

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013**

Item 28, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 4, 2013.

**28**

**OFFICIAL PLAN AMENDMENT FILE OP.11.013  
ZONING BY-LAW AMENDMENT FILE Z.11.044  
SITE DEVELOPMENT FILE DA.12.079  
FCHT HOLDINGS (ONTARIO) CORPORATION  
WARD 4 – NORTHWEST OF BATHURST STREET AND RUTHERFORD ROAD**

**The Committee of the Whole recommends:**

- 1) That the following report of the Commissioner of Planning, dated May 21, 2013, be received; and**
- 2) That Communication C4, from Mr. Aynsley L. Anderson, Elstons, Barristers & Solicitors, First Street, Collingwood, dated May 16, 2013, be received.**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT the decision of Council on April 29, 2013 to defer consideration of Item 16 of Report No. 14 of the Committee of the Whole to the June 11, 2013 Committee of the Whole meeting, BE RECONSIDERED.
2. THAT Official Plan Amendment File OP.11.013 (FCHT Holdings (Ontario) Corporation) BE APPROVED, specifically to amend OPA #600, as amended by site-specific OPA #689, as follows:
  - a) to redesignate the portion of the subject lands shown as Part "A" (0.58 ha) on Attachments #2 and #3 of the attached report, from "Medium Density Residential/ Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential / Commercial", and to increase the maximum permitted density in the "High Density Residential / Commercial" designation (Part "A") together with the lands identified as Part "B" (limit of the underground parking area associated with the proposed residential /commercial apartment building and commercial Building "3" with a combined lot area of 1.285 ha from 150 units per hectare (maximum 193 units) to 195 units per hectare (maximum 250 units);
  - b) to permit parking for the proposed residential apartment / commercial building on Part "A" and the commercial building on Part "B" to be located on or below Parts "A" and "B" shown on Attachments #2 and #3 of the attached report; and,
  - c) to amend the maximum permitted gross leasable area (GLA) for the balance of the Subject Lands (excluding Part "A") as shown on Attachments #2 and #3 of the attached report from 26,800 m2 to 22,124 m2.
3. THAT Zoning By-law Amendment File Z.11.044 (FCHT Holdings (Ontario) Corporation) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
  - a) rezone Part "A" as shown on Attachments #2 and #3 on the attached report from C4 Neighbourhood Commercial Zone, subject to Exception 9(1217) to C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)";

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013**

Item 28, CW Report No. 23 – Page 2

- b) permit a maximum gross floor area devoted to ground floor commercial uses on Part “A” of the subject lands as shown on Attachments #2 and #3, to a maximum of 500 m2 and restricted to the following uses:
    - Bank or Financial Institution;
    - Business or Professional Office;
    - Eating Establishment;
    - Eating Establishment, Convenience;
    - Eating Establishment, Take-out;
    - Personal Service Shop;
    - Pharmacy;
    - Retail Store;
    - Service or Repair Shop, limited to the repair of small household appliances and a dry cleaners; and,
  - c) permit the site-specific zoning exceptions identified in Table 2 of the attached report.
4. THAT the Holding Symbol “(H)” shall not be removed from the portion of the subject lands identified as Part “A” on Attachments #2 and #3 on the attached report and zoned C4(H) Neighbourhood Commercial Zone until the following conditions are addressed, to the satisfaction of the City:
- a) Vaughan Council shall identify and allocate the water supply and sewage servicing capacity to the subject lands; and,
  - b) the Owner shall carry out the Environmental Site Assessment clearance to completion, up to and including the satisfactory registration of the Record of Site Condition (RSC), the proof of which requires two (2) documents, a hard copy of the RSC signed by a qualified person and the Acknowledgement Form from the Ministry of Environment (MOE). Any Environmental Site Assessment (ESA) report(s) relied upon for the filing of the RSC shall be to the satisfaction of the City.
5. THAT Site Development File DA.12.079 (FCHT Holdings (Ontario) Corporation) BE APPROVED, to:
- a) permit the development of a 12-storey, mixed-use residential/ commercial apartment building (future condominium) consisting of 250 residential units and 500 m2 of ground floor commercial uses as shown on Attachments #5 to #8 inclusive and Attachment #11 all on the attached report;
  - b) permit building elevation changes to the previously approved commercial Building “3”, as shown on Attachment #9 on the attached report; and,
  - c) that the development of both the residential apartment and commercial buildings be subject to the following conditions:
    - i) that prior to the execution of the Site Plan Letter of Undertaking:
      - 1. the final site plan, building elevations, landscape plan, and landscape cost estimate shall be approved by the Vaughan Development Planning Department;

