

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2016

Item 14, Report No. 7, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 16, 2016, as follows:

By approving the confidential recommendation in accordance with Communication C9 from the Deputy City Solicitor, dated February 16, 2016.

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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**

The Committee of the Whole recommends approval of 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 February 2, 2016:

Recommendation

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

1. THAT Official Plan Amendment File OP.15.003 (Berkley Commercial (Jane) Inc.) BE APPROVED, specifically to amend 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 on the subject lands shown on Attachments #1 and #2, to:
 - a) increase the maximum permitted Floor Space Index (FSI) from 2.5 FSI to 4.15 FSI; and,
 - b) include a site-specific definition of "net density" on the subject lands, in accordance with Table 1 of this report.
2. THAT the implementing site-specific Official Plan Amendment permit a maximum building height of 35-storeys (113m) on the subject lands.
3. THAT Zoning By-law Amendment File Z.15.008 (Berkley Commercial (Jane) Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from A Agricultural Zone to C9 (H) Corporate Centre Zone, with the Holding Symbol "(H)" and OS2 Open Space Park Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions, identified in Table 3 of this report, to facilitate the development of a 35-storey residential apartment building with 531 units (Building "A") and 62 three-storey townhouse units (back-to-back townhouse units: Buildings "B", "C", "D", "E", and "G"; and a standard townhouse block: Building "F") serviced by three levels of underground parking as shown on Attachments #3 to #5.
4. THAT the implementing Official Plan and Zoning By-law Amendments include the provision for a contribution, pursuant to Section 37 of the Planning Act, for the payment of \$135,000.00 towards, but not limited to, public art, cash contribution for community benefits, and enhanced streetscaping, to be applied within the boundary of the Vaughan Metropolitan Centre (VMC), that will be implemented through an agreement between the Owner and the City of Vaughan to be executed prior to final approval of the Official Plan and Zoning By-law Amendments. Payment of the Section 37 amount shall be prior to the issuance of the first Building Permit for any above grade structure(s).

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5. THAT Official Plan Amendment File OP.15.003 and Zoning By-law Amendment File Z.15.008 BE reserved servicing capacity from the York / Water Supply System for a total of 1,364 persons equivalent (593 units). This reservation shall automatically be revoked after a period of 12 months in the event that a Site Plan Agreement has not been executed.
6. THAT the implementing Official Plan Amendment shall not be adopted and the implementing Zoning By-law shall not be enacted by Vaughan Council until the Owner resolves their Ontario Municipal Board (OMB) appeal (Appeal #119) of Vaughan Official Plan 2010 (VOP 2010) and the VMC Secondary Plan to the satisfaction of the City Solicitor and Deputy City Manager, Planning and Growth Management.

Contribution to Sustainability

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

Goal 2: To ensure sustainable development and redevelopment

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

Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit
- Objective 3.3: Reduce single occupant vehicle (SOV) trips by supporting active transportation, car pooling and public transit

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

- i) as a transit-oriented development in the VMC, the proposed development will include pedestrian connections, transit information, including transportation demand measures (TDM) including bicycle parking;
- ii) the site is located adjacent to a naturalized vegetated buffer abutting the future improvements to Edgeley Pond. The proposed green roofs, permeable surface paving, high albedo paving and roofing materials will complement the planned environmental enhancements; and,
- ii) low flow fixtures, stormwater management and storm water re-use technology, high efficiency HVAC systems, energy efficient light fixtures and appliances, and water efficient and low maintenance planting.

Economic Impact

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

Communications Plan

On October 9, 2015, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands and advertised on the City's On-line Calendar and City Page, in the e-news

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City Update (e-mailed to over 8,000 subscribers), posted on the City's website at www.vaughan.ca, and posted on the City's Facebook and Twitter sites. A Notice Sign was also installed on the subject lands in accordance with the City's Notice Sign Procedures and Protocol.

The recommendation of the Committee of the Whole to receive the Public Hearing report of November 3, 2015, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on November 17, 2015. To date, no public comments have been received.

Purpose

To seek approval from the Committee of the Whole of the following applications for the subject lands, shown on Attachments #1 and #2, to permit a 35-storey residential building including an 8-storey podium with 531 apartment units (Building "A"), and 62 three-storey townhouse units (back-to-back townhouse units: Buildings "B", "C", "D", "E", and "G"; and a standard townhouse block (Building "F")) all with a total gross floor area (GFA) of 41,677 m² and serviced by three levels of underground parking, as shown on Attachments #3 to #5:

1. Official Plan Amendment File OP.15.003 to amend 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 permit an increase in the maximum permitted Floor Space Index (FSI) from 2.5 FSI to 4.15 FSI, and include a site-specific definition of "net density", in accordance with Table 1 of this report.
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 (H) Corporate Centre Zone, with the Holding Symbol "(H)" and OS2 Open Space Park Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions included in Table 3 of this report.

Background - Analysis and Options

Synopsis:

The Owner is proposing to amend the in-effect Official Plan (OPA #500 - The Vaughan Corporate Centre Plan, as amended) and the City's Zoning By-law 1-88 to facilitate a high density residential development in the Vaughan Metropolitan Centre (VMC) consisting of a maximum building height of 35-storeys, and a maximum density of 4.15 FSI. The Vaughan Development Planning Department supports the approval of the Official Plan and Zoning By-law Amendment applications since they implement a high density development in the VMC, the City's new downtown area.

