

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 17, 2015

Item 3, Report No. 41, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on November 17, 2015.

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**OFFICIAL PLAN AMENDMENT FILE OP.15.003
ZONING BY-LAW AMENDMENT FILE Z.15.008
BERKLEY COMMERCIAL (JANE) INC.
WARD 4 - VICINITY OF JANE STREET AND PORTAGE PARKWAY**

- 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 November 3, 2015, be approved; and
- 2) That the deputation by Mr. Kurt Franklin, Weston Consulting, Millway Avenue, Vaughan, on behalf of the applicant, be received.

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT the Public Hearing report for Files OP.15.003 and Z.15.008 (Berkley Commercial (Jane) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

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

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of Public Hearing was circulated: October 9, 2015
- b) Circulation Area: 150 m
- c) The applications were also advertised as follows:
 - on the City's On-line Calendar;
 - included in the October e-news City Update, which was e-mailed to over 8,000 subscribers;
 - posted to the City's website at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Sign Procedures and Protocol;
 - on the City Page; and,
 - posted on the City's Facebook and Twitter sites.
- d) Comments Received:

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 into the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

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Purpose

To receive comments from the public and the Committee of the Whole on the following applications for the subject lands shown on Attachments #1 and #2, to facilitate a development in the Vaughan Metropolitan Centre (VMC) consisting of a 35-storey residential building including an 8-storey podium with 531 apartment units (Building “A”) and a gross floor area (GFA) of 34,124 m² and 60 three-storey townhouse units with a GFA of 7,109 m² (Buildings “B” to “G”, inclusive) serviced by three levels of underground parking, as shown on Attachments #3 and #4:

1. Official Plan Amendment File OP.15.003 to amend the in-effect policies of OPA #500 (the Vaughan Corporate Centre Plan), as amended by OPA #528, OPA #663 (The Avenue 7 Land Use Future Study Plan), and OPA #698, to include a site-specific policy in the “Corporate Centre Corridor” designation to permit a maximum density of 5.6 FSI (Floor Space Index) on the subject lands, excluding the area to be conveyed to the City of Vaughan for the future extension of Portage Parkway, east of Jane Street, whereas an average density of 1.5 FSI is permitted within a range of 0.75 to 2.5 FSI.
2. Zoning By-law Amendment File Z.15.008 to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone to C9 Corporate Centre Zone with the following site-specific zoning exceptions:

	Zoning By-law 1-88 Standard	C9 Corporate Centre Zone Requirements	Proposed Exceptions to the C9 Corporate Centre Zone Requirements
a.	Minimum Front Yard Setback (Jane Street)	3 m	0 m
b.	Minimum Rear Yard Setback (east property line)	6 m	0 m
c.	Maximum Building Height	25 m	112 m (35 storeys)
d.	Minimum Setback to Portions of a Building Below Grade	1.8 m (along Jane Street and the extension of Portage Parkway)	0 m
e.	Minimum Landscape Strip Width (along Jane Street)	6 m	0 m

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f.	“Gross Floor Area” Definition	The aggregate of the floor area 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.	The aggregate of the floor area 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, <u>or a mechanical or electrical room, or an elevator and related facilities, or area devoted to bicycle parking</u>
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Additional 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.

