

**EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 20, 2016**

**3                                 ZONING BY-LAW AMENDMENT FILE Z.12.048  
                                    SITE DEVELOPMENT FILE DA.14.030  
                                    1813330 ONTARIO LTD.  
WARD 5 - VICINITY OF YONGE STREET AND BUNKER ROAD**

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated September 7, 2016, be approved;
- 2) That the applicant be requested to discuss the landscaping treatment with the residential property owner to the west prior to the Council meeting of September 20, 2016;
- 3) That the deputation of Mr. Michael Manett, Michael S. Manett Planning, Foxwood Road, Thornhill, on behalf of the applicant, be received; and
- 4) That the coloured elevations submitted by the applicant be received.

- a) prior to the execution of the Site Plan Agreement:
  - i) the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape plan and tree replacement and compensation plan;
  - ii) the Vaughan Development Engineering and Infrastructure Planning (DEIP) Department shall approve the final site servicing and grading plans, stormwater management report, and noise feasibility assessment letter;
  - iii) the Owner shall satisfy all requirements of the Vaughan Parks Development Department;
  - iv) the Owner shall satisfy all requirements of York Region;

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- b) the following clauses shall be included in the Site Plan Agreement:
- i) “The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.”
  - ii) “The Owner shall pay to the City of Vaughan, Development Charges and applicable Special Service Area Development Charges in accordance with the applicable City of Vaughan, Region of York, York Region District School Board, and York Catholic District School Board Development Charges By-laws. Development Charges are payable on the date a Building Permit is issued at the rate in effect at that time.”
- c) prior to the issuance of any conditional and/or final Building Permit by the City of Vaughan, York Region shall have executed a Regional Site Plan Agreement that contains the conditions of the Toronto Transit Commission with respect to the future TTC Subway right-of-way and construction of the Yonge Subway extension right-of-way as provided in the staff report.

#### **Contribution to Sustainability**

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City’s Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal.

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21<sup>st</sup> century.

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the development proposal:

- Bicycle parking at grade along Yonge Street
- Low albedo (solar reflectance) roofing material
- Sustainable construction materials
- Units will be individually metered for energy efficiency
- Native plant material will be used for at least 50% of the soft landscaping
- The development will follow the “Toronto Bird Friendly Design Guidelines” (see Attachment #5)
- Light fixtures will be shielded to prevent light pollution on adjacent streets and properties
- 75% of the non-hazardous construction debris will be recycled

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#### Economic Impact

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

#### Communications Plan

On February 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. A copy of the Notice of Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and two Notice Signs were installed on the subject lands in accordance with the City's Notice Sign Procedures and Protocol. To date, no written comments from the public have been received by the Vaughan Development Planning Department.

On February 26, 2013, a Public Hearing was held for Zoning By-law Amendment File Z.12.048. At the Public Hearing, one deputation was received from Mr. Michael Manett, Michael S. Manett Planning, Foxwood Road, Thornhill, on behalf of the Owner, in support of the proposed development. The Vaughan Development Planning Department has reviewed the concerns raised by members of Council at the Public Hearing and provides the following comments:

a) Improvements to the proposed building elevations

The Vaughan Development Planning Department has collaborated with the Owner to improve all the building elevations of the proposed development with materials that articulate the building facades, including dotted glass in accordance with the Toronto Bird Friendly Design Guidelines, as shown on Attachment #5.

b) Include substantial landscaping along the west property line

Attachments #3 and #4 of this report show a minimum 3.1 m wide landscape buffer area along the full limit of the west property line to accommodate proposed landscaping. The combination of the proposed landscaping and an 1.8 m high wood privacy fence will provide sufficient visual buffering for the properties to the west.

c) On-site parking supply

As discussed later in this report, a parking study was submitted in support of the reduced parking rate of 2.27 spaces/100 m<sup>2</sup> of Gross Floor Area (GFA) or 45 on-site parking spaces. The Vaughan DEIP Department has reviewed the study and supports the reduced parking rate.

