

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 16, 2017

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The Committee of the Whole (Public Hearing) recommends:

- ## Recommendation

1. THAT the Public Hearing report for Zoning By-law Amendment File Z.17.005, (VMC Residences Limited Partnership by its General Partner: VMC Residences GP Inc.) and Zoning By-law Amendment File Z.17.006 (Penguin-Calloway (Vaughan) Inc.), BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

The contribution to sustainability, such as site and building design initiatives, will be determined when the technical report is considered.

This will be addressed when the technical report is completed.

a) Date the Notice of a Public Hearing was circulated: April 7, 2017.

The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca, one Notice Sign was installed on the Portage Parkway frontage for Zoning By-law Amendment File Z.17.005, and one Notice Sign was installed on the Apple Mill Road frontage for Zoning By-law Amendment File Z.17.006, in accordance with the City's Notice Sign Procedures and Protocols.

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- in the April e-news City Update, which was e-mailed to over 8,000 subscribers
 - on the City Page
 - posted on the City's Facebook and Twitter websites
- d) Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Purpose

To receive comments from the public and the Committee of the Whole on the following applications:

- a) Zoning By-law Amendment File Z.17.005 (VMC Residences Limited Partnership by its General Partner: VMC Residences GP Inc.) to permit the following in a C10 Corporate District Zone, as shown on Attachments #3 to #11:
- i) two 55-storey residential apartment buildings consisting of 1,210 units, 7 townhouse units, and a restaurant, including the associated take-out, with a 7-storey above grade parking podium, and a total Gross Floor Area (GFA) of 83,232m² ("Receiver Site");
 - ii) the transfer of the unused density (34,294 m² GFA) and building height (35-storeys) from the two "Donor Site" lands (subject to Zoning By-law Amendment File Z.17.006) to the 1.08 ha "Receiver Site", which will yield a total proposed GFA of 83,232 m² and building height of 55-storeys (7.7 FSI), together with the corresponding reduction of density and building height from the two "Donor Site" lands identified on Attachments #1 and #2;
 - iii) commercial paid public parking as an additional use for the following:
 - residential visitor parking associated with the residential apartment buildings;
 - a restaurant, including the associated take-out;
 - off-site parking for the "Donor Site"; and
 - iv) site-specific development standards identified in Table 1.

| Table 1: Zoning By-law Amendment File Z.17.005 | | | |
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| | Zoning By-law 1-88 Standard | C10 Corporate District Zone Requirements, subject to Exception 9(1445) | Proposed Exceptions to the C10 Corporate District Zone, subject to Exception 9(1445) |
| a. | Definition of Amenity Area | Means a space outside a dwelling unit within or outside the building designed for the passive enjoyment or active recreational needs of the residents. | Amend the definition of Amenity Area to also include the gross floor area of ground floor lounges and guest suites. |

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| b. | Definition of Gross Floor Area (GFA) | Means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure. | Amend the definition of Gross Floor Area to exclude the GFA of any basement; any furnace room, mechanical penthouse; elevator and machine rooms (including vertical transportation facilities), elevator shafts; electrical and mechanical rooms and facilities related thereto; bicycle parking areas below and above grade including any parking structure; storage rooms (above grade); and loading docks, truck receiving and delivery facilities. |
| c. | Definition of Lot | Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the <i>Planning Act</i> , R.S.O. 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot. | The subject lands are deemed to be one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted. |
| d. | Minimum Parking Space Size | 2.7 m by 6 m | 2.7 m by 5.6 m Furthermore, 10% of the provided parking spaces may have a minimum parking space dimension of 2.7 m by 5.3 m. |
| e. | Parking Requirements | Access and parking to the subject lands shall be secured solely on the subject lands. | Permit access and parking to the subject lands from the adjacent lands to the south and west. |
| | | Maximum width of access driveway - 7.5 m | Maximum width of access driveway - 13 m |

