

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES SEPTEMBER 25, 2012**

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

***By receiving the following Communications:***

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

**4 OFFICIAL PLAN AMENDMENT FILE OP.11.013  
ZONING BY-LAW AMENDMENT FILE Z.11.044  
FCHT HOLDINGS (ONTARIO) CORPORATION  
WARD 4 – VICINITY OF BATHURST STREET AND RUTHERFORD ROAD**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated September 4, 2012, be approved;**
- 2) That the Ward Councillor be directed to convene meetings of the parties in furtherance of this application, as deemed appropriate;**
- 3) That the following deputations be received:**
  - 1. Mr. Ronald Richards, R.G. Richards & Associates, Sladeview Crescent, Mississauga, on behalf of the applicant;**
  - 2. Mr. Mark Jacobson, Dufferin Street, Maple;**
  - 3. Ms. Janis Silvestri, Little River Court, Maple;**
  - 4. Ms. Traci Shatz, George Kirby Street, Maple;**
  - 5. Ms. Heidi Zak, George Kirby Street, Maple;**
  - 6. Mr. Zev Zak, George Kirby Street, Maple;**
  - 7. Mr. Haim Ben-Ary, George Kirby Street, Maple;**
  - 8. Ms. Irina Oren, Okanagan Drive, Richmond Hill;**
  - 9. Mr. Dmitri Glaoubakh, George Kirby Street, Maple;**
  - 10. Mr. Stephen Roberts, Bentoak Crescent, Vaughan; and**
  - 11. Ms. Ronit Goldsmith, Marc Santi Boulevard, Maple; and**
- 4) That the following communications be received:**
  - C5. Gavin and Vashtie Singh, Maple, dated September 4, 2012; and**
  - C6. Mr. Serge Bykov, dated September 4, 2012.**

**Recommendation**

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.11.013 and Z.11.044 (FCHT Holdings (Ontario) Corporation) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

**Contribution to Sustainability**

The contribution to sustainability will be determined when the technical report is considered.

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES SEPTEMBER 25, 2012**

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#### **Economic Impact**

This will be addressed when the technical report is completed.

#### **Communications Plan**

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

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

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

The concerns identified in the correspondence are summarized as follows:

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

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

#### **Purpose**

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

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

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

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

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

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### EXTRACT FROM COUNCIL MEETING MINUTES SEPTEMBER 25, 2012

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

#### **Background - Analysis and Options**

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

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**Preliminary Review**

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

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

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### EXTRACT FROM COUNCIL MEETING MINUTES SEPTEMBER 25, 2012

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g.	Servicing	<ul style="list-style-type: none"> <li>Servicing Allocation must be identified and assigned to the development, if approved. Should servicing capacity not be available, the Holding Symbol “(H)” may be applied to the subject lands. Removal of the Holding Symbol “(H)” will be conditional on servicing capacity being allocated to the subject lands.</li> </ul>
h.	Sustainable Development	<ul style="list-style-type: none"> <li>Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved.</li> </ul>
i.	Future Site Plan Application	<ul style="list-style-type: none"> <li>A future Site Plan Application will be required, if the subject applications are approved, and will be reviewed to ensure appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, waste management and servicing and grading.</li> </ul>
j.	Future Condominium Application	<ul style="list-style-type: none"> <li>A future Draft Plan of Condominium Application will be required, if the subject applications are approved, to create a condominium corporation for the residential building.</li> </ul>
k.	Proposed Parking	<ul style="list-style-type: none"> <li>By-law 1-88 requires that 438 parking spaces be provided for the proposed development calculated as follows: <ul style="list-style-type: none"> <li>Residential Parking spaces – 1.5 spaces x 250 units = 375 spaces</li> <li>Visitor Parking spaces – 0.25 spaces x 250 units = 63 spaces</li> <li>Total Required Parking = 438 spaces</li> </ul> </li> <li>The Owner is proposing to accommodate 440 parking spaces for the residential apartment building on 3 levels of underground garage as follows: <ul style="list-style-type: none"> <li>1<sup>st</sup> level – shared parking comprised of 50 visitor parking spaces and parking for the commercial uses on the overall site; and,</li> <li>2<sup>nd</sup> and 3<sup>rd</sup> levels – 210 and 180 residential parking spaces, respectively.</li> </ul> </li> <li>Parking for the 650 m<sup>2</sup> of ground floor commercial uses in the proposed apartment building will be available either within the first level of the underground parking or on the general surface level commercial parking area.</li> <li>The appropriateness of the proposed shared commercial and visitor parking on Level 1 of the underground garage and the required easements to facilitate the plan will be reviewed for the development.</li> </ul>
l.	Commercial Gross Floor Area	<ul style="list-style-type: none"> <li>OPA #600, as amended by OPA #689, permits a maximum gross floor area of 28,535.61 m<sup>2</sup> on the entirety of the subject lands. The appropriateness of maintaining the permitted gross floor area on the balance of the subject lands, exclusive of the lands proposed to be redesignated, will be reviewed.</li> </ul>

