

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 19, 2013**

Item 15, Report No. 47, of the Committee of the Whole, which was considered at the Council (Closed Session) meeting of November 19, 2013, was adopted without amendment by the Council of the City of Vaughan on November 19, 2013.

**15**

**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 recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 5, 2013 be approved on the condition that additional screenings, plantings or landscaping be added;**
- 2) That Council ratify the action taken; and**
- 3) That the confidential recommendation contained in Confidential Communication C24, from Legal Counsel, dated November 5, 2013, be received.**

**Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. 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, 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; 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 from 26,800 m<sup>2</sup> to 22,124 m<sup>2</sup>.
2. 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 from C4 Neighbourhood Commercial Zone, subject to Exception 9(1217) to C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)";

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- 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 m<sup>2</sup> 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 this report.
3. THAT the Holding Symbol “(H)” shall not be removed from the portion of the subject lands identified as Part “A” on Attachment #2 and #3 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.
4. 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 m<sup>2</sup> of ground floor commercial uses as shown on Attachments #5 to #8 inclusive and Attachment #11; and,
  - b) permit building elevation changes to the previously approved commercial Building “3”, as shown on Attachment #9; 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;

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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 \$1,000.00 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**

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
- Objective 2.2: To develop Vaughan as a City with maximum green space and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

In accordance with the goals and objectives identified above, the Owner has advised that the proposed mixed-use building will be constructed to a LEED silver standard and the following, but not limited to, sustainable site and building features will be included in the proposed development:

- a) alternative transportation: public transportation access, bicycle storage (115 long term spaces located underground and 25 spaces located above ground);

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- b) heat island effect, roof;
- c) light pollution reduction;
- d) innovative wastewater reduction technologies;
- e) storage and collection of recyclables, tri-sorting waste collection; and,
- f) the use of low-emitting organic compound materials.

#### **Economic Impact**

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

#### **Communications Plan**

On August 10, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, the Town of Richmond Hill, Valleys of Thornhill Ratepayer's Association and all individuals that signed a petition received by the City on May 15, 2012. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 4, 2012, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on September 25, 2012, and included a resolution that the Local Councillor be able to convene meetings of the parties in furtherance of this application as deemed appropriate. Deputations, a written submission and petition, were received from the following:

- a) Mr. Ronald Richards, R.G. Richards & Associates, Sladeview Crescent; Mississauga, on behalf of the applicant;
- b) Mr. Mark Jacobson, Dufferin Street, Maple;
- c) Ms. Janis Silvestri, Little River Court, Maple;
- d) Ms. Traci Shatz, George Kirby Street, Maple;
- e) Ms. Heidi Zak, George Kirby Street, Maple;
- f) Mr. Zev Zak, George Kirby Street, Maple;
- g) Mr. Haim Ben-Ary, George Kirby Street, Maple;
- h) Ms. Irina Oren, Okanagan Drive, Richmond Hill;
- i) Mr. Dimitri Glaoubkh, George Kirby Street, Maple;
- j) Mr. Stephen Roberts, Bentoak Crescent, Vaughan;
- k) Ms. Ronit Goldsmith, Marc Santi Boulevard, Maple;
- l) Mr. and Mrs. Gavin and Vashtie Singh, Black Maple Crescent, Maple;
- m) Mr. Serge Bylov, Warbler Avenue, Maple;
- n) Ms. Helen Petrou, Okanagan Drive, Richmond Hill;
- o) Mr. Jason De Lima, Marc Santi Boulevard, Maple; and
- p) Mr. James Davidson, 64 Millhouse Court, Maple.

On October 11, 2012, the Ward 4 Councillor held a meeting with the residents and Owner to discuss the original proposal shown on Attachments #4 and #10. The following individuals were in attendance:

- a) Ms. Janis Silvestri, Little River Court, Maple;
- b) Ms. Traci Shatz, George Kirby Street, Maple; and
- c) Ms. Heidi Gordon, George Kirby Street, Maple.

The following is a summary of the concerns noted at the Public Hearing (September 4, 2012) and the subsequent meeting with the residents and Owner (October 11, 2012):

- a) the proposal will result in increased traffic, on-street parking and congestion, noise and air pollution;
- b) the increase in the number of residents and traffic will hinder community safety;
- c) the existing and proposed loading will bring larger trucks;
- d) the proposed building height and density is too high;

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- e) the proposed building height will result in a loss of privacy for the abutting residents and will cast shadows on the existing residential development resulting in reduced exposure to sunlight;
- f) the development will negatively impact the quality of life for the surrounding residents;
- g) there are insufficient amenities in the area to cope with the increase in the number of families;
- h) the proposed residential apartment is not appropriate or compatible with the surrounding community that is developed with low density residential uses, and the existing commercial development;
- i) the proposal represents an overdevelopment of the site;
- j) the site was only to be developed with commercial/retail uses; and,
- k) the surrounding property values will decrease as a result of the development.

The meetings allowed the residents to express their concerns and are further addressed by City Departments within the City of Vaughan Official Plan, Vaughan Official Plan (VOP) 2010, Zoning, Site Plan Review and Traffic Study sections of this report.