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| | | <u>Residential Minimum Parking Standards (Apartment Dwelling)</u> Bachelor/One-bedroom: 0.7 spaces/unit @ 799 units = 560 spaces Two-bedroom: 0.9 spaces/unit @ 418 units = 377 spaces Residential Visitor: 0.15 spaces/unit @ 1,217 units = 183 spaces Restaurant: 6 spaces/100 m ² GFA @ 325 m ² = 20 spaces Restaurant, Take-out: 3 spaces/100 m ² GFA @ 158 m ² = 5 spaces Total Required Parking = 1,145 spaces | <u>Residential Minimum Parking Standards</u> 0.5 parking spaces/residential unit @ 1,217 units = 609 parking spaces 502 parking spaces devoted to any of the following uses: - 264 parking spaces for the mixed-use building on the "Donor Site" site; - residential visitor; - restaurant and the associated take-out; and - commercial paid public parking Total number of parking spaces proposed = 1,111 |
| f. | Maximum Rear Yard Encroachment (south property line) | Balcony projections - 1.8 m | Balcony projections - 1.9 m |
| g. | Maximum Density (FSI - Floor Space Index) | 0.6 FSI | 7.7 FSI |
| h. | Maximum Building Height | 15 m | 169 m (55-storeys) |
| i. | Minimum Amenity Area | One-bedroom Unit: 20 m ² / unit @ 799 units = 15,980 m ² Two-bedroom Unit: 55 m ² / unit @ 411 units = 22,605 m ² Total Required = 38,585 m ² | For all unit types: 13.25 m ² / unit @ 1,217 units Total Provided = 16,125 m ² (including balconies and ground floor lounges and guest suites) |
| j. | Minimum Landscape Strip Width (along a street line) | 3 m | Portage Parkway - 1.5 m |

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Additional site-specific zoning exceptions may be identified through the detailed review of the applications and will be considered in a technical report to a future Committee of the Whole meeting.

- b) Zoning By-law Amendment File Z.17.006 (Penguin-Calloway (Vaughan) Inc.) to permit the corresponding reduction of density and building height on the two sites identified as the “Donor Site”, on Attachments #1 to #4 inclusive.

Background - Analysis and Options

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| Location | <ul style="list-style-type: none">▪ The subject sites are located in the Vaughan Metropolitan Centre (VMC), as shown on Attachments #1 and #2: <p><u>Zoning By-law Amendment File Z.17.005</u></p> <ul style="list-style-type: none">▪ The lands subject to this application is referred to as the “Receiver Site” and is located on the south side of Portage Parkway, west of Millway Avenue. <p><u>Zoning By-law Amendment File Z.17.006</u></p> <ul style="list-style-type: none">▪ The two sites subject to this application are known as the “Donor Site”. The first site is located on the north side of Apple Mill Road, west of Millway Avenue and the second site is located along the west side of Millway Avenue and north of Apple Mill Road. |
| Official Plan | <ul style="list-style-type: none">▪ The subject lands are designated “Corporate Centre District” by in-effect Official Plan Amendment (OPA) #500 (Vaughan Corporate Centre Plan), as amended by OPA #528 and OPA #663 (The Avenue 7 Land Use Future Study Plan), which does not permit the proposed residential uses and podium parking structure at the proposed building heights. The proposed development does not conform to the in-effect Official Plan.▪ The development proposal is being processed under the Vaughan Council approved Vaughan Metropolitan Centre (VMC) Secondary Plan, which is partially approved and forms part of Vaughan Official Plan 2010 - Volume 2. The subject lands are designated “Station Precinct” by the VMC Secondary Plan, which permits a broad mix of uses, including residential dwellings, retail, service commercial, public uses, and policies for podium parking structures. The proposed development conforms to the partially approved VMC Secondary Plan.▪ The VMC Secondary Plan was appealed to the Ontario Municipal Board (OMB) in November 2012 and proposed revisions to the Plan as agreed upon between the City and the Landowner, which will enable the proposed development to conform to the VMC Secondary Plan, will be presented to the OMB for approval on May 11, 2017. |

