

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

By receiving the following Communications:

- ZONING BY-LAW AMENDMENT FILE Z.15.023**
- NORSTAR GROUP OF COMPANIES**
- WARD 4 - VICINITY OF RUTHERFORD ROAD AND DUFFERIN STREET**

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated June 16, 2015, be approved;
- 2) That the following deputations be received:
 1. Mr. Michael Gutraing, Belvia Drive, Concord;
 2. Mr. Yu Zhang, Borjana Boulevard, Vaughan;
 3. Mr. Louie Polsinelli, Belvia Drive, Concord;
 4. Mr. Mikhail Maximov, Novella Road, Concord; and
 5. Mr. Tyler Grinyer, Associate, Bousfields Inc., Church Street, Toronto, on behalf of the applicant; and
- 3) That the following Communications be received:
 - C1. Mr. Leon Chonin, Honeywood Road, Thornhill Woods, dated May 29, 2015;
 - C2. Ms. Helen Mihailidi, Brattys LLP, Keele Street, Vaughan, dated May 28, 2015;
 - C3. Martin and Eileen Belitz, Maple Valley Road, Maple, dated May 27, 2015; and
 - C4. Mr. Eran Nevat, Balsawood Road, Thornhill, dated May 27, 2015.

1. THAT the Public Hearing report for File Z.15.023 (Norstar Group of Companies) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Planning Department in a comprehensive report to the Committee of the Whole.

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Communications Plan

- a) Date the Notice of Public Hearing was circulated: May 22, 2015. The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Sign Procedures Protocol
- b) Circulation Area: 150 m, and the expanded polling area shown on Attachment #1, and to the Eagle Hills Community Association and Preserve Thornhill Woods Association
- c) Comments Received as of June 2, 2015:
 - i. M. and E. Belitz, with correspondence dated May 27, 2015, concerning the perceived impacts respecting proposed density, traffic on Dufferin Street and Rutherford Road, and insufficient schools in the area to support the increase in population.
 - ii. E. Nevat, with correspondence dated May 27, 2015 concerning the perceived impacts respecting increased traffic, proposed impact on way of living and infrastructure like schools, water, and sewage.
 - iii. L. Chonin, with correspondence dated May 29, 2015, concerning the perceived impact of the proposed density on existing infrastructure including but not limited to sewage and storm water drainage, arterial road network, traffic, school accommodations, parks, community centres and public transit.
 - iv. H. Mihailidi, Brattys LLP, with correspondence dated May 29, 2015, outlining the requirement that the Owner, Norstar Group of Companies, enter into the Block 11 Cost Sharing Agreement in order to ensure that the Owner bears its fair and equitable share of the costs and burdens related thereto.

Purpose

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.15.023 to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone and OS5 Open Space Environmental Protection Zone, to RA3 Apartment Residential Zone and OS5 Open Space Environmental Protection Zone in the manner shown on Attachment #3.

The proposed rezoning will facilitate a 24 and 13 storey residential building connected by a two-storey podium, with a total of 438 residential apartment units, 601 m² of ground floor commercial uses and a Floor Space Index (FSI) of 2.84, as shown on Attachments #3 to #6. The following site-specific zoning exceptions to the RA3 Apartment Residential Zone are also required to implement the proposed plan:

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Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone
a.	Definition of Lot	“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 Planning Act, 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.	“Lot” – for the purposes of this by-law, the subject lands shall be deemed to be one lot, regardless of buildings constructed thereon, the existing number of lots, the creation of separate units and/or lots by way of a plan of condominium, consent or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of the By-law.
b.	Minimum Parking Requirement	Residential Apartment Dwelling - 483 units @ 1.5 parking spaces per unit = 725 spaces Residential Apartment Dwelling, Visitor Parking - 483 units @ 0.25 parking spaces per dwelling unit = 121 spaces Commercial: Not permitted in the RA3 Zone	Residential Apartment Dwelling - 483 units @ 1.0 parking space per unit = 483 spaces Residential Apartment Dwelling, Visitor Parking - 483 units @ 0.20 spaces per unit = 97 spaces. Permit the visitor parking spaces to be shared and satisfy the requirements for the residential visitor and commercial parking.
c.	Maximum Building Height	44 m	77 m, exclusive of all rooftop, mechanical HVAC, and parapets (24-storey Building)
d.	Minimum Unit Size	67 m ²	48 m ²