**Purpose**

The Ontario Municipal Board (“OMB”) Hearing for the appeal of this matter is scheduled for November 26 to 29, 2013. To date, the appeal has not been resolved as between the parties. As a result, a Council position on the applications as reported on herein is required so as to ensure that City staff has clear direction on how to proceed before the OMB.

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2:

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

**Table #1: Official Plan Amendment File OP.11.013**

	<b>Current In-Effect OPA #600, as amended by OPA #689 (“Medium Density Residential/Commercial”)</b>	<b>Proposed Amendments to OPA #600 as amended by OPA #689 (“High Density Residential/Commercial”)</b>
a.	The subject lands are currently designated “Medium Density Residential/Commercial” with a “Neighbourhood Commercial” overlay	Redesignate Part “A” (0.58 ha) of the subject lands, as shown on Attachments #2 and #3, to “High Density Residential/Commercial”

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b.	Maximum Permitted Density - 40 units/ha  (Permitted density over Parts “A” and “B” of Subject Lands – 1.285 ha x 40 units/ha = 52 units)	Maximum permitted density in the “High Density Residential/Commercial” designation at regular 150 units/ha = 193 units (1.285 ha x 150 units/ha calculated on Parts “A” and “B” as shown on Attachments #2 and #3)  However, the Proposal is to permit a maximum density at 195 units/ha calculated over Parts “A” and “B” as shown on Attachments #2 and #3 = <u>250 units</u>
c.	The area included in the calculation of residential density shall include local and primary roads and the land for dwelling units.	The area included in the calculation of residential density shall include the lands identified as Parts “A” and “B” on Attachments #2 and #3, to equal an area of 1.285 ha.

2. Zoning By-law Amendment File Z.11.044 to amend Zoning By-law 1-88, specifically to rezone Part “A” of the subject lands as shown on Attachments #2 and #3 from C4 Neighbourhood Commercial Zone to C4(H) Neighbourhood Commercial Zone with the Holding Symbol “(H)”, and to permit the site-specific zoning exceptions identified in Table 2 of this report.
3. Site Development File DA.12.079, to:
  - i) 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 as shown on Attachments #3, #5 to #8 and #11; and,
  - ii) facilitate building elevation changes to the previously approved commercial Building “3”, as shown on Attachment #9.

**Background - Analysis and Options**

The overall lands shown on Attachments #2 and #3 are currently developed as a commercial complex consisting of 11 commercial buildings known as the Rutherford Market Place. The north west portion comprising the subject lands to this report (Part “A” and Part B” as shown on Attachment #2 and #3), are undeveloped and were previously approved for 2 multi-unit commercial buildings. The Owner has submitted the applicable development applications, which are the subject of this report, to facilitate a proposed mixed-use residential/commercial development as shown on Attachments #3, #5 to #8, and #11, and proposed elevation changes to a previously approved commercial building (Building “3”) as shown on Attachment #9.

The Official Plan and Zoning By-law Amendment Files OP.11.013 and Z.11.044 were submitted on December 22, 2011. The original development proposal shown on Attachments #4 and #10 was for a 15 storey, tiered residential apartment building. Vaughan Council considered the applications at a Public Hearing on September 4, 2012, and the report was received with direction for staff to prepare a technical report for consideration at a future Committee of the Whole

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meeting. A further resolution that the Local Councillor convene meetings of the parties in furtherance of the applications as deemed appropriate, was ratified by Council on September 25, 2012. A meeting with Staff, the Owner, the Local Councillor and residents was held on October 11, 2012.

Earlier, on August 28, 2012, the Owner submitted Site Development File DA.12.079, proposing a 12 storey mixed-use residential/commercial apartment building, as shown on Attachments #3, #5 to #9 and #11.

#### Location

The subject lands (1.285 ha) are located on the southeast corner of George Kirby Street and Ilan Ramon Boulevard, shown as “Subject Lands” (Parts “A” and “B”) on Attachments #2 and #3. The other lands owned by the applicant are currently developed as a commercial plaza consisting of 11 commercial buildings known as Rutherford Market Place. The portion of the subject lands shown as Parts “A” and “B” are currently vacant.

#### Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan Amendment Application to redesignate and permit increased density on the subject lands, in light of the following land use policies:

##### a) Provincial Policy Statement (PPS)

The PPS provides broad based policy direction on matters of Provincial interest related to land use planning and development. The PPS promotes cost-effective development standards to minimize land consumption and servicing costs, while facilitating transit supportive development. It supports and encourages residential intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses that make more efficient use of land and public infrastructure. The proposed development represents an intensification of the subject lands and accommodates a range of uses, including residential, office and commercial. The development will provide additional accommodation choices and a mix of uses while utilizing the existing municipal infrastructure efficiently through compact built form and increased density. The proposed development conforms to the goals, objectives and policies of the PPS.

