

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES SEPTEMBER 25, 2012

Item 4, Report No. 35, of the Committee of the Whole (Public Hearing), which was adopted, as amended, by the Council of the City of Vaughan on September 25, 2012, as follows:

By receiving the following Communications:

- C2. Mr. Jeff Levy, dated September 4, 2012;**
- C3. Mr. Matthew Ber, Carmel Street, Maple, dated September 4, 2012; and**
- C6. Mr. Yakov Milner, George Kirby Street, dated September 10, 2012.**

**4 OFFICIAL PLAN AMENDMENT FILE OP.11.013
ZONING BY-LAW AMENDMENT FILE Z.11.044
FCHT HOLDINGS (ONTARIO) CORPORATION
WARD 4 – VICINITY OF BATHURST 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, dated September 4, 2012, be approved;**
- 2) That the Ward Councillor be directed to convene meetings of the parties in furtherance of this application, as deemed appropriate;**
- 3) That the following deputations be received:**
 - 1. Mr. Ronald Richards, R.G. Richards & Associates, Sladeview Crescent, Mississauga, on behalf of the applicant;**
 - 2. Mr. Mark Jacobson, Dufferin Street, Maple;**
 - 3. Ms. Janis Silvestri, Little River Court, Maple;**
 - 4. Ms. Traci Shatz, George Kirby Street, Maple;**
 - 5. Ms. Heidi Zak, George Kirby Street, Maple;**
 - 6. Mr. Zev Zak, George Kirby Street, Maple;**
 - 7. Mr. Haim Ben-Ary, George Kirby Street, Maple;**
 - 8. Ms. Irina Oren, Okanagan Drive, Richmond Hill;**
 - 9. Mr. Dmitri Glaoubakh, George Kirby Street, Maple;**
 - 10. Mr. Stephen Roberts, Bentoak Crescent, Vaughan; and**
 - 11. Ms. Ronit Goldsmith, Marc Santi Boulevard, Maple; and**
- 4) That the following communications be received:**
 - C5. Gavin and Vashtie Singh, Maple, dated September 4, 2012; and**
 - C6. Mr. Serge Bykov, dated September 4, 2012.**

Recommendation

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.11.013 and Z.11.044 (FCHT Holdings (Ontario) Corporation) BE RECEIVED; and, that any issues identified be addressed by the Development 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.

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Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: August 10, 2012.
- b) Circulation Area: 150 m, the Town of Richmond Hill, the Valleys of Thornhill Ratepayer's Association, and all individuals that signed a petition received on May 15, 2012.
- c) Comments received as of August 21, 2012:

The Development Planning Department received a petition on May 15, 2012, from residents in the surrounding community in opposition to the applications, and individual correspondence from the following residents:

- i) Helen Petrou, 14 Okanagan Drive, Richmond Hill;
- ii) Irina Oren, 41 Okanagan Drive, Richmond Hill;
- iii) Jason De Lima, 103 Marc Santi Boulevard;
- iv) Traci Shatz, 80 George Kirby Street;
- v) James Davidson, 64 Millhouse Court.

The concerns identified in the correspondence are summarized as follows:

- i) the proposal will result in increased traffic, on-street parking and congestion, noise and air pollution;
- ii) the proposed building height and density is too high;
- iii) the proposed building height will result in a loss of privacy of the abutting residents and will cast shadows on abutting residential development resulting in reduced exposure to sunlight;
- iv) the development will negatively impact the quality of life for surrounding residents;
- v) there are insufficient amenities in the area to cope with the increase in the number of families;
- vi) the proposed development is not appropriate and compatible with the surrounding community that is developed with low density residential uses;
- vii) the proposal represents an overdevelopment of the site;
- viii) the site was only to be developed with commercial/retail uses; and,
- ix) the surrounding property values will decrease as a result of the development.

Any additional written correspondence received will be identified in the future technical report.