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

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

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**Regional Implications**

The applications have been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

**Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

**Attachments**

1. Context Location Map
2. Location Map
3. Overall Site Plan
4. Partial Site Plan
5. Landscape Plan
6. East Elevation
7. West Elevation
8. South Elevation
9. North Elevation
10. Rendered Elevations
11. Rendered Elevations

**Report prepared by:**

Mary Caputo, Planner, ext. 8215  
Christina Napoli, Senior Planner, ext. 8483  
Mauro Peverini, Manager of Development Planning, ext. 8407

/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**From:** Racco, Sandra  
**Sent:** Tuesday, September 04, 2012 6:03 PM  
**To:** 'jeff levy'  
**Cc:** Fernandes, Sybil; Abrams, Jeffrey; Furfaro, Cindy  
**Subject:** RE: Seeking Your Input at Tonight's Public Hearing!

C	2
Item #	4
Report No.	35
Council - Sept 25/12	

Thank you Mr. Levy....your comments are duly noted and have been forwarded to the Clerks Dept. to be included.

*Sandra Yeung Racco*  
Councillor, Concord/North Thornhill  
City of Vaughan

*"For the Community"*

*"Don't be distracted by criticism. Remember that the only taste of success some people have is when they take a bite out of you"*

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**From:** jeff levy [mailto:levyjeffca@hotmail.com]  
**Sent:** Tuesday, September 04, 2012 4:45 PM  
**To:** Racco, Sandra  
**Subject:** RE: Seeking Your Input at Tonight's Public Hearing!


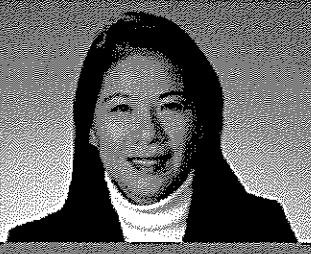
I oppose the development of subject lands and would like to add my name to the petition.

Thank you.

Jeff Levy

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Date: Tue, 4 Sep 2012 11:08:11 -0400  
From: W4.eneews@vaughan.ca  
To: levyjeffca@hotmail.com  
Subject: Seeking Your Input at Tonight's Public Hearing!

 <b>VAUGHAN</b>	<b>FOR IMMEDIATE RELEASE</b> Sandra Yeung Racco, Ward 4 Councillor	
September 4, 2012		
<b>Committee of the Whole Public Hearing Rutherford Market Place</b>		



**Time:** 7:00 p.m. to 9:00 p.m.

**Location:** Vaughan City Hall

Council Chambers

(Located on the Second Floor)

In addition to the community meeting that was held by the Developer on May 22, 2012, the required Public Hearing meeting under the Planning Act is scheduled for this evening to receive further comments from the residents. I urge you to come out and voice your opinion! If you are not able to attend please forward your comments via email.

For more information, click [here](#).

**Please invite your friends and neighbours to subscribe to my newsletter.**

**Please visit my Racco's Community Forum page on Facebook.**

**Contact my**

**Office:** Sandra Yeung  
Racco  
905-832-8585 ext. 8342  
[sandra.racco@vaughan.ca](mailto:sandra.racco@vaughan.ca)

**Executive**

**Assistant:** Cindy  
Furfaro-Benning  
905-832-8585 ext. 8198  
[cindy.furfaro@vaughan.ca](mailto:cindy.furfaro@vaughan.ca)

**Web Links:**

[City of Vaughan Website](#)  
[City Page Online](#) for City News  
[Region of York](#)  
[York Regional Police](#)  
[Vaughan Public Libraries](#)  
[Racco's Community Forum](#)  
Page on Facebook

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**From:** Racco, Sandra  
**Sent:** Tuesday, September 04, 2012 6:14 PM  
**To:** 'Matthew Ber'  
**Cc:** Furfaro, Cindy; Fernandes, Sybil; Abrams, Jeffrey  
**Subject:** RE: Committee of the Whole Public Hearing

C	<u>3</u>
Item #	<u>4</u>
Report No.	<u>35</u>
<u>Council - Sept 25/12</u>	

Thank you Mr. Ber .... your comments are duly noted and I have copied my Clerk's Department to include your comments on file.

*Sandra Young Racco*  
Councillor, Concord/North Thornhill  
City of Vaughan

*"For the Community"*

*"Don't be distracted by criticism. Remember that the only taste of success some people have is when they take a bite out of you"*

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**From:** Matthew Ber [mailto:matthew@carpetvilla.ca]  
**Sent:** Tuesday, September 04, 2012 3:52 PM  
**To:** Racco, Sandra  
**Subject:** Committee of the Whole Public Hearing

**RE: Committee of the Whole Public Hearing  
Rutherford Market Place**

The traffic is already terrible, I have to wait 5-8min in the morning to turn off my street. With all of the other buildings going into the area.... This space should be designated for retail plaza only..... (not like we need any more of that too).