##### b) Places to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The policies of the Growth Plan are intended to guide the development of land in the Greater Golden Horseshoe; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. Moreover, the Growth Plan outlines opportunities to make better use of land and infrastructure by directing growth to existing urban areas as well as creating complete communities, stating in part:

*“...communities that are well designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs and easy access to stores and services to meet daily needs.”*

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The Growth Plan states that a focus for transit and infrastructure investments to support future growth can be provided by concentrating new development in these areas and creating complete communities.

The proposed 12 storey mixed-use residential/commercial apartment building is supported by municipal water and wastewater systems, and would provide an alternative housing form that maximizes the use of land, while offering an alternative housing option in the vicinity of commercial development. The proposed development is consistent with the goals of the Growth Plan.

#### c) Region of York Official Plan

The Region of York Official Plan designates the subject lands “Urban Area”. The subject lands are located in the vicinity of Bathurst Street and Rutherford Road, and offer an alternative housing form (residential apartment units) in close proximity to commercial developments and public transit. On August 14, 2012, the Region of York exempted Official Plan Amendment File OP.11.013 (FCHT Holdings (Ontario) Corporation) from approval by Regional Planning Committee and Council. As a result, the City of Vaughan Council will be the approval authority for File OP.11.013.

The Regional Plan encourages a broad range of housing types within efficient and mixed-use compact communities at an overall transit-supportive density. The range of housing includes different forms, types and tenures to satisfy the needs of the Region’s residents. The Regional Plan identifies that the housing stock in the Region is primarily detached units. The housing market is faced with demands for a broader variety of housing forms to meet the needs of different households.

The Regional Plan further encourages pedestrian scales, safety, comfort and mobility, the enrichment of the existing area with an attractive building, landscaping and public streetscapes. The proposed mixed-use development and the associated amenity areas will enhance the commercial development and encourage pedestrian connectivity. Furthermore, the Regional Plan recognizes that there is a strong relationship between transportation and urban form. A mixed-use compact urban form encourages and supports higher level of transit services while helping to reduce the overall parking demand and trip length required for work, shopping, school and other destinations. The proposed mixed-use development is consistent with the Regional Official Plan policies.

#### d) City of Vaughan Official Plan

The subject lands (including the other lands owned by the applicant) 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 detached, semi-detached, and street townhouse dwellings, a duplex, triplex and fourplex units, and, en bloc townhouses at a maximum residential density of 40 units per hectare on the subject lands. A maximum of 52 residential units are permitted on the subject lands (1.285 ha x 40 units per hectare = 52 units) comprising Parts “A” and “B”.

The overall lands are developed with existing commercial buildings. Parts “A” and “B” as shown on Attachments #2 and #3 represent the remaining lands to be developed. The “Medium Density Residential/Commercial” designation encourages that limited commercial facilities shall be generally integrated within the residential development and building forms and be located at grade level. The 12 storey residential/commercial apartment building will include two commercial units (total of 500 m<sup>2</sup>) located on the ground floor level on the east side of the building.



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As noted above, 52 residential units would be permitted on the subject lands under the in-effect policies of OPA #600, however, in different building forms. Given the current Provincial policies, Regional Official Plan policies and the policies of Vaughan Official Plan 2010 (discussed later in this report) the proposal to accommodate 250 units in a mid-rise built form on a portion of the subject lands is considered appropriate, subject to the recommendations in this report.

OPA #600, as amended by site-specific OPA #689, permits commercial uses on the overall applicant's lands, including the subject lands, however, it restricts the commercial development to a maximum permitted gross leasable area (GLA) of 26,800 m<sup>2</sup>. A portion of the subject lands, shown as Part "A" on Attachments #2 and #3, was previously approved with a two storey commercial building with a gross leasable area of 4,676 m<sup>2</sup>. Since the commercial building will no longer be developed and is being replaced by the proposed residential building, it is recommended that the Official Plan (OPA #689) be amended to reduce the maximum permitted GLA on the balance of the subject lands (excluding Part "A") from 26,800 m<sup>2</sup> to 22,124 m<sup>2</sup>.

The Development Planning Department can support the proposed 12 storey mixed-use residential/commercial development. The current "Medium Density Residential/Commercial" designation would also permit a total of 256 residential units on the entirety of the applicant's lands (6.4 ha) including the subject lands. The proposal incorporates 250 units in a mid-rise building with commercial uses at grade on a portion (Part "A") of the subject lands. The Provincial policies and Regional Official Plan policies encourage intensification and provide for mixed-use development that is compact with densities that encourage public transit and provide opportunities for a mix of housing types and employment opportunities in the community.

In addition, the Development Planning Department is of the opinion that the proposed development is a good transition from the surrounding commercial development and compatible with the existing residential uses to the north. The proposed residential apartment building is tiered with a 12 storey high-rise portion located south adjacent to the existing commercial building "2A", to a 9-storey mid-rise portion and a 4 storey portion located on the north end of the subject lands opposite the existing townhouse development, shown on Attachments #5, #7, #8 and #11. The proposed 4-storey podium is designed to be similar in massing to the existing townhouse development on George Kirby Street. The 4 storey podium building façade along George Kirby includes entrances and individual green space to the residential units located on the ground floor. The proposed facades along George Kirby are designed to mimic the townhouse development to the north. By including these building designs, it acts as a good transition between the existing residential to the north and the 12 storey high-rise apartment building portion.