Purpose

The Owner has submitted the following applications to facilitate the development of the subject lands shown on Attachments #1 and #2 with a 15-storey (22,650 m² total gross floor area) mixed-use residential apartment building (future condominium) consisting of: 250 dwelling units; a density of 431 units per hectare; a floor space index (FSI) of 3.91; a 9-storey mid-rise portion; a 4-storey podium including 650 m² of ground floor commercial area; and, a total of 440 underground parking spaces, as shown on Attachments #3 to #11:

1. An Official Plan Amendment Application (File OP.11.013) to amend the policies of OPA #600, as amended by site-specific OPA #689 as follows:

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	Current OPA #600, as amended by OPA #689 Official Plan Designation and Policies ("Medium Density Residential/Commercial")	Proposed Amendments to OPA #600 as amended by OPA #689 ("High Density Residential/Commercial")
a.	Currently designated "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay	Redesignate Part "A" (0.58 ha) as shown on Attachment #2 and #3 to "High Density Residential/Commercial"
b.	Maximum 4-storey apartment buildings	Current maximum building height is 12 – storeys under the High Density Residential/Commercial Proposal to permit a maximum building height of 15-storeys
c.	Maximum permitted density of 40 units/ha (23 units)	Current maximum density is 150 units/ha (87 units) under the "High Density Residential/Commercial" designation Proposal to permit a maximum density of 431 units/ha (250 units). Application is proposing to utilize an equivalent density measure of 3.91 FSI (Floor Space Index) to facilitate a maximum building size of 22,650 m ²

2. Zoning By-law Amendment File Z.11.044 to amend Zoning By-law 1-88, specifically the C4 Neighbourhood Commercial Zone, subject to Exception 9(1271), with following site-specific zoning exceptions:

	By-law Standard	By-law 1-88 Requirements of C4 Zone Exception 9(1271)	Proposed Exceptions to C4 Zone Exception 9(1271)
a.	Maximum Building Height	11 m	57 m
b.	Maximum Driveway Width Along the Rear Lot Line (west)	13.5 m	14.5 m
c.	Use and Maximum Number of Apartment Dwelling Units	Residential dwelling units not permitted in a C4 Zone	Permit 250 residential apartment dwelling units
d.	Minimum Parking Required per Residential Dwelling Unit	Parking for residential dwelling units and visitors not permitted in a C4 Zone	Permit parking for residential dwelling units in a C4 Commercial Zone as follows: 1.5 parking spaces per dwelling unit 0.25 parking spaces per dwelling unit

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Additional zoning exceptions maybe identified through the detailed review of the Zoning Amendment application.

Background - Analysis and Options

Location	<ul style="list-style-type: none">Northwest corner of Bathurst Street and Rutherford Road, municipally known as 9300 – 9370 Bathurst Street, shown as “Subject Lands” on Attachments #1 and #2.
Official Plan Designation	<ul style="list-style-type: none">The subject lands are designated “Medium Density Residential/Commercial” with a “Neighbourhood Commercial Centre” overlay by in-effect OPA #600, as amended by site-specific OPA #689.The “Medium Density Residential/Commercial” designation permits a maximum density of 40 units per hectare and a maximum residential building height to 4-storeys on the subject lands.OPA #600, as amended by site-specific OPA #689, permits the commercial uses on the overall subject lands; however, it restricts the commercial development to a maximum permitted gross floor area of 28,535.61 m², which is not proposed to be changed for the reconfigured commercial lot.The proposal does not conform to the Official Plan.The subject lands are designated “Mid-Rise Mixed-Use” by the new Vaughan Official Plan 2010 (VOP 2010) as adopted by Vaughan Council on September 7, 2012 (as modified on September 7, 2011, March 20, 2012 and April 17, 2012) and is pending approval from the Ontario Municipal Board. VOP 2010 permits a maximum building height of 12-storeys and a maximum density of 3.5 FSI on the subject lands. The development proposal does not conform to VOP 2010, as it exceeds the maximum building height and density permitted on the property. The property is also subject to site-specific policy 13.7 of Volume 2 of VOP 2010, which was adopted by Vaughan Council on September 7, 2010 and which permits a maximum commercial gross leasable area of 26,800 m² on the entirety of the site.
Zoning	<ul style="list-style-type: none">C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to Exception 9(1217).An amendment to Zoning By-law 1-88 is required to permit the proposed 15-storey mixed-use apartment building and to permit the site-specific zoning exceptions to facilitate the proposed plan.The proposed development does not comply with Zoning By-law 1-88, and therefore, amendments to the Zoning By-law are required.
Surrounding Land Uses	<ul style="list-style-type: none">Shown on Attachment #2.