d) Siting of the waste collection area

Given the site organization, Attachment #3 illustrates that the waste collection room is enclosed and accessed from a concrete pad and rolled curb. The Vaughan Environmental Services Department, Solid Waste Management Division has no objection to the waste collection arrangement shown on Attachment #3.

e) Improve the pedestrian experience and design for the portion of the building fronting Yonge Street

Including the parking area at the southern and eastern part of the building, Staff will continue to work with the applicant to ensure the sidewalk and entrances reflect the findings of the South Yonge Streetscape Master Plan and best practices for design for entrances and walkways. Some additional design elements, furniture and articulations may be required. In addition, efforts will be made to screen and minimize the negative visual impact of parking visible from Yonge Street.

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The recommendation of the Committee of the Whole to receive the Public Hearing report of February 26, 2013, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on March 19, 2013.

#### **Purpose**

To seek approval from the Committee of the Whole for the following:

1. Zoning By-law Amendment File Z.12.048 to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from C6 Highway Commercial Zone, subject to Exception 9(1135), to C4 Neighbourhood Commercial Zone, together with the site-specific zoning exceptions identified in Table 1 of this report, to facilitate commercial and office development;
2. Site Development File DA.14.030 to permit the development of a new 3-storey, 1,980 m<sup>2</sup> commercial/office building, as shown on Attachments #3 to #5.

#### **Background - Analysis and Options**

##### *Synopsis:*

*The Owner proposes to rezone the subject lands from C6 Highway Commercial Zone to C4 Neighbourhood Commercial Zone with site-specific zoning exceptions, and to permit the redevelopment of the subject lands, as shown on Attachments #1 and #2, for commercial and office uses, as shown on Attachments #3 to #5. The Vaughan Development Planning Department supports the Zoning By-law Amendment and Site Development applications as the proposed uses are permitted by the Official Plan and the development proposal is compatible and appropriate with the existing and planned surrounding land uses.*

##### Location

The 0.26 ha subject lands shown on Attachments #1 and #2 are located on the southwest corner of Yonge Street and Bunker Road (8248 Yonge Street), City of Vaughan. The subject lands are occupied by an existing used car dealership. The surrounding land uses are shown on Attachment #2.

##### Official Plan

The subject lands are designated "Service Station" by in-effect OPA #210 (Thornhill Community Plan). OPA #210 includes a policy that permits a designated "Service Station" site to be developed in accordance with the land use designation of the immediately adjoining lands without an amendment to the Plan. The immediate adjoining land to the south is designated "General Commercial" by OPA #210, which permits commercial uses, retail stores, restaurants, banks, and business and professional offices. The proposed 3-storey commercial/office building conforms to the in-effect OPA #210.

The subject lands are designated "Mid-Rise Mixed-Use", within a Regional Intensification Corridor, with a maximum permitted building height of 8-storeys, a minimum required building height of 4-storeys and maximum density of 1.5 FSI (Floor Space Index) by City of Vaughan Official Plan 2010 (VOP 2010), Yonge Steeles Corridor Secondary Plan (YSCSP) (Volume 2), which was adopted by Vaughan Council on September 7, 2010, and is pending approval from the Ontario Municipal Board (OMB), and therefore, is not in-effect at this time. The "Mid-Rise Mixed-Use" designation permits commercial and residential uses provided that, within an Intensification Area, the retail uses do not exceed 50% of the total Gross Floor Area (GFA) of all uses on the lot.

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The proposal includes 26% (530 m<sup>2</sup>) of the GFA devoted to ground floor retail uses and the balance of the building (1,450 m<sup>2</sup>) devoted to office uses on the second and third floors yielding and FSI of 0.78. However, the development proposed does not conform to the minimum 4-storey building height requirement of the YSCSP.