Location

The subject lands are located on the southeast corner of Jane Street and the future extension of Portage Parkway, known municipally as 7895 Jane Street, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

The 1.18 ha subject lands are rectangular in shape and have approximately 90 m frontage on Jane Street and 126 m on the future Portage Parkway. The subject lands are located within the northern boundary of the VMC, which is the area envisioned as the future downtown for the City of Vaughan.

Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan Amendment Application in consideration of the following policies:

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a) Provincial Policy Statement 2014

The Provincial Policy Statement (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The PPS aims to achieve appropriate development while ensuring resources of provincial interest, public health and safety, and quality of natural environment are protected. All planning decisions in Ontario must be consistent with these policies.

The PPS includes policy direction related to building strong communities and encourages a variety of land uses within communities, including a range and mix of residential uses, and encourages development that make an efficient use of infrastructure. The proposed development is located in close proximity to the VMC Subway Station and the planned regional transit system and will promote a transit-supportive density for intensification and transit infrastructure investment. It accommodates a range of housing forms (apartment units, ground-related back-to-back townhouses, and traditional townhouses) that optimizes the existing and planned infrastructure.

The proposed development is consistent with the policies of the PPS, is transit-supportive, located within walking distance of major transportation infrastructure, and supports active transportation in an area targeted for intensification and infrastructure investment.

b) Growth Plan for the Greater Golden Horseshoe (2013)

The Provincial Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides direction on the management of growth within the Greater Golden Horseshoe and provides further direction (compact built form, vibrant and complete communities) in conjunction with the PPS. The Growth Plan contains principles that support intensification of the existing built-up areas, with focus on urban growth centres and supports the efficient use of land and infrastructure in order to ensure the development of healthy, safe, and balanced communities.

The development proposal conforms to the policy framework of the Growth Plan as it optimizes the use of the existing land supply within an urban growth centre (VMC), contributes to the objective of creating a compact complete community by providing transit-supportive development within 500 m of the VMC Subway Station and the planned regional transit system.

c) York Region Official Plan

The development proposal is located in the “Urban Area”, specifically identified as within a “Regional Centre”, in the partially approved York Region Official Plan (“Regional Plan”). Regional Centres are the primary locations identified for the most intensive and greatest mix of development in the Region. The policy framework of the Regional Plan includes an urban built form that is designed and oriented to people and the creation of attractive streets. The Regional Centre designation encourages the highest development densities and greatest mix of uses in York Region with a minimum density of 3.5 FSI per development block near the VMC Subway Station in order to facilitate a higher transit usage.

York Region has no objections to the Official Plan or Zoning By-law Amendment applications, subject to the comments in the Regional Implications section of this report. The York Region Development Review Committee considered Official Plan Amendment File OP.15.003 and determined that in accordance with Policy 8.3.8 of the Regional Plan,

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the proposed Amendment does not adversely affect Regional planning policies or interests. Furthermore, pursuant to Regional By-law A-0265-1999-017, Official Plan Amendment File OP.15.003 was exempted from approval by York Region Council on October 5, 2015.

The development proposal implements the policies of the Regional Plan being a high-density, transit-oriented residential development located within 500 m of the VMC Subway Station and the planned Regional Transit system in an identified Regional Centre. The proposed 4.15 FSI also exceeds the minimum prescribed Regional density of 3.5 FSI, and is within the maximum 5.0 FSI permitted in the partially approved VMC Plan in VOP 2010.

d) Portage Parkway Environmental Assessment (EA)

The Owner proposes access to the site from the future Portage Parkway, which is expected to be a municipal road with a 28 to 33 m right-of-way. The final Portage Parkway alignment is subject to the Portage Parkway EA, which will firmly establish the ultimate north property line of the subject lands. The portion of the EA east of Jane Street is expected to be completed by Q2-2016.

The north property limit illustrated in Attachment #3 represents the Owner's proposed Portage Parkway alignment option. The proposed development standards noted in Table 3 represent building setbacks to the final approved Portage Parkway EA alignment. The final approved alignment option may impact the property differently than illustrated on Attachment #3 requiring an adjustment(s) to the conceptual plan, which will be finalized through the Site Development process.

Additional details regarding the Portage Parkway EA is provided in the Vaughan Development Engineering and Infrastructure (DEIP) Department section of this report.

e) City of Vaughan Official Plan

The subject lands are split designated by the Official Plan, as shown on Attachment #2. The southerly two-thirds (0.82 ha) of the lands are 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. High density residential development is permitted in this designation. However, the Owner has submitted Official Plan Amendment File OP.15.003 to permit a maximum density of 4.15 FSI, whereas the in-effect plan permits a maximum 2.5 FSI, together with the site-specific definition of "net density", identified in Table 1.

The northerly one-third (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, as shown on Attachment #3. The Portage Parkway extension is subject to a current Environmental Assessment (EA) process, which is being led by the Vaughan Development Engineering and Infrastructure Planning (DEIP) Department, discussed later in this report.

The in-effect Plan does not specify a maximum building height in the "Corporate Centre Corridor" designation; however, to facilitate the proposed development and to better reflect the partially approved VMC Plan, a maximum permitted building height of 35-stores (113 m) will be included in the implementing Official Plan Amendment.