#### e) Vaughan Official Plan (VOP) 2010

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) as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. It should be noted that Ms. Traci Shatz of George Kirby Street has appealed VOP 2010 as it relates to the applicant's overall lands.

VOP 2010 permits a maximum building height of 12-storeys and a maximum density of 3.5 FSI (Floor Space Index) on the entirety of the applicant's lands. The development proposal conforms to VOP 2010, as it is consistent with the maximum permitted building

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height (12 storey) and is within the maximum permitted density (proposed 1.8 FSI on Parts “A” and “B”). 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 permits a maximum commercial gross leasable area of 26,800 m<sup>2</sup> on the entirety of the site, which will need to be amended to 22,124 m<sup>2</sup> as discussed earlier in this report.

Through the review process for VOP 2010 it was determined that the current policies in in-effect OPA #600 should be maintained and transitioned for the subject lands as “Medium Density Residential/Commercial” with a “Neighbourhood Commercial Centre” overlay. However, VOP 2010 does not use the same designations that are currently used in OPA #600, and introduced more current and updated designations in VOP 2010. The “Mid-Rise Mixed-Use” designation of VOP 2010 posed the most similar permissions as the current “Medium Density Residential” designation except that it permitted a certain building type (Mid-Rise Building), increased building height to 12 storeys, and a change in density calculation to a Floor Space Index of 3.5 FSI rather than units per hectare. Therefore, the VOP 2010 designation permits a change to the permitted building type and height permissions than the current “Medium Density Residential/Commercial” designation.

The surrounding areas have similar designations which are compatible to the “Mid-Rise Mixed-Use” designation. To the south of the subject lands, specifically on the south west corner of Bathurst Street and Rutherford Road, the lands are designated “Mid-Rise Mixed-Use” with a maximum height of 12 storeys and Floor Space Index 3.5. The lands abutting the subject lands to the north are designated “Low-Rise Residential”. The lands further to the north of the subject lands adjacent to Bathurst Street, specifically on the south west corner of Bathurst Street and Lebovic Campus Drive, are designated “Low-Rise Mixed-Use”. The site located approximately 600 m from the subject lands, at the north west corner of Bathurst Street and Lebovic Campus Drive is designated “High-Rise Residential” with a maximum height of 15 storeys and a Floor Space Index of 4, and on July 13, 2010 Vaughan Council approved Site Development File DA.09.078, for 2 residential seniors’ buildings, 6 (existing) and 15 storeys, respectively. The lands surrounding the “Mid-Rise Mixed-Use” and “High-Rise Residential” designated lands are all designated “Low-Rise Residential” by VOP 2010. The surrounding permitted designations are compatible and a suitable transition to existing uses in the area.

The Development Planning Department is of the opinion that the Applicant's proposal is consistent with the permissions for permitted building type (Mid-Rise Building), building height and density in Floor Space Index (FSI) within the “Mid-Rise Mixed-Use” designation of VOP 2010, which represents good planning as it provides for a mix of residential and retail uses to the area, it conforms to the goals, objectives and policies of the PPS, the Growth Plan by providing additional accommodation choices and a mix of uses while utilizing the existing municipal infrastructure efficiently through compact built form and increased density, encouraging transit and pedestrian oriented development, while providing a safe and comforting streetscape and encouraging employment opportunities, and is consistent with the policies of the Regional Official Plan, in conformance with the policies of VOP 2010.

#### Zoning

The subject lands are currently zoned C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to Exception 9(1217), which does not permit the proposed mixed-use residential apartment building. The Owner has submitted Zoning By-law Amendment File Z.11.044 to amend Zoning By-law 1-88, specifically to rezone Part “A” of the subject lands, as shown on

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Attachments #2 and #3, from C4 Neighbourhood Commercial Zone to C4(H) Neighbourhood Commercial Zone with the Holding Symbol “(H)” and to permit the necessary zoning exceptions noted in Table 2 below to implement the development proposal shown on Attachments #3, #5 to #9 and #11.

<b>Table #2: Zoning By-law Amendment File Z.11.044</b>			
	<b>By-law Standard</b>	<b>By-law 1-88 Requirements of C4 Neighbourhood Commercial Zone, Exception 9(1217)</b>	<b>Proposed Exceptions to C4 Zone, Exception 9(1217)</b>
a.	Use and Maximum Number of Apartment Dwelling Units	Residential dwelling units are not permitted in the C4 Zone	Permit 250 residential apartment dwelling units in the C4 Zone
b.	Maximum Building Height for the Residential Apartment Building	19.4 m (for commercial; residential not permitted)	45 m (or 12 storeys for residential apartment building)
c.	Minimum Parking Required per Residential Dwelling Unit	Parking for residential dwelling units and visitors not permitted in the C4 Zone	Permit parking for residential dwelling units in the C4 Zone as follows (current By-law 1-88 standard):  1.5 parking spaces per dwelling unit for residents + 0.25 parking spaces per dwelling unit for visitors
d.	Minimum Visitor Parking Spaces	63 parking spaces (250 units x 0.25 visitor spaces/unit)	Provide 50 visitor parking spaces on parking level P1 with 13 parking spaces shared with the proposed commercial Building “3” uses