Thank you,

Matthew Ber  
34 Carmel Street  
Maple, ON  
L6A 0W7

**Subject:** FW: 15 storey building on Bathurst/Rutherford plaza

C	<u>6</u>
Item #	<u>4</u>
Report No.	<u>35</u>
<u>Council - Sept 25/12.</u>	

**From:** yakov milner [mailto:yaacovmilner@hotmail.com]

**Sent:** Monday, September 10, 2012 8:51 AM

**To:** Caputo, Mary; Clerks@vaughan.ca

**Subject:** re: 15 storey building on Bathurst/Rutherford plaza , file: op.11.013 and z.11.044

Date: Sep 10, 2012

Dear Sir/Madam,

I am sending the letter to express my opinion regarding the attempt to build 15-storey condo building on the plaza Bathurst/Rutherford. Here are brief summary of negative points that will in result of this build:

1. Traffic concern, even today the place is very busy, plaza parking always full, George Kirby Street (where I am living) constantly used as a parking area to offload the plaza parking load.
2. It will increase the noise in the area
3. It will decrease the safety on adjacent street (George Kirby)
4. It will definitely lead to decreasing of my property value.

I am definitely against this project and would like to see here similar structures that already build on the plaza or may be more parking spots.

Thank You in advance

Yakov Milner

22 George Kirby Street

905-832-8318

<b>C 5</b> <b>COMMUNICATION</b>
CW (PH) - <b>SEPT 4/12</b>
ITEM - <b>4</b>

**From:** Gavin Singh [mailto:GavinSingh@ruggedcom.com]  
**Sent:** Tuesday, September 04, 2012 12:33 PM  
**To:** Racco, Sandra; Furfaro, Cindy  
**Cc:** vashtie@gmail.com  
**Subject:** RE: Rutherford Marketplace Re-zoning

Sandra/Cindy:

RE: Rutherford Marketplace Re-zoning

Thanks for the heads up. I will try to attend tonight but don't know if I will be able to make it, if not are you able to add my comments to the "file"?

My wife and I do not support re-zoning to allow for high-density residential – please leave the zoning as per the original plan.

I have the same concerns as the residents who signed and submitted a petition that is currently on file. Namely:

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

Regards,  
Gavin & Vashtie Singh

36 Black Maple Crescent  
Maple, ON  
Cell: 647-203-4166

**Gavin Singh, P.Eng**

Senior Hardware Engineer

RuggedCom Inc. | Tel: 905.482.4542 | Fax: 905.856.1995 | Email: [gavinsingh@ruggedcom.com](mailto:gavinsingh@ruggedcom.com) | Web: <http://www.ruggedcom.com>

300 Applewood Crescent  
Concord, ON, L4K 5C7  
Canada

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**RECEIVED**  
**SEP 4 - 2012**  
**CLERK'S DEPT.**

C 6	
COMMUNICATION	
CW(PH)	SEP 4/12
ITEM -	4

**From:** Serge Bykov [mailto:ddt101@yahoo.com]  
**Sent:** Tuesday, September 04, 2012 12:32 PM  
**To:** Racco, Sandra  
**Cc:** Furfaro, Cindy  
**Subject:** Re: Seeking Your Input at Tonight's Public Hearing!

Hi Sandra.

Thanks for forwarding the info. I will try to make it, but in case I cannot I'm forwarding my comments in this email.

I looked at some of the concerns forwarded by the 5 individuals living close to the area I do NOT support their views.

First off, the residents of Richmond Hill that are on the other side of Bathurst should not have full input into the matter as it is not their municipality. The reason being is that they do not contribute to the tax base of the City of Vaughan and thus have nothing to gain from extra residents contributing to the tax base. I pay over \$500 every month and watch it go up every year without receiving any extra services or even getting \$500 worth of services, thus I would like extra residents to dilute the tax base. Not to mention the developer fees that will be put in the city's account that should contribute to new schools and infrastructure in the area.

Moreover, extra density is good for surrounding businesses in the area as they will see more customers. And it is a very convenient development for the potential residents of the condos, especially elderly as they will have everything they may need right on the plaza without needing to drive. So the comment about extra traffic is a short sighted argument as unlike the residents of the houses that are FORCED (and let's not pretend that this is not true) to drive to any errand they have to run due to the structure of the city, the people living right on the plaza will always walk, thus reducing the traffic. In fact, I recommended these condos to my mother who is downsizing her Mississauga 60's lot to a condo as having a condo on such a big and complete plaza is uber-convenient.

The comment about privacy is also absurd, as our backyards are so shallow (110x45 lots) and the houses are so high now with 10'9" foot ceilings on each floor, that our backyards left their privacy in the 60's where all houses were bungalows and you couldn't see the neighbours house from your backyard. The 6' excuse of fence is in a way useless as a lot of the area where we live is on grade, thus completely eliminating backyard privacy. In fact I call for the 6' fence by-law to be abolished in favour of at least 7' if not higher - to cover off at least the line of sight from the neighbours first floor windows! I was cutting my lawn yesterday and could clearly have face-to-face contact with my backyard neighbour who was barbecuing - what kind of privacy is that?

The comment that it is not compatible is ridiculous as all we have is bunch of static ugly box houses (called houses) and box plazas sprawling the area and few nice building with nice grounds will only add to the urban feel of the city. The condos at Jane/Rutherford look great. The development will NOT negatively impact the quality of life. I think it will improve the quality of life as more businesses come to higher density areas that can support them. Thus reversing the comment that the area does not have amenities. Amenities come to areas that can support them, not the other way around. No one opens a business in the middle of the forest hoping for residents to come, it's the other way around.