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The subject lands are designated “Station Precinct” (Neighbourhood 3) by the Vaughan Metropolitan Centre Secondary Plan (VMC Plan), which forms part of Volume 2 of the Vaughan Official Plan 2010 (VOP 2010) and permits a high density residential use on the subject lands. The VMC Plan received partial approval by the Ontario Municipal Board (OMB) on November 18, 2015. However, this property is still subject to a site-specific appeal filed by the Owner. The Owner is currently an appellant to the VMC Plan. The Owner will be required to resolve its OMB appeal prior to the adoption and enactment of the implementing site-specific Official Plan and Zoning By-law amendments.

Table 1 summarizes the site-specific amendments to the Official Plan required to facilitate the development proposal.

Table 1: Official Plan Amendment File OP.15.003	
Official Plan Policy OPA #500, as amended by OPA #528, OPA #663, and OPA #698	Proposed Amendment to OPA #500, as amended by OPA #528, OPA #663, and OPA #698
<p>Section 3.1.c, <u>General</u>, “Net developable lands – for the purposes of calculating Floor Space Index (FSI), net developable lands shall not include major distributor roads, city streets, valleys, woodlots, parks, open spaces (including stormwater management ponds), hydro easements, existing development, parks or school.”</p> <p>Section 3.4 <u>Corporate Centre Corridor</u>, Section 3.4.3 d):</p> <p>It is the intent of the City to achieve an average Floor Space Index of 1.5 on all lands designated “Corporate Centre Corridor”, although it is anticipated that development density may range from a minimum of 0.75 to a maximum of 2.5 Floor Space Index.</p> <p>Section 6.4.10, <u>Increased Height and Density By-law</u></p> <p>“a) The City shall establish appropriate height and density limits for individual sites in accordance with the provisions of the Corporate Centre Node, Corporate Centre District and Corporate Centre Corridor designations of this Plan. These heights and density limits shall be established in the implementing zoning by-laws.</p>	<p>Adding the following Paragraph 6.3c) to Section 6.3 <u>Site Specific</u> Policies, after 6.3b):</p> <p>“c) <u>7895 Jane Street</u>:</p> <p>i) Notwithstanding Policy 3.1.c), <u>General</u>, for the purposes of calculating the Floor Space Index (FSI), net developable land shall include the land used for buildings, private landscaped open space, off street parking and servicing areas, new city streets, city street widenings / extensions, but shall exclude street widenings acquired by a public authority through expropriation or acquisition for compensation, or dedication.</p> <p>ii) Notwithstanding Section 3.4.3 d) <u>Policies</u>, the maximum density shall be 4.15 FSI for the subject lands.</p> <p>iii) In accordance with Section 37 of the Planning Act, Vaughan Council may authorize an increase in building height in return for the provision of community benefits in the VMC. In addition to the community benefits identified in Policy 10.1.2.9 of Volume 1 of the Vaughan Official Plan that may qualify for bonusing, the following benefits may also qualify:</p>

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Table 1: Official Plan Amendment File OP.15.003	
Official Plan Policy OPA #500, as amended by OPA #528, OPA #663, and OPA #698	Proposed Amendment to OPA #500, as amended by OPA #528, OPA #663, and OPA #698
b) Further, and in accordance with Section 37 of the Planning Act, the City may, in a zoning by-law passed under Section 34 of the Planning Act, authorize increases in height and/or density otherwise permitted by the implementing zoning by-law that will be permitted in return for the provision of such services or matters as are set out in the by-law.”	<ul style="list-style-type: none"> • Subway entrances in buildings adjacent to Millway Avenue • Cultural facilities within the VMC, such as a performing arts centre, amphitheatre or museum • Special park facilities and improvements identified by the City as desirable for the VMC area, but which are beyond the City’s standard levels of service or facilities • Public amenities within identified environmental open spaces within the VMC, including but not limited to permanent pathways, recreational trails and bridges that are not accommodated by the City’s standard levels of service • Structured parking for vehicles and/or bicycles (below or above grade) to be transferred to a public authority for use as public parking • Streetscape, mews and open space design enhancements within the VMC that are above the City’s standard levels of service • Upgrades to community facilities within the VMC that are beyond the City’s standard levels of service • Other community facilities identified by the City as desirable for the VMC, but which are not accommodated in the City’s standard levels of service”

i) Increased Building Height and Density

A maximum building height is not stipulated in the in-effect plan; however, the partially approved VMC Plan restricts the maximum building height in the “Station Precinct” designation to 30-storeys.

The in-effect Official Plan includes a policy that the average density in the “Corporate Centre Corridor” designation shall be 1.5 FSI and be within the range of 0.75 to 2.5 FSI. The partially approved VMC Plan permits a maximum density of 5.0 FSI in the “Station Precinct” designation. Following the density calculation

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methodology identified in the VMC Plan, which includes the land used for buildings and new city streets (e.g. Portage Parkway 22 m conveyance), but excludes land for public parks (e.g. proposed OS2 Lands) and land area beyond the 22 m Portage Parkway conveyance, as shown on Attachment #3, the development proposal would yield the following density:

Table 2: Density Calculation		
1.	Total Site Area	11,788 m ²
2.	Total Gross Floor Area (GFA)	41,677 m ²
3.	Portage Parkway 22 m Conveyance	2,890.9 m ²
4.	Portage Parkway Beyond 22 m Conveyance	726.0 m ²
5.	Total Portage Parkway Area	3,616.9 m ²
6.	OS2 Open Space Park Zone Area ("OS2 Lands")	835.0 m ²
7.	Net Developable Area	7,336.1 m ²
8.	Net Developable Area + Portage Parkway 22 m Conveyance	10,227.0 m ²
Density (Include Portage Parkway 22 m Conveyance and excludes the OS2 Lands and Portage Parkway Beyond 22 m Conveyance)		4.1 FSI

To allow for flexibility related to the establishment of the final alignment of Portage Parkway, the Owner has requested that the maximum density on the subject lands be 4.15, or 0.05 FSI greater than what is indicated in Table 2. The Vaughan Development Planning Department has no objection to include this density flexibility in the site-specific Official Plan Amendment. As illustrated in Table 2, the proposed density of 4.15 FSI conforms to the VMC Plan, being a maximum of 5.0 FSI, but is higher than the maximum 2.5 FSI permitted in the in-effect Plan.

To meet urban design and built form objectives, the development proposal shown on Attachments #3 to #5 represents a collaborative effort between the Owner and City, which is supported by the Vaughan Design Review Panel, as discussed in this report, and includes the proposed 35-storey (113 m) residential building on a 8-storey podium. As a result, the Vaughan Development Planning Department has no objection to the proposed building height and density.

ii) Section 37 Contribution – Site-Specific Official Plan Amendment

The development proposal consists of a maximum building height of 35-storeys (113 m) that exceeds the maximum permitted building height of 30-storeys in the partially approved VMC Plan. Since the FSI requested is in keeping with the VMC Plan and since the Design Review Panel and staff recommended a taller, slender building, the FSI calculation in the Section 37 protocol relating to density increase does not apply. However, the City has requested a Section 37 payment for the increase in height. The Owner has agreed to enter into an agreement with the City of Vaughan pursuant to Section 37 of the Planning Act for the payment of \$135,000.00 in exchange for the increased maximum building height of 5 additional storeys on the subject lands.

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The policies and provisions respecting the Section 37 contribution payment will be included in the implementing site-specific Official Plan and Zoning By-law Amendments and may be directed towards, but not be limited to, public art, cash contributions for community benefits, and enhanced streetscaping, to be applied within the boundary of the VMC. A condition to this effect is included in the recommendation of this report.

In consideration of the Provincial and Regional policies encouraging intensification and transit supportive developments in the VMC, Official Plan Amendment File OP.15.003 can be supported.

f) Ontario Municipal Board (OMB) Appeal of VOP 2010

On May 21, 2013, the Owner appealed VOP 2010 as it applies to the subject lands to the Ontario Municipal Board (identified as Appeal #119 in the City of Vaughan List of VOP 2010 Appellants), which remains outstanding. Should Vaughan Council approve the applications, a condition of approval is included in the Recommendation section of this report requiring the Owner's appeal of VOP 2010 to be resolved to the satisfaction of the City Solicitor and the Deputy City Manager, Planning & Growth Management, prior to the adoption and enactment of the implementing site-specific amendments to the Official Plan and Zoning By-law.

g) Site-Specific Exceptions to Zoning By-law 1-88 - C9 Corporate Centre Zone

The Owner has submitted Zoning By-law Amendment File Z.15.008 to amend Zoning By-law 1-88 to permit the site-specific zoning exceptions to the C9 Corporate Centre Zone to facilitate the proposed development, as identified in Table 3. The inclusion of the Holding Symbol "(H)" will be discussed later in this section of the report.

Table 3: Zoning By-law Amendment File Z.15.008

	Zoning By-law 1-88 Standard	C9 Corporate Centre Zone Requirements	Proposed Exceptions to the C9 Corporate Centre Zone Requirements
a.	"Build to Zone" (along Jane Street, approx. 62 m in length - new property line)	80% (approximately 50 m) of the length of Jane Street shall have a building located within a "Build to Zone" of 0-3 m	Delete the "Build to Zone" provision in Schedule A2 and permit a minimum 2 m building setback to Jane Street
b.	"Build to Zone" (along Portage Parkway, approx. 126 m in length - new property line)	50% (approximately 63 m) of the length of Portage Parkway shall have a building located within a "Build to Zone" of 0-3 m	Delete the "Build to Zone" provision in Schedule A2 and permit a minimum 2 m building setback to the ultimate property line along Portage Parkway as established by the approved Portage Parkway EA

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c.	Minimum Yard Setbacks	Rear (East Property Line): 6 m Sight Triangle: 3 m	East Property Line: 2 m Sight Triangle: 0.5 m
d.	Minimum Setback to Portions of a Building Below Grade	1.8 m (along Jane Street and the future Portage Parkway)	0 m
e.	Encroachment (along sight triangle)	An uncovered balcony may encroach 1.8 m into a Front or Exterior Side Yard	An uncovered balcony located above grade level may also encroach 1.8 m into a sight triangle
f.	Maximum Building Height	25 m	113 m (35 storeys), excluding accessory roof construction, architectural elements, elevator(s), mechanical room, antenna, parapet wall or roof-top equipment
g.	Maximum Residential Density (m ² per unit)	Based on a net lot area of 7,398.5 m ² = 67m ² per unit (110 residential units)	Based on a net lot area of 7,398.5 m ² = 12.4 m ² per unit (593 residential units)
h.	Minimum Landscape Strip Width (along Jane Street)	6 m	2 m
i.	Definition of a Lot	“Lot” – means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent contemplated by Section 49 of the Planning Act, R.S.O. 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	The Subject Lands are deemed to be one Lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of plan of condominium, consent, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of this By-law.