Background - Analysis and Options

Location	<ul style="list-style-type: none"> ▪ Southeast corner of Jane Street and the future extension of Portage Parkway, east of Jane Street, known municipally as 7895 Jane Street, shown as “Subject Lands” on Attachments #1 and #2. ▪ The 1.1 ha subject lands are rectangular in shape and have approximately 90 m frontage on Jane Street and 137 m on Portage Parkway. The proposed vehicular access to the site is along the future extension of Portage Parkway. ▪ The subject lands are located within the northern boundary of the Vaughan Metropolitan Centre (VMC), which is the area envisioned as the future downtown for the City of Vaughan.
Official Plan Designation	<ul style="list-style-type: none"> ▪ The subject lands are currently split-designated, as shown on Attachment #2. <p>The southerly two-thirds (0.74 ha) of the subject lands (developable portion) is designated “Corporate Centre Corridor” by the in-effect OPA #500 (Corporate Centre Plan), as amended by OPA #528, OPA #663 (The Avenue 7 Land Use Future Study Plan), and OPA #698.</p> <p>The northerly one-third of the subject lands (0.36 ha) is designated “Prestige Employment Area” by the in-effect OPA #450 (Vaughan Employment Area Plan) and represents the lands for the future extension of Portage Parkway, east of Jane Street.</p>

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	<ul style="list-style-type: none"> ▪ The Vaughan Metropolitan Centre Secondary Plan (VMC Plan), which forms part of Volume 2 of the Vaughan Official Plan 2010 (VOP 2010), has been endorsed by Vaughan Council and York Region and is pending approval from the Ontario Municipal Board (OMB). The City of Vaughan expects partial approval of the VMC Plan by the OMB in Q4-2015. ▪ The Owner has filed an appeal of the VOP 2010 - VMC Plan to the OMB that is pending resolution. ▪ The Owner has submitted an Official Plan Amendment Application in advance of the approval of the VMC Plan by the OMB to permit the proposed density of 5.6 FSI and 35-storey building height, which does not conform to the Official Plan.
Zoning	<ul style="list-style-type: none"> ▪ A Agricultural Zone by Zoning By-law 1-88. ▪ To facilitate the proposed rezoning of the subject lands to C9 Corporate Centre Zone and the site-specific zoning exceptions, an amendment to Zoning By-law 1-88 is required.
Surrounding Land Uses	<ul style="list-style-type: none"> ▪ Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the applications, the Vaughan 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 the Regional and City Official Plan policies.
b.	Vaughan Metropolitan Centre (VMC) Secondary Plan (not yet in-effect)	<p>The applications will be reviewed in consideration of the policies in the VMC Plan including, but not limited to:</p> <ul style="list-style-type: none"> ▪ the vision and principles identified in the Plan including the contribution of the proposed development to creating a VMC downtown area that is transit-oriented, walkable, accessible, diverse, vibrant, green, and beautiful; ▪ the development criteria policies, specifically the maximum tower floor plate area of 750 m²; ▪ the structural concept of the VMC Plan, which provides for a maximum density of 4.5 FSI and a building height of 25-storeys on the subject lands;

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		<ul style="list-style-type: none"> the urban design and built form policies provided in the Plan; and, the requirement for a Noise and Vibration Study for residential development proposals within 1000m of the CN Rail Yard and 300m from an existing industrial use.
c.	Appropriateness of Development Proposal	<ul style="list-style-type: none"> The appropriateness of permitting the development proposal on the subject lands will be reviewed in consideration of compatibility with the existing and planned land uses in the surrounding area. OPA #500, as amended by OPAs #528, #663, and #698, permits an average density of 1.5 FSI on the subject lands within the “Corporate Centre Corridor” with an anticipated density range from 0.75 to 2.5 FSI. The VMC Secondary Plan permits a maximum FSI of 4.5 and a maximum building height of 25-storeys. The appropriateness of permitting a maximum density of 5.6 FSI and a maximum building height of 35-storeys (112 m) will be reviewed in consideration of the VMC Plan. The applications will be reviewed to have regard for bonusing provisions, pursuant to Section 37 of the Planning Act, VOP 2010, and the City of Vaughan Section 37 Policy Guidelines, to secure public community benefits as outlined in the VMC Plan.
d.	Portage Parkway Environmental Assessment Study and Access	<ul style="list-style-type: none"> The Owner must satisfactorily protect and convey the necessary land for the future extension of Portage Parkway, east of Jane Street (right-of-way of 28 m to 33 m), and the final road alignment will be subject to the completion of the Portage Parkway Environmental Assessment Study that is currently being undertaken by the Vaughan Development Engineering and Infrastructure Planning Services (DEIPS) Department. The proposed access from the future extension of Portage Parkway, with particular consideration to the coordinated accesses for the existing employment use to the north, municipally known as 7941-7961 Jane Street as identified on Attachment #3, must be approved to the satisfaction of the Vaughan DEIPS Department and Region. The Owner is proposing to construct an interim 2 lane local road to service the development until the ultimate extension of Portage Parkway is completed. The requirement for a temporary vehicular turnaround at the east terminus of the Portage Parkway extension will be reviewed to the satisfaction of the Vaughan DEIPS Department.