RECEIVED

SEP 4 - 2012

CLERK'S DEPT

15 storeys is NOT too high. 35 storeys' maybe too high, but 15 is nothing!

Please allow the developer to build, and use the developer fees towards improving the transportation infrastructure of the area - multi storey parking at Rutherford go is way overdue!!! That over/under pass for the rail tracks is a great idea. Maybe an extra wing to a high school in the area?

Just to ensure that I'm not being viewed as a hypocrite, I live on Warbler Ave and can't wait for the Carville District centre project to be completed - preferably with some residential buildings. As I personally would love to walk to my errands and currently can't.  
I hope this notes makes it to your attention.

Regards,  
Serge Bykov

**4.      OFFICIAL PLAN AMENDMENT FILE OP.11.013  
ZONING BY-LAW AMENDMENT FILE Z.11.044  
FCHT HOLDINGS (ONTARIO) CORPORATION  
WARD 4 – VICINITY OF BATHURST STREET AND RUTHERFORD ROAD**

**P.2012.26**

**Recommendation**

The Commissioner of Planning recommends:

THAT the Public Hearing report for Files OP.11.013 and Z.11.044 (FCHT Holdings (Ontario) Corporation) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

**Contribution to Sustainability**

The contribution to sustainability will be determined when the technical report is considered.

**Economic Impact**

This will be addressed when the technical report is completed.

**Communications Plan**

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

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

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

The concerns identified in the correspondence are summarized as follows:

- i)      the proposal will result in increased traffic, on-street parking and congestion, noise and air pollution;
- ii)     the proposed building height and density is too high;
- iii)    the proposed building height will result in a loss of privacy of the abutting residents and will cast shadows on abutting residential development resulting in reduced exposure to sunlight;
- iv)    the development will negatively impact the quality of life for surrounding residents;

- v) there are insufficient amenities in the area to cope with the increase in the number of families;
- vi) the proposed development is not appropriate and compatible with the surrounding community that is developed with low density residential uses;
- vii) the proposal represents an overdevelopment of the site;
- viii) the site was only to be developed with commercial/retail uses; and,
- ix) the surrounding property values will decrease as a result of the development.

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

### **Purpose**

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

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

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



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

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

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

#### **Background - Analysis and Options**

<b>Location</b>	<ul style="list-style-type: none"> <li>Northwest corner of Bathurst Street and Rutherford Road, municipally known as 9300 – 9370 Bathurst Street, shown as “Subject Lands” on Attachments #1 and #2.</li> </ul>
<b>Official Plan Designation</b>	<ul style="list-style-type: none"> <li>The subject lands are designated “Medium Density Residential/Commercial” with a “Neighbourhood Commercial Centre” overlay by in-effect OPA #600, as amended by site-specific OPA #689.</li> <li>The “Medium Density Residential/Commercial” designation permits a maximum density of 40 units per hectare and a maximum residential building height to 4-storeys on the subject lands.</li> </ul>

	<ul style="list-style-type: none"> <li>OPA #600, as amended by site-specific OPA #689, permits the commercial uses on the overall subject lands; however, it restricts the commercial development to a maximum permitted gross floor area of 28,535.61 m<sup>2</sup>, which is not proposed to be changed for the reconfigured commercial lot.</li> <li>The proposal does not conform to the Official Plan.</li> <li>The subject lands are designated "Mid-Rise Mixed-Use" by the new Vaughan Official Plan 2010 (VOP 2010) as adopted by Vaughan Council on September 7, 2012 (as modified on September 7, 2011, March 20, 2012 and April 17, 2012) and is pending approval from the Ontario Municipal Board. VOP 2010 permits a maximum building height of 12-storeys and a maximum density of 3.5 FSI on the subject lands. The development proposal does not conform to VOP 2010, as it exceeds the maximum building height and density permitted on the property. The property is also subject to site-specific policy 13.7 of Volume 2 of VOP 2010, which was adopted by Vaughan Council on September 7, 2010 and which permits a maximum commercial gross leasable area of 26,800 m<sup>2</sup> on the entirety of the site.</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to Exception 9(1217).</li> <li>An amendment to Zoning By-law 1-88 is required to permit the proposed 15-storey mixed-use apartment building and to permit the site-specific zoning exceptions to facilitate the proposed plan.</li> <li>The proposed development does not comply with Zoning By-law 1-88, and therefore, amendments to the Zoning By-law are required.</li> </ul>
Surrounding Land Uses	<ul style="list-style-type: none"> <li>Shown on Attachment #2.</li> </ul>