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j.	Definition of Frontage on a Public Street	No Person shall erect any building or structure unless the lot upon which such building or structure is to be erected fronts upon a public street	No person shall erect any building or structure unless the lot upon which such building or structure is to be erected fronts upon a public street or a private condominium road
k.	Minimum Amenity Area	<p>For the 593 residential units, based on the following:</p> <p>15 m²/bachelor unit @ 218 units = 3,270 m²; 20 m²/one-bedroom unit @ 136 units = 2,720 m²; 55 m²/two-bedroom unit @ 177 units = 9,735 m²; 90 m²/three-bedroom unit @ 62 units = 5,580 m²;</p> <p>Total amenity area required = 21,305 m² or 35.9 m²/dwelling unit @ 593 units</p>	<p>Indoor Amenity = 803 m²; Outdoor Amenity and Plaza = 198m²; Landscaped area = 2,462m²; Private Balcony and Terraces = 6,661 m²; Green Roof = 793 m²;</p> <p>Total amenity area proposed = 10,917 m² or 18.4 m²/dwelling unit @ 593 units</p>
l.	Temporary Sales Office	Temporary offices for the sale of residential units shall be located within 100 m from the lands to be developed	Temporary offices for the sale of residential units shall be located within 300m of the subject lands
m.	OS2 Open Space Park Zone Boundary	Measured 10 m from the existing top-of-bank, as illustrated on Attachment #3	<p>Include the following provisions in the implementing site-specific Zoning By-law Amendment:</p> <p>“Prior to the execution of the Site Plan Agreement, the Owner shall submit the final reference plan that will establish the south property line, to the satisfaction of the City of Vaughan and the Toronto and Region Conservation Authority. For the purposes of this By-law, the C9 Corporate Centre Zone shall be interpreted to coincide with the south property line as established by the reference plan.”</p>

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The Vaughan Development Planning Department can support the proposed site-specific zoning by-law exceptions noted above for the following reasons:

i) Building Setbacks

The Vaughan Development Planning Department can support the proposed building setbacks shown on Attachment #3 and identified in Table #2. The proposed building setbacks will facilitate the development and encourage a comfortable pedestrian condition along the street and a physical relationship between the pedestrian realm and the built form that is conducive with the anticipated pedestrian volumes generated in the VMC.

A setback exception to the portion of the underground parking garage below grade is required to facilitate the efficient design of the garage which has been accommodated for other similar projects in the VMC. This exception minimizes the need for at-grade parking areas.

ii) Building Height

The Owner proposes a maximum building height of 35-storeys (113 m), exclusive of accessory roof construction, architectural elements, elevator(s), mechanical room, antenna, parapet wall or roof-top equipment. In addition to the policies of the PPS and the Growth Plan, more intense developments are supported in York Region's Official Plan, which identifies the subject lands as being located within a "Regional Centre".

VOP 2010 identifies the subject lands as being located within the VMC Plan Area where development density is supportive of public transit. The subject lands also front onto Jane Street and are within walking distance of the VMC Subway Station and regional transit facilities.

The Vaughan Development Planning Department has no objection to the proposed building height as it conforms and complies with the policies of the PPS, the Growth Plan, the Region's Official Plan, and is in keeping with the City's vision as identified in the VMC Plan.

iii) Maximum Residential Density

The proposed development includes a reduction in the maximum residential density from 67 m² per unit to 12.4 m² per unit. A total of 110 residential units are permitted as-of-right on the subject lands. The proposed development includes 593 residential units, which is an increase in residential density that is equivalent to 12.4 m² per unit. The proposed increase in density conforms and complies with the Provincial and Regional policies, and is in keeping with the partially approved VMC Plan and therefore, can be supported by the Vaughan Development Planning Department.

iv) Landscape Widths

The Vaughan Development Planning Department has no objection to the proposed reduced landscape strip width along the future Portage Parkway extension. The proposed landscape strip width will provide for an appropriate transition to the future collector road while facilitating the creation of an urban environment, consistent with an urban built form that is supportive of the proposed intensification and urbanization of the subject lands.

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v) Definitions

The proposed exception to the definition of a “lot” is required to ensure that for zoning purposes, the subject lands are deemed to be one lot. Given the nature of the proposed mixed-use development, which includes complex high density structures and shared connections, this exception is appropriate.

With respect to the definition of “frontage on a public street”, the proposed townhouses, with the exception of those units fronting onto the Portage Parkway extension (future public right-of-way), will front onto a private condominium road. This built form arrangement necessitates the proposed zoning exception.

vi) Minimum Amenity Area

Zoning By-law 1-88 requires that a minimum amenity area of 21,305 m² be provided on the subject lands, based on the calculations per unit type identified in Table 3. The Owner proposes an overall minimum amenity area ratio of 18.4 m² per dwelling unit, based on a net lot area of 7,398.5 m². The Vaughan Development Planning Department has no objection to the reduced amenity area ratio given that the proposed development is located within the City’s new downtown area with planned amenity spaces including the future Edgeley Pond and the planned public park on the south side of the subject lands.