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e.	Location of Parking	Parking must be provided on the lot where the building is erected	Permit residential parking spaces for the building located on Part "A" to be provided in an underground parking garage erected on Part "B".
f.	Amenity Area	Amenity areas for residential uses are not permitted in the C4 Zone	To permit the minimum amenity area for residential dwelling units as follows (as normally required in the Residential Zone):  Bachelor Unit: 15 m <sup>2</sup> /unit  One Bedroom unit: 20 m <sup>2</sup> /unit  Two Bedroom: 55 m <sup>2</sup> /unit
g.	Minimum Exterior Side Yard Setback (George Kirby Street)	6 m	5 m
h.	Minimum Setback to the RT1 Residential Townhouse Zone (to the north)	15.5 m	14.5 m
i.	Maximum Driveway Width (Along Ilan Ramon Boulevard)	14 m	22 m
j.	Loading and Unloading	Loading and unloading shall not be permitted between a building and a street	Permit loading and unloading between a building and Ilan Ramon Boulevard

The proposed exceptions to the C4 Neighbourhood Commercial Zone of Zoning By-law 1-88, listed in Table 2 above, are discussed in the following sections. The Development Planning Department can support the proposed zoning by-law exceptions, for the reasons noted below.

a) Permitted Uses and Building Height

The C4 Neighbourhood Commercial Zone does not permit residential apartment buildings, and

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therefore, the zone generally restricts the uses and building heights to accommodate commercial use buildings. The Owner is proposing to permit a residential apartment building and increase the maximum permitted building height from 11 m to 45 m (12 storeys) in the C4 Zone. The proposed use permissions and building height increase are supported by the policies and principles of the PPS, the Growth Plan, the Regional Official Plan, and the new Vaughan Official Plan 2010, and therefore, can be supported by the Development Planning Department.

The C4 Neighbourhood Commercial Zone permits a wide range of Commercial Uses intended to serve the surrounding residential neighbourhood. The C4 Zone permits a Brewers Retail Outlet, Club or Health Centre, L.C.B.O. Outlet, Pet Grooming Establishment, Place of Entertainment, Supermarket and Veterinary Clinic, which are not considered appropriate to be located within the ground floor commercial area of a mixed-use building. These uses should be located within larger individual buildings or multi-unit commercial buildings to accommodate their operation. In addition, the C4 Zone permits a Service or Repair Shop, which provides for the servicing and repair of items such as furnace and oil burners, appliances and lawn care equipment, which are also considered inappropriate uses in the ground floor of a mixed-use building. Accordingly, it is recommended that the service or repair shop be limited to the repair of household appliances and a dry cleaners.

Accordingly, the Development Planning Department recommends that the ground floor commercial uses be restricted to the following C4 Neighbourhood Commercial Zone uses: Bank or Financial Institution; Business or Professional Office; Eating Establishment; Convenience Eating Establishment; Take-Out Eating Establishment; Personal Service Shop; Pharmacy; Retail Store; and, a Service or Repair Shop (as described above). A condition of approval to this effect is included in the recommendation of this report.

b) Parking Standards

The C4 Neighbourhood Commercial Zone does not permit residential apartment uses and related visitor parking standards, and therefore, the minimum required parking standard for these uses established in Zoning By-law 1-88 of 1.5 parking spaces per dwelling unit and 0.25 visitor parking spaces per dwelling unit will be included in the site-specific exception to facilitate the proposed development, if the applications are approved. When applying the above-noted parking requirements, the total required parking for the development is calculated as follows:

- Residential Parking spaces: 1.5 spaces/unit x 250 units = 375 spaces
- Visitor Parking spaces: 0.25 spaces/unit x 250 units = 63 spaces
- Total Required Residential Parking = 438 spaces

In addition, a total of 30 parking spaces are required for the 500 m<sup>2</sup> of ground floor commercial use calculated at a rate of 6 spaces/100 m<sup>2</sup>, resulting in a total minimum parking requirement of 468 parking spaces for the residential/commercial apartment building.

The Owner has proposed 590 parking spaces for the residential/commercial apartment building and commercial Building “3” on 3 levels of underground garage as follows:

- 1st level – shared parking comprised of 50 visitor parking spaces and 150 parking spaces for the commercial Building “3” uses and the applicant’s overall site; and,
- 2nd and 3rd levels – 210 and 180 residential parking spaces, respectively.