Zoning

The subject lands are zoned C6 Highway Commercial Zone by Zoning By-law 1-88, and subject to site-specific Exception 9(1135), which permits highway commercial uses and the existing motor vehicle sales establishment (used car dealership). The development proposal is not permitted in the C6 Highway Commercial Zone. The Owner is proposing to rezone the subject lands to C4 Neighbourhood Commercial Zone, to facilitate the development proposal shown on Attachments #3 to #5, together with the site-specific zoning exceptions identified in Table 1 below:

<b>TABLE 1: ZONING BY-LAW AMENDMENT FILE Z.12.048</b>			
	<b>Zoning By-law 1-88 Standard</b>	<b>C4 Neighbourhood Commercial Zone Requirements</b>	<b>Proposed C4 Neighbourhood Commercial Zone Exceptions</b>
a.	Minimum Front Yard Setback (Bunker Road)	11 m	3 m (Bunker Road)
b.	Minimum Exterior Side Yard Setback	11 m	3 m (Yonge Street)
c.	Minimum Rear Yard Setback (to south lot line)	15 m	14.8 m
d.	Minimum Setback to a Residential Zone	22.5 m	19.94 m to the west property line  15.5 m to the Bunker Road centre line (R2 Zone line boundary)
e.	Maximum Building Height	11 m	16.1 m
f.	Maximum Canopy Encroachment into a Required Yard	0.5 m	1.25 m (Yonge Street façade)

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g.	Minimum Landscape Strip Abutting a Street (Yonge Street)	6 m	3 m
h.	Minimum Lot Depth	60 m	51 m (existing)
i.	Minimum Parking Requirement	1,980 m <sup>2</sup> @ 6 spaces/ 100 m <sup>2</sup> = 119 parking spaces, including 2 Barrier Free Parking spaces	1,980 m <sup>2</sup> @ 2.27 spaces/ 100 m <sup>2</sup> = 45 parking spaces, including 1 Barrier-Free space

The Vaughan Development Planning Department can support the proposed site-specific zoning exceptions to the proposed C4 Neighbourhood Commercial Zone for the following reasons:

#### e) Yard Requirements

The proposal to reduce the minimum building setbacks, landscape strip widths, and building canopy encroachments will facilitate a development that creates a comfortable pedestrian-related street edge and attractive public realm and a building that is located further away from the existing residential development to the west. The minimum lot depth and setback to a residential zone recognizes an existing condition for the commercial property.

#### f) Building Height

The Owner proposes to increase the maximum permitted building height from 11 m to 16.1 m. Vaughan Council approved the YSCSP (Volume 2 of VOP 2010), which permits a maximum building height of 8-storeys and a minimum building height of 4-storeys. The proposed increased building height can be supported by the Vaughan Development Planning Department.

#### g) Parking Requirements

The Owner submitted a Parking Justification Letter dated July 27, 2015, prepared by Mplan Inc. and a Parking/Traffic Study prepared by Javar Consultants, dated March 19, 2015. The Vaughan DEIPS Department has reviewed the letter and has no objection to the proposed parking rate of 2.27 spaces/100 m<sup>2</sup> GFA or 45 spaces.

#### Site Plan Review

Vehicular access to the site is proposed from a driveway on Bunker Road and a right-in only access on Yonge Street, as shown on Attachment #3.

The built form of the proposed building as shown on Attachment #5 will consist of architectural brick, stone coping, coloured and white stucco, windows and vision glass. The building is well articulated with the use of different colours and building materials. Building signage is shown on Attachment #5.

The Vaughan Development Planning Department is generally satisfied with the proposed site and building design, and must approve the final site plan, building elevations, and landscape plan including tree replacement and compensation on the property. A condition to this effect is included in the recommendation of this report.

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The proposed landscaped area abutting Yonge Street will be partially located within the Regional right-of-way for Yonge Street. The Owner will be required to enter into an encroachment agreement with York Region.

The Ward Councillor has indicated his interest in the proponent meeting with neighbouring property owner(s) to the west of the site to share their plans for the landscape buffer prior to the Committee meeting. Additional design elements for the portion of the building may be required to reflect the findings of the South Yonge Streetscape Master Plan and best practices for commercial areas fronting arterial roads.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Vaughan DEIP Department has advised that no further environmental site assessment documentation is required. The Vaughan DEIP Department is satisfied with the Transportation and Active Transportation components of the proposed development.