vii) Temporary Sales Office

The Owner has advised that the subject lands would not be able to simultaneously accommodate a temporary sales office and a construction staging area. To encourage the momentum of growth in the VMC, the Vaughan Development Planning Department has no objection to an exception in the site-specific zoning by-law to permit the sale of residential units in a temporary sales office located within 300 m of the subject lands.

viii) OS2 Open Space Park Zone Boundary

The intent of the OS2 Open Space Park Zone is to appropriately zone the buffer lands that are currently established 10 m from the staked top-of-bank line, as shown on Attachment #3. The OS2 Open Space Park Zone lands form part of the enhanced Edgeley Pond Storm Water Management facility design, the design of which is currently being undertaken collaboratively with the Toronto and Region Conservation Authority (TRCA). The ultimate top-of-bank will be established upon completion of the detailed facility design which may result in the requirement to adjust the OS2 Open Space Park Zone boundary. The Vaughan Development Planning Department recommends the following provision be included in the site-specific Zoning By-law Amendment to address the final limit of the OS2 Zone:

“Prior to the execution of the Site Plan Agreement, the Owner shall submit the final reference plan that will establish the south property line, to the satisfaction of the City of Vaughan and the Toronto and Region Conservation Authority. For the purposes of this By-law, the C9 Corporate Centre Zone shall be interpreted to coincide with the south property line as established by the reference plan.”

In consultation with the TRCA, the Vaughan Development Planning Department considers the provision appropriate as it will allow Zoning By-law Amendment

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File Z.15.012 to proceed while the Edgeley Pond Storm Water Management facility design is being finalized and inform the future Site Development Application.

ix) C9 (H) Corporate Centre Zone with the Holding Symbol “(H)”

The Vaughan DEIP Department recommends the addition of the Holding Symbol “(H)” to the C9 Corporate Centre Zone on the subject lands to reserve servicing capacity in the interim until the formal allocation of water supply and sewage servicing capacity to the subject lands by Vaughan Council at the site development stage, if approved. The Vaughan DEIP Department has reserved from the York / Water Supply System for a total of 1,364 persons equivalent (593 units), which is discussed later in this report and reflected in the recommendation of this report.

h) Section 37 Contribution - Site Specific Zoning By-law

In keeping with the inclusion of broader Section 37 contribution policies in the VMC Plan, should the applications be approved, the site-specific implementing Official Plan and Zoning By-law amendments will identify the payment by the Owner to the City of \$135,000.00, as negotiated, in exchange for an increased building height of 5-storeys. The rate does not reflect higher rates which are applied when increases in building height/FSI are being sought. The payment will be directed towards one or more of the following community benefits:

- Subway entrances in buildings adjacent to Millway Avenue
- Cultural facilities within the VMC, such as a performing arts centre, amphitheatre or museum
- Special park facilities and improvements identified by the City as desirable for the VMC area, but which are beyond the City's standard levels of service or facilities
- Public amenities within identified environmental open spaces within the VMC, including but not limited to permanent pathways, recreational trails and bridges that are not accommodated by the City's standard levels of service
- Structured parking for vehicles and/or bicycles (below or above grade) to be transferred to a public authority for use as public parking
- Streetscape, mews and open space design enhancements within the VMC that are above the City's standard levels of service
- Upgrades to community facilities within the VMC that are beyond the City's standard levels of service
- Other community facilities identified by the City as desirable for the VMC, but which are not accommodated in the City's standard levels of service

The contribution will be implemented through an agreement between the Owner and the City of Vaughan prior to final approval of the Official Plan and Zoning By-law Amendments. Payment of the Section 37 amount to the City of Vaughan shall be prior to the issuance of the first Building Permit for any above grade structure(s). A condition to this effect has been included in the recommendation of this report.

i) Future Development Applications

Should Vaughan Council approve the Official Plan and Zoning By-law Amendment applications, the development of the subject lands will be processed through a future Site Development and Draft Plan of Condominium applications, which are subject to approval by Vaughan Council. The Site Development Application must take into account the findings of the Portage Parkway EA and the emerging design for the Edgeley Pond.

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j) Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Vaughan Development Planning Department, Urban Design and Cultural Heritage Division have advised that they have no objection to the development proposal, subject to the following:

- i) The subject lands are located in an area identified as being of high archaeological potential in the City's archaeological resource database. Should archaeological resources be found on the subject lands during the construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department shall be notified immediately.
- ii) In the event that human remains are encountered during the construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner, and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

Conditions to this effect will be included in the future Site Plan Agreement, should the subject applications and the future Site Development applications be approved.

k) Vaughan Design Review Panel

On April 30, 2015, and August 27, 2015, the Vaughan Design Review Panel (DRP) considered the proposed conceptual plans. The DRP provided several comments based on the following themes, including:

- i) Site Layout
 - Explore opportunities for the integration of the ground related units (Buildings "B" to "G") with the future condition of the park and Edgeley Pond
 - The proposed drop-off and loading areas at Building "A" can be improved with added views and pedestrian connections onto Edgeley Pond
 - The outdoor amenity on the south west corner of the property (along Building "A") can become a destination draw and welcome people to the future park
- iii) Landscape and Public Art
 - Opportunities should be sought to better integrate the development with the adjacent park and Jane Street
 - The creation of views towards the future park can be further developed
 - The lighting and night time expression of the buildings should be considered as an important element in the design
 - Adjacency to Edgeley Pond has provided a gratuitous amenity and the development proposal should reciprocate the park users with public amenities, in consideration of the cold season use of the future park
- iv) Architecture and Built Form
 - The south elevation facing Edgeley Pond can be improved with extension of the iconic architectural expressions from the north tower to the south portion of Building "A"
 - The Building "A" podium could accommodate more terracing
 - Blank facades along the ground related units (townhouses) should be addressed