The Owner is proposing 50 visitor parking spaces, whereas 63 spaces are required by Zoning By-law 1-88. However, a total of 150 shared commercial/visitor parking spaces are proposed on parking level P1. Given the different peak period use of parking spaces for the residential and

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commercial uses, the Development Planning Department can support the request for 13 shared visitor parking spaces. In addition, the appropriate reciprocal easements will be required between the future condominium building and the commercial plaza to facilitate use of the underground parking garage for both residential and commercial uses.

c) Amenity Areas

The C4 Neighbourhood Commercial Zone does not include minimum amenity area standards for residential uses. The Development Planning Department will include the amenity area standards that normally apply in the Residential Zone within the site-specific zoning exception to ensure that minimum amenity area is provided for the residential development. The minimum proposed amenity area for the development is as follows:

- Bachelor Unit: 15 m<sup>2</sup> per unit x 13 units = 195 m<sup>2</sup>
- One Bedroom Unit: 20 m<sup>2</sup> per unit x 200 units = 4,000 m<sup>2</sup>
- Two Bedroom Unit: 55 m<sup>2</sup> per unit x 36 units = 1,980 m<sup>2</sup>
- Total minimum amenity area required = 6,175 m<sup>2</sup>

These proposed amenity area standards are consistent with the minimum amenity area requirements in Zoning By-law 1-88 for an apartment building in a Residential Apartment Zone (i.e. RA1, RA2 and RA3 Zones). A total of 6,200 m<sup>2</sup> of amenity area is proposed within the mixed-use residential/commercial development, which includes roof top terraces, landscaped areas, balconies and communal lounges.

d) Minimum Side Yard Setback and Maximum Driveway Width

The requested reduction to the northerly exterior side yard setback and setback to the RT1 Zone and the increase in the maximum driveway width are considered to be minor in nature, compatible with the surrounding land use context, will not impact the residents to the north by way of shadows, and will facilitate the development. The Development Planning Department has no objection to these zoning exceptions.

e) Loading and Unloading

The requested exception to permit loading and unloading between a building and a street (Ilan Ramon Boulevard) is to recognize an existing condition on the commercial portion of the lands that was inadvertently omitted in the original implementing zoning by-law for the subject lands. In addition, it will also permit the loading and unloading area proposed for the residential/commercial apartment building. The Development Planning Department has no objection to including these exceptions in the amending zoning by-law.

f) Holding Symbol Provision

Should Vaughan Council find merit in the applications, the implementing Zoning By-law will zone Part "A" of the subject lands, as shown on Attachments #2 and #3, with the Holding Symbol "(H)" to ensure the following are addressed, prior to removal of the Holding provision:

- i) that Vaughan Council identifies and allocates water supply and sewage servicing capacity to the subject lands; and,
- ii) 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.

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Conditions to this effect have been included in the recommendation of this report.

#### Site Plan Review

The original conceptual site plan and building elevations shown on Attachments #4 and #10 respectively, includes a tiered residential apartment building, a 4-storey podium along George Kirby Street, and 9 and 15 storey building elements with access from Ilan Ramon Boulevard. As a result of comments received at the Public Hearing and a meeting with residents and staff, the Owner revised their conceptual site plan as shown on Attachments #3, #5 to #9 and #11, which includes a tiered apartment building consisting of a 4 storey podium facing George Kirby Street and Ilan Ramon Boulevard, a mid-rise 9 storey element to the south of the podium and a 12 storey tower forming the south portion of the building. The residential building will consist of 250 units. The 4 storey podium has been shifted to the northwest and closer to both George Kirby Street and Ilan Ramon Boulevard to create a building with a better relationship to the public realm. The Owner has agreed to reduce the size and height of the mechanical penthouse so that it is consistent with the main façade of the building.

The ground floor fronting (east) onto the existing commercial plaza will consist of 2 commercial units totaling 500 m<sup>2</sup>. The Owner is providing 440 parking spaces for the mixed-use residential/commercial apartment building. The Owner has agreed to remove the proposed lay-by parking spaces on George Kirby Street to address concerns of residents, as shown on Attachments #3, #5 and #6.

The proposal includes pedestrian access from George Kirby Street, which leads to a hard and soft landscaped pedestrian plaza with pedestrian connections through to the existing commercial complex. Bicycle parking will be provided on site, including long term bicycle parking in the underground parking garage. Ground level units have pedestrian access to both George Kirby Street and Ilan Ramon Boulevard. The main entrance to the residential building is on Ilan Ramon Boulevard with vehicular access that leads to the underground and a crescent driveway at the entrance of the building for pick-up and drop-off. Outdoor amenity areas are proposed on the podium and mid-rise roof decks. As well, the development will include an outdoor amenity area on the ground floor to the rear (southeast) of the 4 storey podium building to be used by the residents and uses of the commercial complex.

#### Landscape Plan

The landscape plan shown on Attachment #6, consists of a mix of coniferous and deciduous trees, ground plantings, and hard landscaping. The central landscaped area includes pedestrian connections and permeable paver walkways. The individual patios, balconies, and amenities located on the roof top areas will benefit the future residents of the proposed development.

The Development Planning Department has advised the Owner that planter boxes and a architectural screen fence should be included in the frontages of the ground floor units along George Kirby Street to create a softer landscape treatment and provide privacy screening for the ground floor residential units. The Owner has agreed to incorporate these features within the development.