The Vaughan DEIP Department must approve the final site servicing and grading plans, stormwater management report, and the noise feasibility assessment letter submitted in support of the development proposal. A condition to this effect is included in the recommendation of this report.

Vaughan Parks Development Department

Prior to final approval of the Site Plan Agreement, the Owner has been advised by the Vaughan Parks Development Department that the following information must be satisfactorily reviewed. A condition to this effect is included in the recommendation of this report:

- a) Cash-in-Lieu of Parkland dedication is to be provided in accordance with the City's Policies & Procedures;
- b) The proposed 1.8 m high wood privacy fence shall be placed completely on private property; and,
- c) Replacement tree requirements are required as a condition of all individual tree removals on private property. The Owner shall satisfy the City's Replacement Tree Requirements, to the satisfaction of the Vaughan Development Planning Department.

Office of the Chief Financial Officer and City Treasurer

The Office of the Chief Financial Officer and City Treasurer advises that City, York Region, and Boards of Education Development Charges are applicable. A standard clause will be included in the Site Plan Agreement to this effect, as noted in the recommendation of this report.

Office of the City Solicitor, Real Estate Department

The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Office of City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect is included in the recommendation of this report.

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##### **Toronto Transit Commission (TTC)**

The Toronto Transit Commission has provided conditions, which will be included in the Regional Site Plan Agreement, requiring the Owner to acknowledge and agree to the following:

- a) The proximity of the Development to the future TTC subway right-of-way and construction of the Yonge Subway extension right-of-way may result in transmission of noise, vibration, electromagnetic interference, lighting glare, stray current, smoke and particulate matter (collectively referred to as “Interferences”) on and/or to the Development;
- b) The TTC will not accept responsibility and will not be liable for Interferences on and/or to the Development, in whole or part, and/or the occupants of the Development;
- c) The Owner has been advised by the TTC to apply reasonable attenuation/mitigation measures with respect to the level of Interferences on and/or to the Development; and,
- d) The Owner shall insert or have inserted into all offers of purchase and sale or lease and condominium declaration(s) of the Development, the following TTC warning clause respecting Interferences:

“The purchaser and/or lessee specifically acknowledges and agrees that the proximity of the development of lands municipally known as 8248 Yonge Street (the “Development”) to the Toronto Transit Commission transit operations and construction of the Yonge Subway may result in transmission of noise, vibration, electromagnetic interference, lighting glare, stray current, smoke, and particulate matter (collectively referred to as “Interferences”) on and/or to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants of the Development. Notwithstanding the above, the purchaser or lessee agrees to release and save harmless the Toronto Transit Commission from all claims, losses, judgments or actions arising or resulting from any and all Interferences. The purchaser or lessee further acknowledges and agrees that an Interference clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die, or be null and void, with the closing of the transaction.”

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

This report supports the following priorities set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to develop transit, cycling and pedestrian options to get around the City
- Continue to cultivate an environmentally sustainable city

##### **Regional Implications**

York Region requires the Owner to obtain a fully executed Regional Site Plan Agreement, which will include the conditions of the Toronto Transit Commission with respect to the future TTC subway right-of-way and construction of the Yonge Subway extension right-of-way, prior to the issuance of any Building Permit by the City of Vaughan, respecting the subject property.



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**Conclusion**

Zoning By-law Amendment File Z.12.048 and Site Development File DA.14.030 have been reviewed in accordance with the in-effect OPA #210, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department can support the approval of the proposed 3-storey commercial and office building, subject to the recommendations in this report. The proposed site-specific zoning exceptions to the C4 Neighbourhood Commercial Zone listed in Table 1 of this report are considered appropriate in consideration of the location of the subject lands on Yonge Street. The development proposal provides a mixed-use development that promotes transit use on a Regional intensification corridor. Should the Committee concur, the subject applications can be approved.

**Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Building Elevations

**Report prepared by:**

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(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.)