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| Zoning | <ul style="list-style-type: none">▪ The “Receiver Site” lands are zoned C10 Corporate District Zone and C10(H) Corporate District Zone with the Holding Symbol “(H)” and subject to Exception 9(1445) of Zoning By-law 1-88.▪ The “Donor Site” lands are zoned C10 Corporate District Zone and subject to Exception 9(1445) of Zoning By-law 1-88.▪ Exception 9(1445) permits a mixed-use development on the lands with site-specific development standards.▪ The Owner proposes to amend site-specific Exception 9(1445), in the manner identified in Table 1, to permit on the “Receiver Site” an apartment residential development, as shown on Attachments #3 to #11 inclusive, that consists of the following:<ul style="list-style-type: none">a) two 55-storey residential towers on a podium base which consists of 7 levels of above-grade parking that serves the subject development proposal and provides 264 parking spaces for the approved mixed-use building on the “Donor Site”, as shown on Attachment #2, , and provides additional commercial paid public parking spaces in the VMC;b) seven townhouse dwelling units along the west elevation flanking the future Buttermill Avenue right-of-way; andc) a future restaurant, including a take-out component, in the podium along Portage Parkway with an ancillary outdoor patio located at the terminus of the alley between the “Receiver Site” lands and the approved YRRTC Bus Terminal to the east, as shown on Attachment #4.▪ The Owner also proposes to remove the Holding Symbol “(H)” from the “Receiver Site”, which may occur only when Vaughan Council has approved related Site Development File DA.17.014.▪ The Owner proposes to facilitate the transfer of unused density and building height and a corresponding reduction of the equivalent transfer of unused density and building height on the two sites identified as the “Donor Site” (shown on Attachments #1 to 4) to the “Receiver Site”. |
| Surrounding Land Uses | <ul style="list-style-type: none">▪ Shown on Attachment #2. |

Preliminary Review

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

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| | MATTERS TO BE REVIEWED | COMMENTS |
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| a. | Conformity with the Official Plan | <ul style="list-style-type: none"> ▪ The applications will be reviewed in consideration of the in-effect OPA #500, as amended, and the applicable land use and built form policies of Vaughan Official Plan 2010 (VOP 2010). <p>The VMC Secondary Plan was appealed to the Ontario Municipal Board (OMB) in November 2012 and proposed revisions to the Plan as agreed upon between the City and the Landowner, which will enable the proposed development to conform to the VMC Secondary Plan, will be presented to the OMB for approval on May 11, 2017.</p> |
| b. | Vaughan Metropolitan Centre (VMC) Secondary Plan | <ul style="list-style-type: none"> ▪ The applications will be reviewed in consideration of the VMC Secondary Plan policies, including but not limited to: <ul style="list-style-type: none"> ▪ the identified vision and principles to create a new downtown area that is transit-oriented, walkable, accessible, diverse, vibrant, green and beautiful; ▪ the objectives to establish a distinct downtown for Vaughan containing a mix of uses, civic attractions and a critical mass of people; ▪ establish complete neighbourhoods containing a variety of housing; optimize existing and planned investments in rapid transit; and design excellence ensuring all development exhibits a high quality of urbanity, materials and design; ▪ the planned streetscape treatment along Portage Parkway, which includes street furnishings, lighting, paving, trees, public art and utilities consistent with the VMC Streetscape Open Space Plan and City-wide Streetscape Implementation Manual; ▪ the built form policies of the VMC Secondary Plan, specifically consideration of policy 8.7.12 respecting varying building heights within a city block and the density/height transfer of up to 7-storeys where an adjacent tower subject to the same rezoning application and located on the same city block has a correspondingly lower height; ▪ Should the applications be approved, Zoning By-law 1-88 must be amended to reduce the maximum density and building height permitted on the “Donor Site” equivalent to the amount of density and building height being transferred to the “Receiver Site”; |

