 identifies the subject lands as the Carrville District Centre. The proposal will be reviewed in consideration of the Block 18 Plan and the surrounding existing and planned land uses and any Block Plan conditions respecting Regional infrastructure, including wastewater and water system improvements, any requirements for reconstruction of Dufferin Street and/or Rutherford Road and road widenings, and City infrastructure, including sanitary, water and stormwater management, to the satisfaction of the City.
g.	Traffic Impact Study	<ul style="list-style-type: none"> The Region of York and the Vaughan Development/ Transportation Engineering Department must review and approve the Traffic Impact study submitted in support of the applications.
h.	Block 18 Developers Group Agreement	<ul style="list-style-type: none"> The owner will be required to satisfy all obligations financial or otherwise of the Block 18 Developers Group Agreement to the satisfaction of the Block 18 Trustee and the City of Vaughan.
i.	Parkland Dedication	<ul style="list-style-type: none"> The owner will be required to provide parkland and/or cash-in-lieu of parkland dedication to the City of Vaughan in accordance with the City's Parkland Dedication and Cash-in-lieu Policy.
j.	Studies and Reports	<ul style="list-style-type: none"> The owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City or respective approval authority: <ul style="list-style-type: none"> - Planning Justification Report - Environmental Noise Report - Geotechnical Report - Environmental Impact Study and Tree Inventory - Urban Design and Sustainable Design Guidelines/Brief - Landscape Master Plan - Transportation Management Plan - Road Hierarchy Plan
k.	Sustainable Development	<ul style="list-style-type: none"> Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved.

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I.	Interim Uses	<ul style="list-style-type: none">▪ The owner is proposing to permit single use commercial buildings as interim uses towards the full build out of the plan as envisaged by the Official Plan. Appropriate policies and planning tools (e.g. zoning) will be reviewed to establish mechanisms to ensure that these uses are phased out over time and replaced with uses to implement the long term vision of the Official Plan.
m.	Functional Servicing Report/Allocation	<ul style="list-style-type: none">▪ The Vaughan Development/Transportation Engineering Department must review and approve the Master Environmental Servicing Plan/Functional Serving Report submitted in support of the applications. The availability of water and sanitary servicing capacity for the proposed development must be identified and formally allocated by Vaughan Council, if the applications are approved. Should allocation not be available, use of the Holding Symbol "(H)" will be considered for the subject lands.
n.	Draft Plan of Subdivision	<ul style="list-style-type: none">▪ Draft Plan of Subdivision File 19T-13V010 will be reviewed in consideration of the surrounding land uses, to create development blocks, and to implement draft plan of subdivision conditions to ensure appropriate road alignments and connections, servicing and grading and other municipal, regional and community agency requirements.
o.	Phase 1 Environmental Report	<ul style="list-style-type: none">▪ The Vaughan Development/Transportation Engineering Department must review and approve the Phase 1 ESA (Environmental Site Assessment) submitted in support of the application.

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of these applications to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The applications have been circulated to the Region of York for review and comment. The subject lands are located at the intersection of two Regional Roads (Rutherford Road and Dufferin Street). The Owner is required to satisfy all requirements of the Region, including but not limited to potential road widening requirements, intersection locations and design, the provision of transit facilities as may be required, turning lanes, and servicing. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

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Attachments

1. Context Location Map
2. Location Map
3. Draft Plan of Subdivision File 19T-13V010
4. Landscape Plan
5. OPA 651 (In-effect) - Carrville District Centre-Land Use
6. Proposed Official Plan (VOP 2010) - Carrville Centre Secondary Plan-Land Use
7. Proposed Zoning
8. Block 18 Plan

Report prepared by:

Mark Antoine, Planner, ext. 8212

Christina Napoli, Senior Planner, ext. 8483

Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)