#### Elevations

The original conceptual apartment building elevations are shown on Attachment #10. The revised apartment building elevations are shown on Attachments #7, #8 and #11. The revised elevations include the use of balconies on the main tower, wood screens, and a variety of architectural materials such as metal panels, glass, brick and stucco. Balconies are accented with metal and glass railings. The elevations on the 4 storey podium have been revised to be consistent with the townhouse development on the north side of George Kirby Street.

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##### Commercial Building “3”

The Owner has included revisions to the previously approved commercial Building “3” in Site Development File DA.12.079 as shown on Attachment #9. The Owner has improved the elevations along George Kirby Street to enhance the streetscape. As a result of comments received from residents with respect to large transport trucks on George Kirby Street, the loading area for Building “3” has been removed from the north side of the building along George Kirby Street and relocated to the east elevation, internal to the commercial site.

The Vaughan Development Planning Department will continue to work with the Owner to finalize the site development details of the proposed residential apartment building and revisions to the approved elevations for commercial Building “3”. The final site plan, elevations, landscape plan and landscape cost estimate must be approved to the satisfaction of the Development Planning Department. Conditions to this effect are included in the recommendation of this report.

##### Vaughan Development/Transportation Engineering Department

###### a) Sewage and Water Allocation

A Functional Servicing Report, dated November 2012, prepared by R.J. Burnside was reviewed by the Vaughan Development/Transportation Engineering Department. This report determined that the sanitary, water and storm services were adequate for the proposed development. In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on June 26, 2012, servicing allocation capacity for the development application has not been reserved nor assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development concept. Should the applications be approved, a Holding Symbol “(H)” must be placed on the proposed portion of the subject lands, to ensure that the proposed development does not proceed until City of Vaughan Council allocates servicing capacity. The condition for removing the Holding Symbol “(H)” will be Council's approval of the allocation for the proposed 250 apartment units.

Prior to the execution of the Site Plan Letter of Undertaking, site servicing plans and grading plans must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition to this effect has been included in the recommendation of this report.

###### b) Environmental Site Assessment (ESA)

The Phase 1 Environmental Site Assessment (ESA) Report dated October 2011, prepared by Watters Environmental Group Inc., was peer reviewed by Decommissioning Consulting Services Limited on July 25, 2012. All comments and recommendations provided by Decommissioning Consulting Services Limited shall be addressed by the Owner to the City's satisfaction.

As a part of a condition of the removal of the Holding Symbol “(H)” on the subject lands, the Owner must provide documented proof of the registration of the Record of Site Condition (RSC) with the Environmental Site Registry of the Ministry of the Environment (MOE), which includes the acknowledgement from the MOE and a signed RSC by a qualified person. A condition to this effect has been included in the recommendation of this report.

###### c) Traffic Study

The Transportation Study dated July 30, 2012, prepared by HDR, has been reviewed by the Vaughan Development/Transportation Engineering Department. The subject lands known as Rutherford Market Place is located at the northwest quadrant of Rutherford Road and Bathurst



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Street in the City of Vaughan. The Rutherford Market Place development was approved for 25,788 m<sup>2</sup> of commercial uses with no residential in May 2011. Based on the proposed changes, the proposed development will consist of a 12 storey high-rise residential condominium tower consisting of approximately 250 residential units, and 500 m<sup>2</sup> of retail uses.

The previously submitted report dated February 2008 included 25,788 m<sup>2</sup> of commercial and office uses with no residential. A comparison of trip generation for the current proposed residential development versus the approved commercial shows that the proposed site plan adds only 22 and 2 two-way trips during the AM and PM peak hours, respectively.

The commercial portion of the proposed development will be serviced via existing driveways to Rutherford Market Place which includes one full movement driveway on George Kirby Street; a right-in/right-out on Bathurst Street; and, two right-in/right-out driveways on Rutherford Road.

The residential development will be accessible by one full movement driveway on Ilan Ramon Boulevard, which will operate independently of the commercial driveways and provide direct access to an underground garage and surface drop-off/pick-up area to the front entrance of the building.

The revised traffic study did address the previous comments. The Development/Transportation Engineering Department accepts the assumptions utilized in the revised study and have no further comments, however, the application still requires review from the Region of York.

The Development/Transportation Engineering Department requests a commitment from the Owner for implementation and monitoring of the Transportation Demand Management (TDM) Program. As such, the City and/or Region may seek to enter into an agreement with the Owner for the total cost of the TDM measures to ensure completion of the TDM program for which the Owner will be required to deposit a Letter(s) of Credit. A condition to this effect has been included in the recommendation of this report.

#### d) Noise Study

A detailed noise study shall be submitted and approved by the Vaughan Development/Transportation Engineering Department to show the impact of the proposed building to the neighbouring existing residential units, as well as, the impact of the existing commercial to the proposed residential building to confirm that the City and MOE sound level criteria is met. A condition to this effect has been included in the recommendation of this report.

#### Vaughan Design Review Panel

The Vaughan Design Review Panel (DRP) reviewed the original development proposal on November 24, 2011. The DRP offered comments and suggestions regarding the original proposed 15 storey mixed-use residential/commercial apartment building.