### **Preliminary Review**

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

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

	MATTERS TO BE REVIEWED	COMMENTS
h.	Servicing	<ul style="list-style-type: none"> <li>Servicing Allocation must be identified and assigned to the development, if approved. Should servicing capacity not be available, the Holding Symbol "(H)" may be applied to the subject lands. Removal of the Holding Symbol "(H)" will be conditional on servicing capacity being allocated to the subject lands.</li> </ul>
i.	Sustainable Development	<ul style="list-style-type: none"> <li>Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved.</li> </ul>
j.	Future Site Plan Application	<ul style="list-style-type: none"> <li>A future Site Plan Application will be required, if the subject applications are approved, and will be reviewed to ensure appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, waste management and servicing and grading.</li> </ul>
k.	Future Condominium Application	<ul style="list-style-type: none"> <li>A future Draft Plan of Condominium Application will be required, if the subject applications are approved, to create a condominium corporation for the residential building.</li> </ul>
l.	Proposed Parking	<ul style="list-style-type: none"> <li>By-law 1-88 requires that 438 parking spaces be provided for the proposed development calculated as follows: <ul style="list-style-type: none"> <li>Residential Parking spaces – 1.5 spaces x 250 units = 375 spaces</li> <li>Visitor Parking spaces – 0.25 spaces x 250 units = 63 spaces</li> <li>Total Required Parking = 438 spaces</li> </ul> </li> <li>The Owner is proposing to accommodate 440 parking spaces for the residential apartment building on 3 levels of underground garage as follows: <ul style="list-style-type: none"> <li>1<sup>st</sup> level – shared parking comprised of 50 visitor parking spaces and parking for the commercial uses on the overall site; and,</li> <li>2<sup>nd</sup> and 3<sup>rd</sup> levels – 210 and 180 residential parking spaces, respectively.</li> </ul> </li> </ul>

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> <li>▪ Parking for the 650 m<sup>2</sup> of ground floor commercial uses in the proposed apartment building will be available either within the first level of the underground parking or on the general surface level commercial parking area.</li> <li>▪ The appropriateness of the proposed shared commercial and visitor parking on Level 1 of the underground garage and the required easements to facilitate the plan will be reviewed for the development.</li> </ul>
j.	Commercial Gross Floor Area	<ul style="list-style-type: none"> <li>▪ OPA #600, as amended by OPA #689, permits a maximum gross floor area of 28,535.61 m<sup>2</sup> on the entirety of the subject lands. The appropriateness of maintaining the permitted gross floor area on the balance of the subject lands, exclusive of the lands proposed to be redesignated, will be reviewed.</li> </ul>

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

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

#### **Regional Implications**

The applications have been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

#### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Overall Site Plan
4. Partial Site Plan
5. Landscape Plan
6. East Elevation
7. West Elevation
8. South Elevation
9. North Elevation
10. Rendered Elevations
11. Rendered Elevations

**Report prepared by:**

Mary Caputo, Planner, ext. 8215

Christina Napoli, Senior Planner, ext. 8483

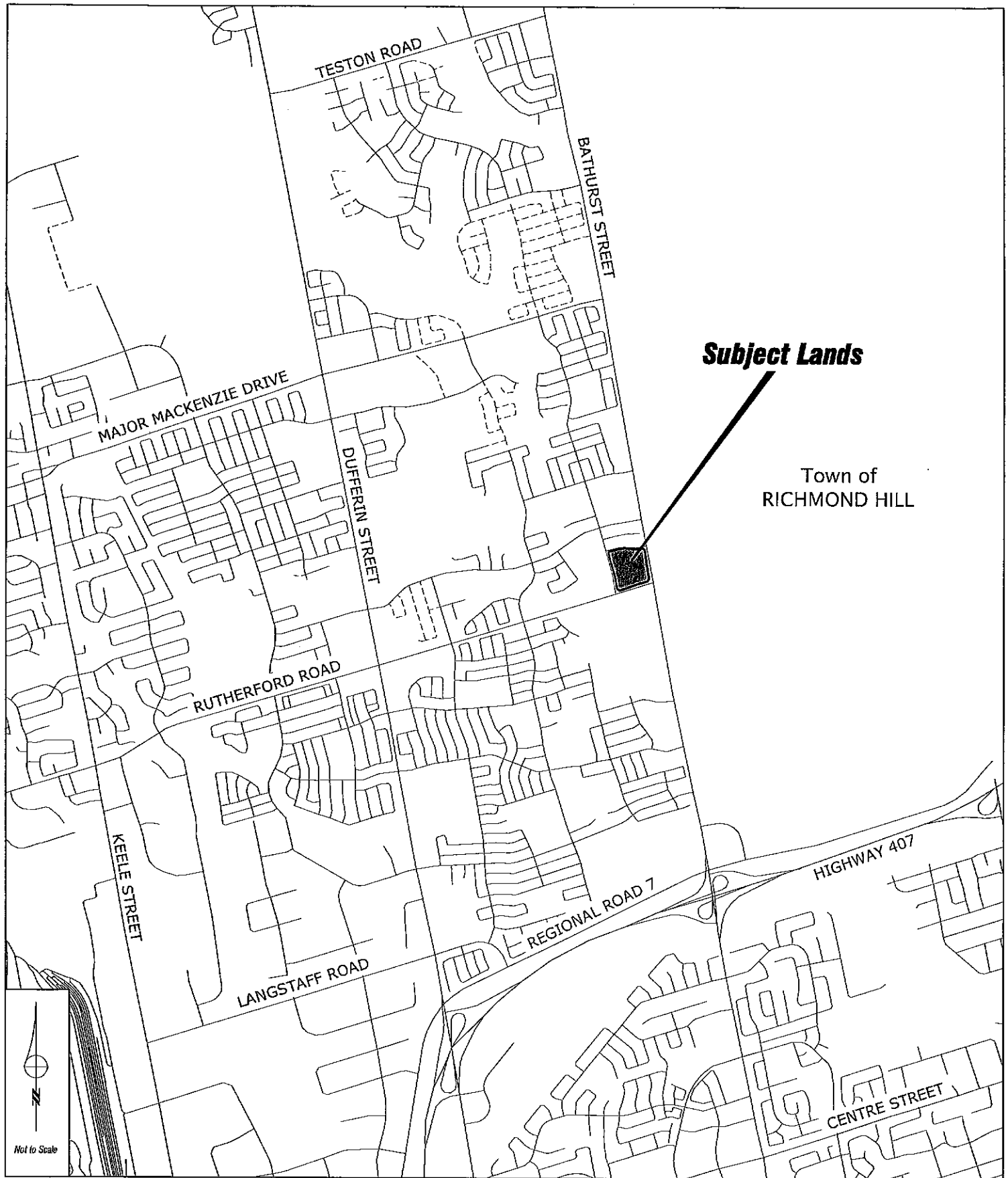
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE  
Commissioner of Planning