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| | | <ul style="list-style-type: none"> the appropriateness of the transfer of unused density and building height through Zoning By-law Amendment File Z.17.006 from the two “Donor Site” lands identified on Attachments #1 to #4; the parking and servicing facilities including parking structures and the proposed parking strategy plans for the site; the fine-grain street network and public transportation as they relate to the requirement for the future extension of Buttermill Avenue, and the planned 20m to 22m wide right-of-way for local streets; Policy 8.1.20 respecting the calculation of Gross Floor Area and the exclusion of 10,000 m² of GFA devoted to office uses per lot in the calculation of density on the “Donor Site” as it relates the proposed density transfer to the “Receiver Site”; and Policy 8.1.24 respecting Section 37 of the <i>Planning Act</i> where Vaughan Council may authorize an increase in building height and/or density of development otherwise permitted in Schedule I of the VMC Secondary Plan, in return for the provision of community benefits in the VMC. |
| c. | Appropriateness of Density and Building Height Transfer from the two “Donor Site” lands | <ul style="list-style-type: none"> The appropriateness of the amount of density (GFA) and building height proposed to be transferred from the two “Donor Site” lands, as shown on Attachments #1 and #2, to the “Receiver Site” will be reviewed, to the satisfaction of the City. |
| d. | Section 37 Contributions | <ul style="list-style-type: none"> Through the review of the Owner’s revised Density and Building Height Transfer Justification, consideration of Section 37 contributions of the <i>Planning Act</i> will be determined in accordance with the approved “Section 37 of the <i>Planning Act</i> Implementation Guidelines”, to the satisfaction of the City. |
| e. | VMC Guidelines and Plans | <ul style="list-style-type: none"> The applications will be reviewed in consideration of the City-wide Public Art Program, the VMC Culture and Public Art Framework, the VMC Urban Design Guidelines, the VMC Streetscape and Open Space Plan, and the VMC Master Transportation Master Plan. |
| f. | Appropriateness of the Proposed Gross Floor Area Definition | <ul style="list-style-type: none"> The appropriateness of the proposed site-specific definition of Gross Floor Area will be reviewed in consideration of the proposed density and building height transfer being requested in Zoning By-law Amendment File Z.17.006, to the satisfaction of the City. This review will take into account the definition of GFA in Zoning By-law 1-88. |

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| g. | Appropriateness of the Proposed Amenity Area Definition | <ul style="list-style-type: none">▪ The appropriateness of the proposed site-specific definition of Amenity Area will be reviewed in consideration of the Owner's request to include guest suites as an amenity area in Zoning By-law Amendment File Z.16.005 and best practices, to the satisfaction of the City. |
| h. | Appropriateness of the Proposed Parking Standards and Minimum Parking Space Size Dimension | <ul style="list-style-type: none">▪ The appropriateness of the proposed parking standards will be reviewed in consideration of the Owner's Visitor Parking Sharing Methodology and the parking requirements for the VMC contained in Zoning By-law 1-88, to the satisfaction of the Development Engineering and Infrastructure Planning (DEIP) Department.▪ The appropriateness of the proposed reduced parking space size will be reviewed in consideration of the proposed parking podium design and the ability to adequately accommodate vehicles, to the satisfaction of the DEIP Department. |
| i. | Commercial Parking | <ul style="list-style-type: none">▪ The appropriateness of the proposed commercial paid public parking, in particular paid residential visitor parking, will be reviewed in accordance with Policy 4.6.2, Public Parking, of the VMC Secondary Plan. In addition, details on how paid and visitor parking will function, be connected to future developments, and be phased will be provided in the Technical Report. |
| j. | Related Site Development Application | <ul style="list-style-type: none">▪ The related Site Development File DA.17.014, including the interim site plan and ultimate site plan shown on Attachments #3 and #4, respectively, will be reviewed to ensure the urban design and built form policies of the VMC Secondary Plan and the Vaughan Council approved VMC Urban Design Guidelines are met, including the appropriate building and site design, pedestrian accessibility, sustainability, barrier-free access, signage, lighting, access, internal traffic circulation, parking, landscaping, and servicing and grading.▪ Necessary arrangements must be made by the Owner to redevelop the existing Walmart site to the west to accommodate the future Buttermill Avenue extension and the seven townhouse dwelling units identified in the ultimate site plan design of the development proposal as shown on Attachment #4.▪ The proposed landscape concept, public realm design and built form interface must be coordinated with the approved York Region Rapid Transit Corporation (YRRTC) Bus Terminal to the east. |