The Owner addressed and revised the proposal to incorporate the comments of the Design Review Panel respecting the site organization and building elevations, as shown on Attachments #3, #5 to #9 and #11.

The revised proposal was reviewed by the Design Review Panel on November 29, 2012. The Panel was asked if the new design proposal positively responded to the Panel's professional guidance. The Panel acknowledged that the Owner's design team had appropriately responded to the comments made on November 24, 2011, specifically in terms of massing, public interface and site orientation.

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##### Vaughan Real Estate Division

The Vaughan Real Estate Division requires that 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. A condition to this effect is included in the recommendation of this report.

##### York Region District School Board

The York Region District School Board has no comments or concerns with respect to the applications.

##### Enbridge

Enbridge (Gas) has no comments or concerns with respect to the applications.

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

###### i) Lead and Promote Environmental Sustainability

The Owner has advised that the proposed mixed use building will be constructed to a LEED silver standard and will be incorporating the sustainable site and building features identified in this report.

The proposed development includes a three stream waste disposal system which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

The proposed landscape plan includes drought tolerant plant material/grey water irrigation/xeriscaping to promote water efficiency to encourage proper management of stormwater discharge into the City's natural corridors and sewer systems.

###### ii) Plan and Manage Growth & Economic Vitality

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

The development facilitates intensification to support the expansion of public transportation systems and alternative modes of transportation (e.g. cycling, walking, etc.).

##### Regional Implications

The Region of York has reviewed Official Plan Amendment File OP.11.013 and provided comments on August 14, 2012. The subject lands are designated "Urban Area" in the Region's Official Plan. Bathurst Street and Rutherford Road are identified as Local Corridors. The Region has confirmed that the proposed Official Plan Amendment is consistent with the Regional Official Plan policies that direct development to existing built up portions of urban areas and to locating higher density development adjacent to transit-intensive arterial roads.

The Region of York also reviewed related Zoning By-law Amendment Application Z.11.044 and Site Development Application DA.12.079 and provided preliminary comments and conditions as follows:

- i) Prior to the execution of the Regional Site Plan Agreement, the Owner shall submit plans and satisfy the Regional Municipality of York Transportation Services Department that a

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concrete pedestrian access connection from the building entrance to the sidewalk and/or bus stop on the Regional roadway, will be provided. From the building entrance to the sidewalk, the concrete pedestrian access connection shall be a privately owned and maintained by the Owner.

- ii) The Owner shall make provision for continuous flow-through circulation for YRT's Mobility Plus specialized vehicles within the property. Since the subject site will likely become a destination for residents/visitors with disabilities, servicing provision for passenger boarding and disembarking shall be provided at/near the primary entrance of the facility. Internal driveways and designated pick-up areas should be identified and to facilitate movement and circulation of Mobility Plus smaller buses/vehicles. Due to safety concerns, Mobility Plus fleet will not manoeuvre in reverse direction.
- iii) The Traffic Impact Study must be reviewed by the Infrastructure Planning Branch for the Transportation Demand Management measures. Their comments shall be provided at a later date.

The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department, including the execution of a Regional Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

#### **Conclusion**

The Ontario Municipal Board ("OMB") Hearing for the appeal of this matter is scheduled for November 26 to 29, 2013. To date, the appeal has not been resolved as between the parties. As a result, a Council position on the applications as reported on herein is required so as to ensure that City staff has clear direction on how to proceed before the OMB.

The Owner has submitted Official Plan Amendment File OP.11.013 to amend OPA #600 as amended by OPA #689, specifically to redesignate a portion of the subject lands, from "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential/Commercial", to facilitate the development of a 12-storey mixed-use residential/commercial apartment building consisting of 250 residential units, with a maximum density of 195 units per hectare and 500 m<sup>2</sup> ground floor retail/commercial uses. The Owner has also submitted Zoning By-law Amendment File Z.11.044 to rezone the subject lands from C4 Neighbourhood Commercial Zone to C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)" and to permit the necessary site-specific zoning exceptions, to facilitate the development of the site plan.

The Official Plan and Zoning By-law Amendment applications propose to implement a mixed-use residential and commercial development that meets the objectives of the Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe (the Growth Plan) by providing the opportunity for a mixed-use development that offers an alternative housing type and higher densities that are compact, pedestrian-friendly and transit-oriented, and which supports the City's and the Region's transit initiatives and development policies.

The Vaughan Development Planning Department has reviewed the applications and is satisfied that the proposed high-rise residential, mixed-use development, is appropriate and compatible with the existing and permitted uses in the surrounding area. The Development Planning Department can support the approval of Official Plan Amendment File OP.11.013, Zoning By-law Amendment File Z.11.044, and Site Development File DA.12.079, subject to the recommendations in this report.

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**Attachments**

1. Context Location Map
2. Location Map
3. Overall Site Plan
4. Previously Proposed Site Plan
5. Proposed Site Plan
6. Landscape Plan
7. Residential Building North & West Elevations
8. Residential Building South & East Elevations
9. Commercial Building “3” Elevations
10. Previous Rendered Elevations
11. Revised Rendered Elevations

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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.)