/CM

GRANT UYHEYAMA  
Director of Development Planning



## Context Location Map

LOCATION:  
Part of Lot 16, Concession 2

APPLICANT:  
FCHT Holdings (Ontario) Corporation

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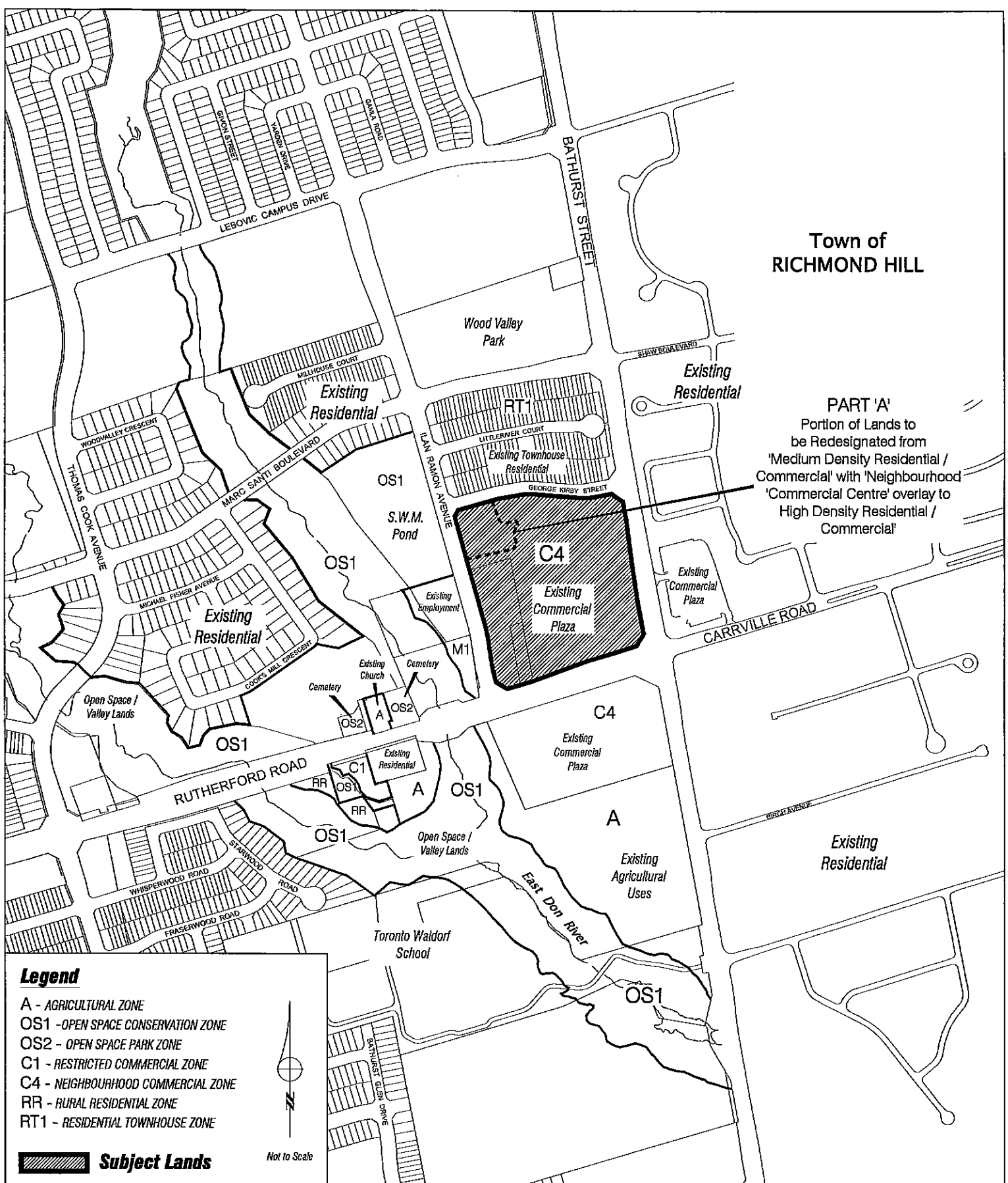