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Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENTS
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.▪ The Region of York has exempted the Official Plan Amendment Application from Regional Approval.
b.	Appropriateness of the Development Proposal	<ul style="list-style-type: none">▪ The appropriateness of permitting the proposed 15-storey mixed-use apartment building with the proposed amendments to the Official Plan and Zoning By-law 1-88, will be reviewed in consideration of, but not limited to, compatibility with other existing uses on the subject lands and in the surrounding area including the existing residential development to the north and east, and the existing commercial development to the south, built form, urban design, environmental sustainability, parking, traffic and the appropriateness of the proposed zoning exceptions required to implement the proposed development.
c.	City of 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 of November 24, 2011.
d.	Phase 1 Environmental Report	<ul style="list-style-type: none">▪ The Phase 1 ESA (Environmental Site Assessment) submitted in support of the applications must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.
e.	Supporting Documents	<ul style="list-style-type: none">▪ The following documents submitted in support of the applications must be reviewed and approved by the Region of York and/or the City of Vaughan Development/Transportation Engineering Department:<ul style="list-style-type: none">▪ Traffic Assessment Study;▪ Noise Feasibility Study;▪ Pedestrian Level Wind Study; and,▪ Functional Servicing and Stormwater Management Report.
f.	Planning Justification Report	<ul style="list-style-type: none">▪ The Planning Justification Report prepared by R. G. Richards and Associates in support of the proposal must be approved to the satisfaction of the Vaughan Development Planning Department.

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g.	Servicing	<ul style="list-style-type: none"> Servicing Allocation must be identified and assigned to the development, if approved. Should servicing capacity not be available, the Holding Symbol “(H)” may be applied to the subject lands. Removal of the Holding Symbol “(H)” will be conditional on servicing capacity being allocated to the subject lands.
h.	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.
i.	Future Site Plan Application	<ul style="list-style-type: none"> A future Site Plan Application will be required, if the subject applications are approved, and will be reviewed to ensure appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, waste management and servicing and grading.
j.	Future Condominium Application	<ul style="list-style-type: none"> A future Draft Plan of Condominium Application will be required, if the subject applications are approved, to create a condominium corporation for the residential building.
k.	Proposed Parking	<ul style="list-style-type: none"> By-law 1-88 requires that 438 parking spaces be provided for the proposed development calculated as follows: <ul style="list-style-type: none"> Residential Parking spaces – 1.5 spaces x 250 units = 375 spaces Visitor Parking spaces – 0.25 spaces x 250 units = 63 spaces Total Required Parking = 438 spaces The Owner is proposing to accommodate 440 parking spaces for the residential apartment building on 3 levels of underground garage as follows: <ul style="list-style-type: none"> 1st level – shared parking comprised of 50 visitor parking spaces and parking for the commercial uses on the overall site; and, 2nd and 3rd levels – 210 and 180 residential parking spaces, respectively. Parking for the 650 m² of ground floor commercial uses in the proposed apartment building will be available either within the first level of the underground parking or on the general surface level commercial parking area. The appropriateness of the proposed shared commercial and visitor parking on Level 1 of the underground garage and the required easements to facilitate the plan will be reviewed for the development.
l.	Commercial Gross Floor Area	<ul style="list-style-type: none"> OPA #600, as amended by OPA #689, permits a maximum gross floor area of 28,535.61 m² on the entirety of the subject lands. The appropriateness of maintaining the permitted gross floor area on the balance of the subject lands, exclusive of the lands proposed to be redesignated, will be reviewed.

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.

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Regional Implications

The applications have been circulated to the Region of York for review and comment. 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. Overall Site Plan
4. Partial Site Plan
5. Landscape Plan
6. East Elevation
7. West Elevation
8. South Elevation
9. North Elevation
10. Rendered Elevations
11. Rendered Elevations

Report prepared by:

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/CM

(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.)