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| | | <ul style="list-style-type: none"> ▪ The review of the related site plan must take into consideration the planned streetscape along Portage Parkway, together with the streetscape policies of the VMC Secondary Plan and the VMC Streetscape Open Space Plan, as it relates to street furnishings, lighting, paving, trees, public art, and utilities. ▪ The architectural treatment and design of the above grade 7-storey parking structure must meet the design expectations of the VMC Secondary Plan and the VMC Urban Design Guidelines. <p>Activation of the roof top amenity and ground level pedestrian realm is required, to the satisfaction of the City.</p> |
| k. | Sustainable Development | <ul style="list-style-type: none"> ▪ Opportunities for sustainable design including, but not limited to, CEPTD (Crime Prevention Through Environmental Design), LEED (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 and green roofs will be reviewed and implemented through the site plan approval process, if the applications are approved. |
| l. | Servicing Allocation | <ul style="list-style-type: none"> ▪ Prior to the removal of the Holding Symbol "(H)" on the "Receiver Site", servicing allocation must be identified by Vaughan Council and assigned to the development, if the applications are approved. |
| m. | Vaughan Design Review Panel | <ul style="list-style-type: none"> ▪ The applications will be reviewed in consideration of the recommendations of the City of Vaughan Design Review Panel from its meetings of January 26, 2017 and April 27, 2017. |
| n. | NavCanada and Bombardier Review | <ul style="list-style-type: none"> ▪ The subject lands are located within a regulatory flight path under the jurisdiction of NavCanada. The applications must be approved to the satisfaction of NavCanada. ▪ The subject lands are within the flight path of Downsview Airport, which is operated by Bombardier Aerospace. The applications must be reviewed to the satisfaction of Bombardier. |
| o. | Supporting Studies | <ul style="list-style-type: none"> ▪ The Owner has submitted the following reports and studies in support of the development proposal, which must be reviewed and approved to the satisfaction of the City or respective public approval authority: <ul style="list-style-type: none"> ▪ Proposal for Height and Density Transfer |

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| | | <ul style="list-style-type: none">▪ Urban Design Brief▪ Pedestrian Level Wind Study▪ Sun/Shadow Study▪ Environmental Noise Assessment▪ Functional Servicing Report▪ Waste Management Plan▪ Hydrogeological Assessment <p>▪ The Owner was advised on March 24, 2017, to submit a Vehicular Access, Operations and Circulation Analysis, a Staging Plan, and a Hydrogeological Assessment Memorandum, to the satisfaction of the City.</p> <p>Further review will be given to determine if additional studies and plans are required.</p> |
| p. | Cash-in-Lieu of Parkland | <ul style="list-style-type: none">▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu Policy, should Site Development File DA.17.014 be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department. |

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The applicability of these applications to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.

Regional Implications

The applications have been circulated to York Region for review and comment given the proximity of the subject lands to the approved York Region Rapid Transit Corporation (YRRTC), as shown on Attachments #2 to #4, inclusive. 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 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.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Interim Site Plan
4. Conceptual Ultimate Site Plan
5. Conceptual North Building Elevations (Along Portage Parkway)
6. Conceptual East Building Elevations (Along Alley abutting YRRTC Bus Terminal)
7. Conceptual West Building Elevations (Along Future Buttermilk Avenue)

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8. Conceptual South Building Elevations (Along Future South Private Road)
9. Conceptual Perspective (Looking Northwest)
10. Conceptual Perspective (North Along Alley)
11. Conceptual Perspective (Looking Northeast at Grade)

Report prepared by:

Stephen Lue, Senior Planner, ext. 8210

(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.)