## Attachment

FILES:  
OP.11.013 & Z.11.044

DATE:  
August 03, 2012

1



## Location Map

**LOCATION:**  
Part of Lot 16, Concession 2

**APPLICANT:**  
FCHT Holdings (Ontario) Corporation

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August 03, 2012

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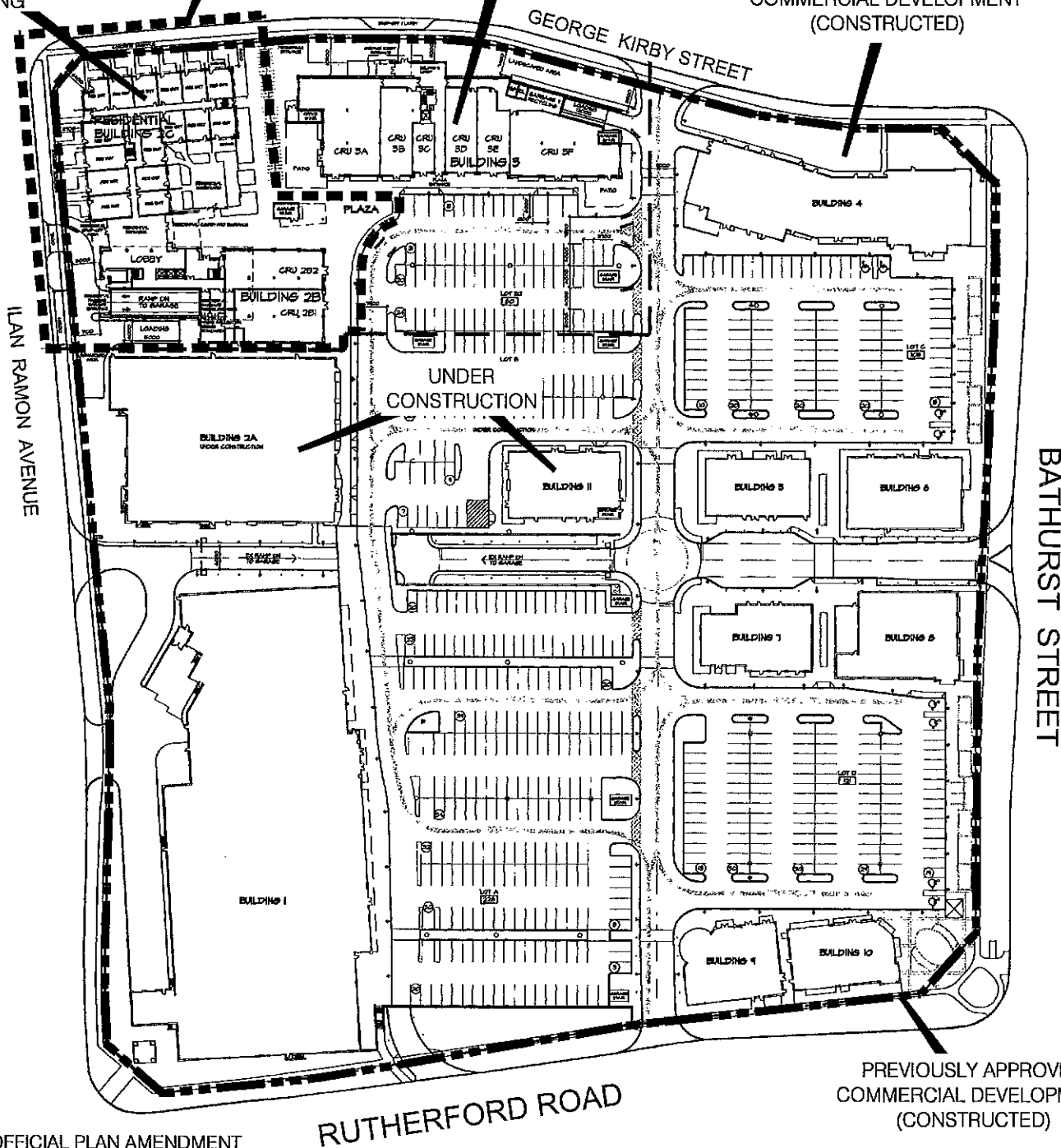


PROPOSED  
RESIDENTIAL  
BUILDING

PART 'A'

PREVIOUSLY APPROVED COMMERCIAL  
BUILDING (NOT CONSTRUCTED)

PREVIOUSLY APPROVED  
COMMERCIAL DEVELOPMENT  
(CONSTRUCTED)



Not to Scale

# OFFICIAL PLAN AMENDMENT

Amend OPA 600, as amended by Site Specific OPA 689 to:

- Redesignate the northwest portion of the Subject Lands (Part 'A') from 'Medium Density Residential / Commercial' with a 'Neighbourhood Commercial' overlay to 'High Density Residential / Commercial';
- Permit a maximum building height on the redesignated lands of 15 storeys and 57m; and,
- Permit a maximum density of the redesignated lands of 431 units per hectare and a floor space index of 3.91 FSI.