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The Owner has addressed many of the DRP's comments, which will be further addressed in the consideration of the Site Development Application as a measure to improve on all aspects of the development.

l) Vaughan Development Engineering and Infrastructure Planning Department

The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department has provided the following comments:

i) Roads

The subject lands are bound on the west side by Jane Street and require access from the proposed easterly extension of Portage Parkway. Based on the VMC Plan, the extension of Portage Parkway shall maintain a 28 - 33 m right-of-way. The final road alignment will be subject to the completion of the Portage Parkway Environmental Assessment (EA). Furthermore, the sight triangle requirement at the Jane Street intersection will be subject to a detailed review by York Region at the site plan stage.

The EA for the Portage Parkway widening and extension to Creditstone Road is expected to be completed in Q2-2016. The EA, which was initiated in May 2015, completes the planning and design study process as per the Municipal Class Environmental Assessment October 2000, as amended in 2007 & 2011 and advances the implementation of Portage Parkway as a major collector with a planned 28 to 33 m right-of-way.

The EA will establish a preferred alignment and design for improvements for the widening of Portage Parkway from 2 to 4 lanes from Applewood Crescent to Jane Street (generally defined as Part A as subject to the EA process) and the extension from east of Jane Street across the Black Creek channel to Creditstone Road (generally defined as Part B as subject to EA process).

The EA will provide the detailed design that will identify property requirements and limits necessary for the City's public right-of-way for the widening, extension, and associated improvements. Alignments under consideration through the Environmental Assessment Study impact the subject lands and will necessitate land from the Owner for the establishment of the City's right-of-way, the final limits of which are subject to the EA study.

The EA work plan provides for comprehensive communication and consultation that include the stakeholders group comprised of property owners that meet at key study milestones and allows for individual focused meetings and discussions with impacted property owners. Consultation and discussions with the Owner are ongoing through focused meetings and discussions as well as a formal stakeholders group.

The EA will respond to the need to expedite the completion of design for Part B including the extension of Portage Parkway to an interim terminus east of Jane Street/ west of the Black Creek channel that is required to facilitate the proposed access to the subject lands.

The Owner is advised that the construction of the Portage Parkway extension east of Jane Street to an interim terminus/ cul-de-sac in conjunction with the proposed development is a required functional section in association with

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proposed development. The Owner is advised that the revised Transportation Impact Study, including the preparation of TDM Plan, will be required at the Site Development Stage.

ii) Environmental Site Assessment (ESA)

The Vaughan DEIP Department has advised that based on the Owner's submission of the Phase 1 and 2 Environmental Site Assessment, dated July 30, 2013, and September 25, 2013, respectively, and the Owner's Letter of Reliance dated September 28, 2015, they have no objection to the approval of the development proposal in this regard.

iii) Servicing

The Vaughan DEIP Department has confirmed reservation of servicing capacity from the York Water Supply System for a total of 1,364 persons equivalent (593 units). The reservation will be revoked after a period of 12 months in the event that a Site Plan Agreement has not been executed. A condition to this effect has been included in the recommendation of this report.

As part of the Site Development Application review, the Owner is advised that a Functional Servicing Report may be required as a condition of site plan approval to investigate potential interim servicing options in advance of full build-out and based on the current/relevant information for the on-going Portage Parkway Class EA Study.

Furthermore, the Vaughan DEIP Department has confirmed that the City has allotted sufficient servicing and sewage allocation for developments in the VMC, and therefore, a reservation can be made for this development proposal. A Holding Symbol "(H)" will be included in the site-specific implementing zoning by-law amendment which will be removed once a formal allocation is granted by Vaughan Council at the site development stage, if approved.

iv) Environmental Noise Impact Study

The Owner submitted a preliminary noise and vibration feasibility study, prepared by HGC Engineering, dated April 17, 2015, to verify the noise sources surrounding the subject lands. The report concluded that with the recommended noise mitigation measures, the resulting sound exposures are predicted to comply with MOE noise guidelines under the NPC-300 Class I (urban) environment.

The Vaughan DEIP Department has provided detailed comments on the noise and vibration feasibility study, which are being addressed by the Owner. The revised study must be peer reviewed at the site plan stage, to the satisfaction of the City of Vaughan.

v) Site Plan

For the future site development stage, the requirement of the temporary vehicular turn-around at the east terminus of the easterly extension of Portage Parkway will be reviewed. The Owner is advised that the final geotechnical and hydrogeological assessment, storm water management report, site servicing and grading plans, a composite utility plan, erosion and sediment control plan, and an external lighting plan must be submitted for approval, to the satisfaction of the Vaughan DEIP Department.

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m) Toronto and Region Conservation Authority

On September 20, 2007, the Toronto and Region Conservation Authority (TRCA) staked the top-of-bank and drip line of contiguous vegetation. The TRCA acknowledges the proposed work on the Edgeley Pond restoration and the public park immediately south of the subject lands. Though the development limits are typically established from the greater of the top-of-bank or drip line of contiguous vegetation, the TRCA agrees to the current development limits being established 10 m from the staked top-of-bank line, as shown on Attachment #3. Moreover, the TRCA has advised that any alterations to the OS2 Open Space Park Zone limits will require TRCA's approval, in addition to the City of Vaughan, as noted in Table 3 of this report.