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e.	Edgeley Pond Design	<ul style="list-style-type: none"> The applications will be reviewed in accordance with the design exercise for Edgeley Pond, which is expected to be a higher order public space that will encourage passive and active uses, to the satisfaction of the Toronto and Region Conservation Authority, and the Vaughan DEIPS and Development Planning Departments.
f.	Vaughan Design Review Panel	<ul style="list-style-type: none"> The applications will be reviewed in consideration of the recommendations of the Vaughan Design Review Panel of August 27, 2015.
g.	Supporting Documents	<ul style="list-style-type: none"> The following documents submitted in support of the applications must be reviewed and approved by York Region and/or the Vaughan DEIPS Department and/or the Vaughan Development Planning Department: <ul style="list-style-type: none"> Planning Justification Report Phase 1 and 2 Environmental Site Assessment Hydrological Investigation Geotechnical Investigation Noise and Vibration Study Wind Assessment Letter Arborist Report Tree Inventory and Preservation Study and Plan Traffic Study Environmental Noise Study Parking Study and Transportation Demand Management (TDM) Plan
h.	Future Site Development Application and Plan of Subdivision as required	<ul style="list-style-type: none"> A future Site Development Application is required, if the subject applications are approved, and will be reviewed to ensure, but not limited to, appropriate building and site design, pedestrian and barrier-free accessibility, access, internal traffic circulation, parking, landscaping, servicing and grading, connectivity to Edgeley Pond, and street level animation. 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, roof-top treatments that address the “heat island” effect, green roofs, etc. will be reviewed and implemented through the site plan approval process, if approved. The project may require plan of subdivision or other appropriate planning approval to satisfy City requirements for the conveyance of any required infrastructure and land.

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i.	Servicing	<ul style="list-style-type: none">▪ Servicing Allocation must be identified by Vaughan Council and assigned to the development, if the applications are approved. Should servicing capacity not be available, the Holding Symbol “(H)” will be applied to the subject lands. Removal of the Holding Symbol “(H)” will be conditional on servicing being allocated by Vaughan Council to the subject lands. The Holding Symbol “(H)” may be applied to the subject lands to secure other city interests, as may be required.
j.	NavCanada and Bombardier	<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.
k.	CN Railway	<ul style="list-style-type: none">▪ The Owner must address noise mitigation measures and compliance with the Ministry of Environment and Climate Change (MOECC) noise guidelines under NPC-300 Class 1 (Urban) environment for the proposed residential development to ensure land use compatibility within the noise influence area of CN's MacMillian Yard, to the satisfaction of CN Rail.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The applications have been circulated to York Region for review and comment. Any issues will be addressed when the technical report is considered. The Owner has requested York Region to exempt Official Plan Amendment File OP.15.003 from York Region approval, as the application can be considered to be a matter of local rather than regional significance. The York Region Development Review Committee considered the Official Plan Amendment application and granted exemption from approval by York Region Council. Should Vaughan Council approve Official Plan Amendment File OP.15.003, the Regional exemption would enable the implementing Official Plan Amendment to come into effect following its adoption by Vaughan Council and the expiration of the required appeal period.

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 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. Conceptual Site Plan
4. Conceptual Perspective Renderings

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.)