



## memorandum

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Item # 16  
Report # 9

**DATE:** March 14, 2013  
**TO:** Honourable Mayor & Members of Council  
**FROM:** John MacKenzie, Commissioner of Planning  
**RE:** Communication – Council Meeting, March 19, 2013

**COUNCIL – March 19, 2013**

Item #16, Committee of the Whole – February 26, 2013  
Official Plan Amendment File OP.11.007  
Zoning By-law Amendment File Z.11.032  
Site Development File DA.12.057  
1541677 Ontario Limited  
Ward 5 – Vicinity of Bathurst Street and Beverley Glen Boulevard

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### Recommendation

The Commissioner of Planning recommends:

1. THAT this Communication memorandum be received as information.

### Background

The above-noted applications were considered by the Committee of the Whole on February 26, 2013, and the following was resolved:

“That consideration of this matter be deferred for a maximum of one month to allow the applicant to address outstanding issues.”

On March 1, 2013, a meeting was held at City Hall that included the Local Ward 5 Councillor, Commissioner of Planning, Director of Development Planning, Staff Legal Counsel, and representatives of Liberty Development with their consultants and solicitor. At this meeting, the Local Councillor identified six (6) main issues to be discussed that included: (1) Woodlot; (2) Sustainability; (3) Retail; (4) Parking; (5) Shadow; and, (6) Height. The following was discussed at the meeting:

### Issue 1: Woodlot

There was concern that the height of the buildings would cast a shadow over the woodlot during the morning period and would negatively impact the health of the trees. In addition, the Councillor expressed an interest in whether trails that were sensitively designed might be accommodated around or through the woodlot. The Councillor and staff also suggested that additional trees be planted to increase the health and diversity of the woodlot. The applicant was asked to establish a baseline health of the woodlot as

peer-reviewed and confirmed by a third party landscape architect/arborist and undertaken prior to construction, with the health of the woodlot reviewed through yearly monitoring over a 10 year period. The applicant indicated that in their view there was no need to have a third party reviewer as they had retained a professional landscape architect for this project, who was qualified to assess the woodlot and to ensure its' health. At the meeting, Liberty provided the City with a letter from Paul Nodwell, Landscape Architect of Schollen & Company Inc., who indicated "that during non-dormant seasons, the woodlot would be in only part shadow very briefly in the early morning hours and that by 11:17 am, it would be entirely in sunlight... It is my professional opinion that the woodlot would not be adversely affected". The applicant indicated they would review the suggestion of baseline conditions and monitoring further and respond to the City.

On March 13, 2013, the applicant contacted staff to advise that Paul Nodwell had surveyed the woodlot over the past weekend and had prepared a report that they were currently reviewing and that once this report was finalized that it would be submitted to the City for further discussion. However, as of March 14, 2013, no further correspondence had been received. Any additional information received by staff will be provided in a separate Communication memorandum to Council.

Regarding the request to consider additional plantings around or within the woodlot, the applicant indicated their willingness to consider additional plantings and to work with the City on this issue provided that no new funds for plantings beyond what is proposed under the draft density bonusing agreement would be requested. Regarding the request to design new trails through the woodlot, the applicant raised concerns regarding the damage that new trails might cause to the woodlot. Although there was a lot of discussion on how the requests might be achieved, in the end, there was no consensus on the woodlot matters.

## Issue 2: Sustainability

There was concern that the building was not being constructed to a LEED standard. The applicant responded that in their view there could be an additional \$400,000 cost to build and register the project under the LEED program due in part to the costs and timing involved for third party testing, and that this amount would be better invested in sustainable initiatives within the project; that LEED is a voluntary program; that current Building Code requirements now rival or exceed LEED standards; and, that once the building was constructed and occupied that there would be no way of ensuring that the building would remain at a LEED standard. The applicant indicated that components of their development proposal would yield approximately 26-29 points under the LEED program and would be equivalent to LEED Bronze, and that they would be prepared to provide the City with a checklist showing what LEED items are being incorporated into the project.

The applicant indicated that in addition to the sustainable initiatives identified on Page 16.4 of the Committee of the Whole report, the project is to include two ZIP cars (car share), rainwater harvesting and green roofs, permeable pavers for the westerly pedestrian walkway connection to the park, and the

parking garage and some surface visitor parking spaces will include electrical conduits to facilitate future wiring of any parking space where a resident owns an electric car. These sustainable initiatives were identified as positive inclusions within the project.