The TRCA has no objection to the approval of Official Plan and Zoning By-law Amendment Files OP.15.003 and Z.15.008 provided that the buffer lands identified on Attachment #3 are zoned OS2 Open Space Park Zone.

n) NavCanada and Bombardier Aerospace

NavCanada is a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service (ANS). NAV Canada co-ordinates the safe and efficient movement of aircraft in Canadian domestic airspace and international airspace assigned to Canadian control. In a letter issued in December 7, 2015, NAV Canada has advised that they have no objection to the development proposal. NAV Canada's land use evaluation is valid for a period of 12 months of their notice and the assessment is limited to the impact of the proposed physical structure on the air navigation system and installations.

The Toronto Downsview Airport is located approximately 14 km southeast of the subject lands and the subject lands are located within the flight path of the airport. Bombardier Aerospace exclusively owns and operates the Toronto Downsview Airport. All development proposals within the flight path will require review by Bombardier Aerospace. In a memorandum dated November 6, 2015, Bombardier Aerospace advised they have no objection to the proposed development, provided that the proposed crane heights in conjunction with the future Site Development Application be reviewed by Bombardier Aerospace.

o) Canadian National Rail

Canadian National (CN) Rail has been consulted on the development applications and a copy of the Noise Report has been provided to CN. The noise report will be peer reviewed at the site development stage and any additional comments will be addressed at that time.

p) Vaughan Real Estate Department

The Vaughan Real Estate Department has provided the following condition, which will be addressed through the consideration of the future Site Development Application:

"For residential high-density development, the Owner shall pay to 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."

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q) Canada Post

Canada Post has reviewed the development proposal and indicated that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post specifications are met. The Owner is required to supply, install and maintain a centralized mailbox facility. These requirements will be addressed at the site development stage.

r) School Boards

The York Region District School Board has reviewed the development proposal and has advised that they will not require a public elementary school site within the proposed development. The York Region Catholic and the French School Boards have no comments or objections to the development proposal.

s) Utilities

PowerStream Inc. has indicated it has no objection to the approval of the development proposal. PowerStream advises that the development proposal must meet the clearances from their power lines (overhead and underground electrical distribution systems). It is the Owner's responsibility to contact PowerStream and discuss all aspects of the development proposal with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas has reviewed the development proposal and has no objections. It is the Owner's responsibility to contact Enbridge Gas with respect to installation and clearance requirements for service and metering facilities.

Bell Canada has reviewed the development proposal and has advised that an easement may be required to service the subject lands, depending on further detailed review.

All utility comments and requirements will be addressed at the site development stage.

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

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

- Facilitate the development of the VMC
- Improve the municipal road network
- Continue to develop transit, cycling and pedestrian options to get around the City
- Attract investment and create jobs

Regional Implications

The York Region Community Planning and Development Services Department has advised they have no objection to the development proposal. The Owner will be required to enter into a site plan agreement with York Region, prior to the issuance of site plan approval and/or the issuance of a Building Permit by the City of Vaughan. York Region, on November 9, 2015, has provided their comments on the proposed development. The following are some of the comments from York Region, which will be addressed at the future site development stage:

- a) York Region is protecting for a 49 m right-of-way for Jane Street to support future rapid transit and stations and will require all setbacks to be referenced from a point 24.5 m from the centre line of construction. The proposed setbacks from Jane Street reflect the

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right-of-way protection in the conceptual site plan shown on Attachment #3. The Owner will be expected to satisfy all environmental requirements for land conveyance to York Region;

- b) York Region advises that the proposed access onto Portage Parkway from the subject lands must be located a minimum of 60 m from the stop bar at the intersection of Jane Street and Portage Parkway and shall be restricted to right-in and right-out only;
- c) The Owner must submit a Transportation Demand Management Plan; and,
- d) The Owner must submit a Crane Swing Plan, certified by a qualified professional engineer, to the Region prior to the execution of the Region's site plan agreement, or the issuance of any conditional permits and commencement of any associated construction. Approved crane swing over the Regional right-of-way will require an encroachment agreement between the Region and the Owner. The encroachment agreement must be executed prior to the execution of the Region's site plan agreement, or the issuance of any conditional permits and commencement of any associated construction.

The Region will also provide additional comments through the site plan approval process.

Conclusion

The Vaughan Development Planning Department has reviewed Official Plan Amendment File OP.15.003 and Zoning By-law Amendment File Z.15.008 in consideration of the applicable Provincial policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context.

The Vaughan Development Planning Department is satisfied that the proposed Official Plan and Zoning By-law amendments will facilitate a development that is compatible with the surrounding area, optimize the existing and planned infrastructure, propose a density that supports public transit, and is consistent with Provincial policies and conforms to the York Region Official Plan. On this basis, the Vaughan Development Planning Department can support the approval of the Official Plan and Zoning By-law Amendments, subject to the conditions contained in this report.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Conceptual Site Plan and Proposed Zoning
- 4. Conceptual Perspective Renderings – Building "A"
- 5. Conceptual Perspective Rendering – Buildings "B" to "G" (Typical)

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.)