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e.	Permitted Uses	<ul style="list-style-type: none"> - Apartment Dwelling - Day Nursery 	<p>Permit the following additional commercial uses to a combined maximum of 601 m²:</p> <ul style="list-style-type: none"> - Bank or Financial Institution - Brewers Retail Outlet - Business or Professional Office - Eating Establishment - Convenience - Eating Establishment - Take Out - L.C.B.O. Outlet - Personal Service Shop - Photography Studio - Pharmacy - Print Shop - Retail Store - Supermarket - Video Store
f.	Minimum Landscape Strip Width along a Streetline	6 m	<ul style="list-style-type: none"> - 3 m along Dufferin Street - 2 m along Rutherford Road <p>This shall not prevent the provision of access driveways, pedestrian walkways, paved patios and stairs across or within the landscape strip.</p>
g.	Minimum Amenity Area	<ul style="list-style-type: none"> - Bachelor Unit: 15 m² - One Bedroom Unit: 20 m² - Two Bedroom Unit: 55 m² - Three Bedroom Unit: 90 m² - Four Bedroom Unit or larger: 110 m² 	17 m ² per dwelling unit
h.	Minimum Setback Requirements	<ul style="list-style-type: none"> i) Front Yard (Rutherford Road) - 7.5 m ii) Exterior Side Yard (Dufferin Street) - 7.5 m 	<ul style="list-style-type: none"> i) Front Yard - 2 m ii) Exterior Side Yard - 3 m

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

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Background - Analysis and Options

Synopsis:

The Owner is proposing to amend the City's Zoning By-law 1-88 to rezone the subject lands from A Agricultural Zone and OS5 Open Space Environmental Protection Zone, to RA3 Apartment Residential Zone and OS5 Open Space Environmental Protection Zone. The proposed rezoning will facilitate a 24 and 13 storey residential building connected by a two-storey podium, for a total of 438 residential units and 601 m² of ground floor commercial uses. The purpose of this report is to receive comments from the public, the Committee of the Whole, City Departments, and external agencies, to be addressed in a comprehensive report at a future Committee of the Whole meeting.

Location	<ul style="list-style-type: none">▪ Northeast corner of Rutherford Road and Dufferin Street, municipally known as 1176 Rutherford Road, shown as "Subject Lands" on Attachments #1 and #2.
Official Plan Designation	<ul style="list-style-type: none">▪ The subject lands are designated "High-Rise Mixed-Use" with a maximum building height of 24 storeys and a maximum density of 2.84 FSI (Floor Space Index) by Section 11.2 in Volume 2 of VOP 2010 (The Carrville Centre Secondary Plan). The proposed 24 and 13 storey buildings with an FSI of 2.84 conforms with VOP 2010.▪ The "High-Rise Mixed-Use" designation represents the primary retail development area within the Carrville District Centre, and is intended to be developed as an active, mixed-use area characterized by high quality design standards. The "High-Rise Mixed-Use" designation permits residential units in low, mid and high-rise building formats, with a broad variety of retail and commercial activities, offices, and cultural, entertainment and social facilities.▪ The Owner has submitted Zoning Amendment File Z.15.023 in accordance with VOP 2010. The Owner has appealed VOP 2010 (Appeal #103) as it applies to the subject lands, however, the appeal is scheduled to be considered at the scheduled Ontario Municipal Board Pre-Hearing Conference for VOP 2010 on June 15, 2015, and expected to be resolved. On this basis, the application would conform to VOP 2010, upon resolution of the appeal.
Zoning	<ul style="list-style-type: none">▪ The subject lands are zoned A Agricultural Zone (tableland) and OS5 Open Space Environmental Protection Zone (valleyland) by Zoning By-law 1-88.▪ The Owner is proposing to rezone the portion of the subject lands zoned A Agricultural Zone to RA3 Apartment Residential Zone, and to maintain the current OS5 Open Space Environmental Protection Zone on the northeast portion of the lands.