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013**

#### **Item 28, CW Report No. 23 – Page 3**

2. the final site grading and servicing plans, stormwater management report, functional servicing report, traffic assessment study, and noise feasibility study shall be approved by the Vaughan Development / Transportation Engineering Department;
  3. the Owner shall pay to the City, a woodlot development charge at the rate of \$1,000 per residential dwelling unit in accordance with the previous Special Area Woodlot Development Charge By-law and the City's Woodlot Acquisition Front-End Agreement;
  4. the Owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department; and,
- ii) the Site Plan Letter of Undertaking shall include the following provisions:
1. for residential high density development, the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed unit rate per unit, whichever is higher, in accordance with the Planning Act and the City's Cash-in-lieu policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, 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; and,
  2. the Owner shall implement a Transportation Demand Management (TDM) Program to the satisfaction of the Vaughan Development / Transportation Engineering Department and the Region of York, and provide a Letter(s) of Credit to secure the TDM requirements.

#### **Contribution to Sustainability**

As identified in Item 16 of Report No. 14 of the Committee of the Whole dated April 9, 2013, in Attachment #1.

#### **Economic Impact**

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

#### **Communications Plan**

As identified in Item 16 of Report No. 14 of the Committee of the Whole dated April 9, 2013, in Attachment #1.

#### **Purpose**

To provide reconsideration of Official Plan Amendment File OP.11.013, Zoning By-law Amendment File Z.11.044, and Site Development File DA.12.079 (FCHT Holdings (Ontario) Corporation) as previously considered by the Committee of the Whole on April 9, 2013, and by Council on April 23, 2013. The Council resolution was to defer consideration of the applications to the June 11, 2013 Committee of the Whole meeting. However, as the applicant and a resident

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013**

#### **Item 28, CW Report No. 23 – Page 4**

(an appellant to Vaughan Official Plan 2010) have not been able to agree on mediation prior to June 11, 2013, the applicant has requested that the applications be reconsidered by the Committee of the Whole on May 21, 2013.

The staff report originally prepared for the applications for the Committee of the Whole meeting of April 9, 2013, is attached to this report as Attachment #1. The proposal remains the same as the earlier report to facilitate the development of a 12 storey, mixed use residential / commercial apartment building consisting of 250 residential units and 500 m<sup>2</sup> of ground floor commercial area. The staff recommendations in the earlier report are repeated in this report.

#### **Background – Analysis and Options**

The above-noted applications were considered by the Committee of the Whole on April 9, 2013, and the following was recommended:

“That this matter be deferred to the Council meeting of April 23, 2013, to allow the parties to see if they can come to an accommodation in lieu of the costs and risks of an OMB hearing and that staff explore the idea of a mediator to resolve the issues.”

On April 23, 2013, Council adopted the following resolution:

“By deferring consideration of this matter to the June 11, 2013, Committee of the Whole meeting.”

The respective Legal Counsel for the applicant and a resident (Ms. Traci Shatz, an appellant to Vaughan Official Plan 2010) have exchanged various dates and times of the day to mediate, however, have not been able to agree on mediation prior to the Committee of the Whole meeting on June 11, 2013. In addition, through communications from the applicant to City Staff, the applicant has stated that they are not willing to mediate on the issues of height and density. The applicant is willing to discuss mitigation measures unrelated to height and density. Accordingly, the applicant has requested in writing to the City Clerk and to the Commissioner of Planning that the applications be reconsidered by the Committee of the Whole on May 21, 2013.

#### **Relationship to Vaughan Vision 2020 / Strategic Plan**

As identified in Item 16 of Report No. 14 of the Committee of the Whole dated April 9, 2013, in Attachment #1.

#### **Regional Implications**

As identified in Item 16 of Report No. 14 of the Committee of the Whole dated April 9, 2013, in Attachment #1.

#### **Conclusion**

Should the Committee concur, the recommendation in this report can be adopted to reconsider the report for the subject applications at the Committee of the Whole meeting on May 21, 2013, whereas this matter was deferred for consideration to the Committee of the Whole meeting on June 11, 2013.

#### **Attachments**

1. Item 16 of Report No. 14 of the Committee of the Whole dated April 9, 2013

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013**

Item 28, CW Report No. 23 – Page 5

**Report prepared by:**

Grant Uyeyama, Director of Development Planning, ext. 8635

(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.)