There was no further discussion on these issues.

### Issue 3: Retail

Concern was raised with the viability of the ground floor retail units on the assumption of low pedestrian pass-by traffic and competition from large area retailers such as Walmart and stores within the Promenade Mall; the look of the retail units not having a traditional storefront appearance; and, the provision of sufficient public bicycle parking spaces near the retail stores. The applicant indicated that the proposed uses they are seeking would not be competing with the large retail stores and that they are receiving inquiries for business and professional offices, medical offices, convenience stores, dry cleaners, daycares, commercial and technical schools, and eating establishments requiring outdoor patios. The applicant wanted to retain the proposed commercial uses, which would service local clientele and be viable on this basis. There was no further discussion on this issue.

The applicant agreed to replace the flat continuous glass storefronts along Bathurst Street with each retail unit to have a unique design appeal and articulation and a defined separation between units. The detailed design of each storefront would be addressed through the finalization of the site plan drawings, to the satisfaction of the Development Planning Department and the Local Councillor, should the applications be approved.

The applicant indicated that the development would include public bicycle parking spaces near the retail stores and agreed to review appropriate dedicated bicycle parking locations with Development Planning staff through the finalization of the site plan drawings, should the applications be approved.

### Issue 4: Parking

Concern was raised that the proposed parking reduction is too low and that there would be an insufficient number of parking spaces on site to service the development. The applicant indicated that their proposed parking reduction and supply was based on a number of factors including a review of the parking situation in other Liberty buildings, and the Transportation Report and parking standards implemented along Centre Street a few years ago. The applicant noted that their consultant's transportation and parking study took into account the recent draft IBI Parking Study for the City, the application of TDM practices and shared use parking, and benefited from numerous discussions with the Vaughan Development/Transportation Engineering Department and the Region of York Transportation and Community Planning Department. Furthermore, as part of the transportation work, the applicant's transportation consultant (Cole Engineering) prepared a parking justification report that identified there was sufficient parking available for this development, as discussed on Pages 16.13, 16.16 and 16.21 of

the Committee of the Whole report. The applicant explained that the Cole Engineering report was reviewed to the satisfaction of the Vaughan Development/Transportation Engineering Department and the Region of York. There was no further discussion on this issue.

#### Issue 5: Shadow

Concern was raised that the shadows cast by a 25 storey building would negatively affect more homes than a 20 storey building. The applicant's architect (Kirkor) showed several computer generated shadow modeling diagrams for the June 21 and September 21 period at various intervals of the day between 9:00 am to 5:18 pm for both a 25 and 20 storey buildings. The diagrams showed very little difference in the length of the shadows cast in all directions around the site if the height of the building was lowered from 25 to 20 storeys. Given the general point tower shape of the 25 storey tower in contrast to a slab building (wall-like), the shadows that will be cast will be narrower and will move quicker over an area as time passes, resulting in a minimal number of homes being impacted by shadow during the day. The Councillor expressed his concern with the potential impact of shading of residents to the east and on the woodlot. There was no further discussion on this issue.

#### Issue 6: Height

Concern was raised with the height of the building. The Local Councillor asked that the height be reduced from 25 to 20 storeys, which was not accepted by the applicant. There was no further discussion on this issue, and the meeting ended.

#### Summary

On the six issues discussed above between the Local Councillor, City Staff and Liberty, there was either a general consensus on how the applicant could address these issues to improve the overall development proposal (Issue 2: implementing sustainability initiatives; and, Issue 3: providing unique retail storefronts and providing appropriate locations for public bicycle parking). There were also issues where there was a general understanding resulting in no further discussion (Issue 4: Parking; and, Issue 5: Shadow). However, there was no consensus on the first and last issues with respect to the health of the woodlot being in morning shadow (Issue 1: Woodlot) and lowering of the height of the building from 25 to 20 storeys (Issue 6: Height), respectively.

Should the applications be approved, Development Planning Staff will proceed to address those issues where there was consensus (implementing sustainability initiatives, providing unique retail storefronts, and providing appropriate locations for public bicycle parking) through the finalization of the site plan details for the development. On this basis, this Communication memorandum is being provided to Council as information.

Respectfully submitted,

  
*for* **JOHN MACKENZIE**  
**Commissioner of Planning**

GAU/

Copy to: Clayton Harris, City Manager  
Jeffrey A. Abrams, City Clerk  
Grant Uyeyama, Director of Development Planning