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	<ul style="list-style-type: none">▪ The proposed rezoning and site-specific exceptions do not comply with the existing zoning of the property, and therefore, a zoning by-law amendment is required.
Site Development File DA.15.022	<ul style="list-style-type: none">▪ The Owner has submitted related Site Development File DA.15.022, which will be reviewed concurrently with the subject Zoning By-law Amendment Application.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	City Official Plan Policies	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the applicable City Official Plan policies.
b.	Appropriateness of the Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none">▪ The appropriateness of the proposed rezoning of the subject lands and the site-specific zoning exceptions required to facilitate the proposed development as shown on Attachments #3 to #6 inclusive, will be reviewed in consideration of compatibility with the surrounding existing and planned land uses. Review will also be given to the proposed commercial uses, specifically those uses that yield a higher parking requirement (i.e. supermarket, eating establishment) in consideration of the proposed shared visitor and commercial parking area.
c.	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.
d.	Vaughan Design Review Panel	<ul style="list-style-type: none">▪ A preliminary design concept was considered by the Vaughan Design Review Panel (DRP) on April 24, 2014. The proposal is scheduled to be reconsidered by the DRP on June 25, 2015. The Owner must satisfactorily address the DRP's comments.

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e.	Block 11 Plan	<ul style="list-style-type: none"> The proposal will be reviewed in consideration of the Block 11 Plan and the surrounding and existing 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.
f.	Block 11 Developers Group Agreement	<ul style="list-style-type: none"> The Owner will be required to satisfy all obligations financial or otherwise of the Block 11 Developers Group Agreement to the satisfaction of the Block 11 Trustee and the City of Vaughan.
g.	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.
h.	Functional Servicing Report/Allocation	<ul style="list-style-type: none"> The Vaughan Development Engineering and Infrastructure Planning Services Department must review and approve the 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.
i.	Related Site Plan File DA.15.022	<ul style="list-style-type: none"> The related Site Development File DA.15.022 will be reviewed in consideration of, but not limited to, appropriate design and building materials, site design and orientation, building setbacks, pedestrian connectivity, vehicular access, sufficient visitor and commercial parking, appropriate truck turning and maneuvering, appropriate snow storage, landscaping, lighting, signage, environmental sustainability, barrier free accessibility, waste management, and servicing and grading. All issues identified through the review of Site Development File DA.15.022 will be addressed together with the subject Zoning By-law Amendment application in a comprehensive technical report to a future Committee of the Whole meeting. 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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j.	Studies and Reports	<ul style="list-style-type: none">▪ The Owner has submitted the following studies and reports in support of the application, which must be approved to the satisfaction of the City or respective authority:<ul style="list-style-type: none">- Planning Justification and Urban Design Rationale- Geotechnical Investigation Report- Natural Heritage Evaluation- Pedestrian Wind Letter of Opinion- Traffic Impact Study includes Parking Analysis- Noise Impact Study- Arborist and Tree Preservation Report- Sun/Shadow Study
k.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none">▪ The subject lands abut lands zoned OS5 Open Space Environmental Protection Zone to the north and east, and are located within the TRCA's regulated area. The Owner must satisfy all requirements of the TRCA.
l.	Environmental Reports	<ul style="list-style-type: none">▪ The Phase 1 and 2 ESA (Environment Site Assessment) submitted in support of the application must be approved to the satisfaction of the Vaughan Development Engineering and Infrastructure Planning Services Department.
m.	Rutherford Road Environmental Assessment	<ul style="list-style-type: none">▪ York Region is undertaking the Rutherford Carrville Environmental Assessment (EA), which includes the entire Rutherford Road frontage of the subject lands. The Owner will be required to address any requirements of the EA process.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The application has 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 application will be considered in the technical review of the application, 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. Site Plan and Proposed Zoning
4. Landscape Plan
5. South & West Elevations
6. North & East Elevations

Report prepared by:

Mark Antoine, Planner, ext. 8212
Christina Napoli, Senior Planner, ext. 8483

(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.)