## SUBJECT LANDS

### ZONING BY-LAW AMENDMENT

Amend Zoning By-Law 1-88, specifically the C4 Neighbourhood Commercial Zone, subject to Exception 9(1217), to permit a 15 storey residential apartment building with the site-specific zoning exceptions to implement the proposed development.

## Overall Site Plan

LOCATION:  
Part of Lot 16, Concession 2

APPLICANT:  
FCHT Holdings (Ontario) Corporation

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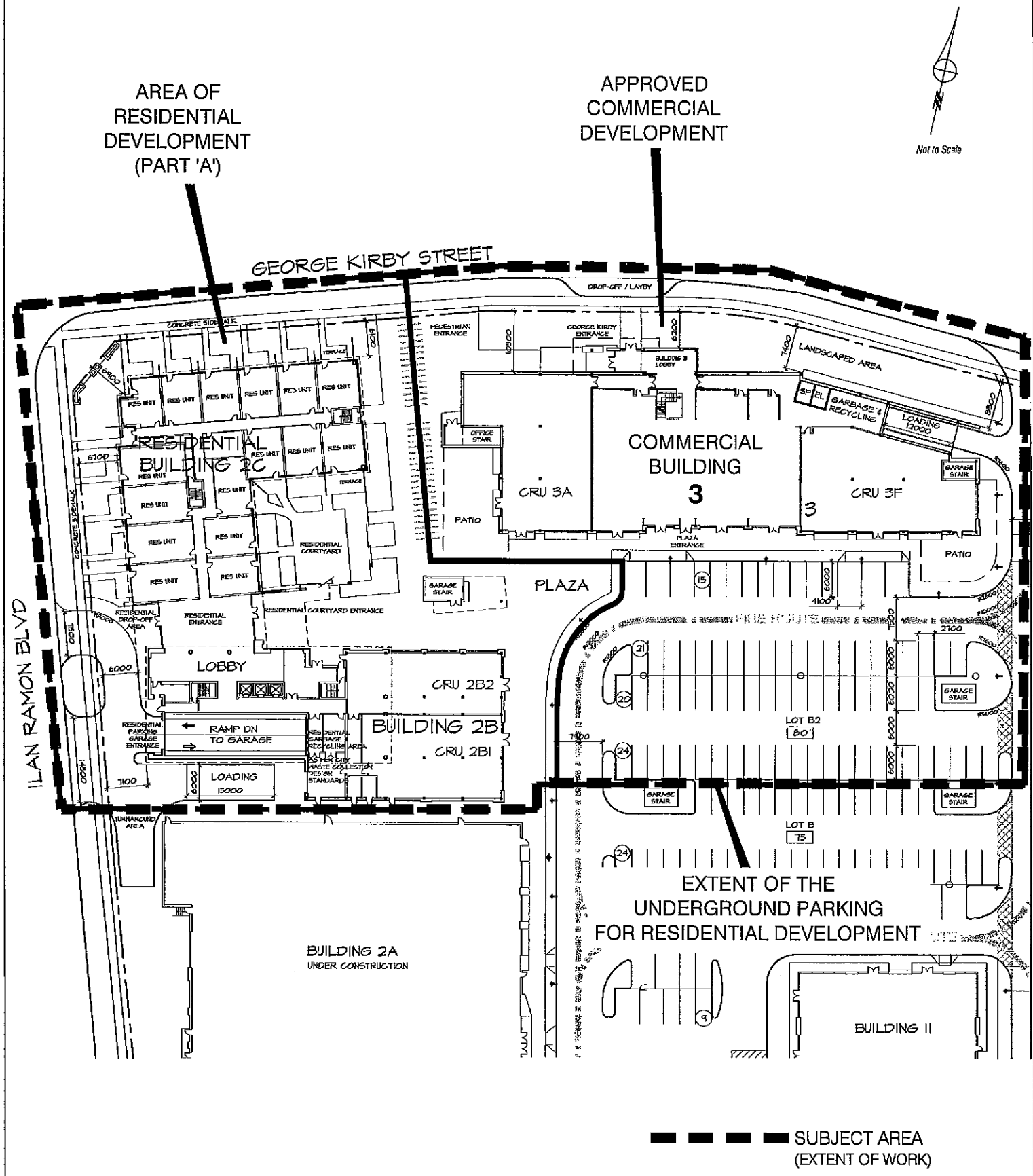


## Attachment

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OP.11.013 & Z.11.044

DATE:  
August 03, 2012

3



## Partial Site Plan

LOCATION:  
Part of Lot 16, Concession 2

APPLICANT:  
FCHT Holdings (Ontario) Corporation

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## Attachment

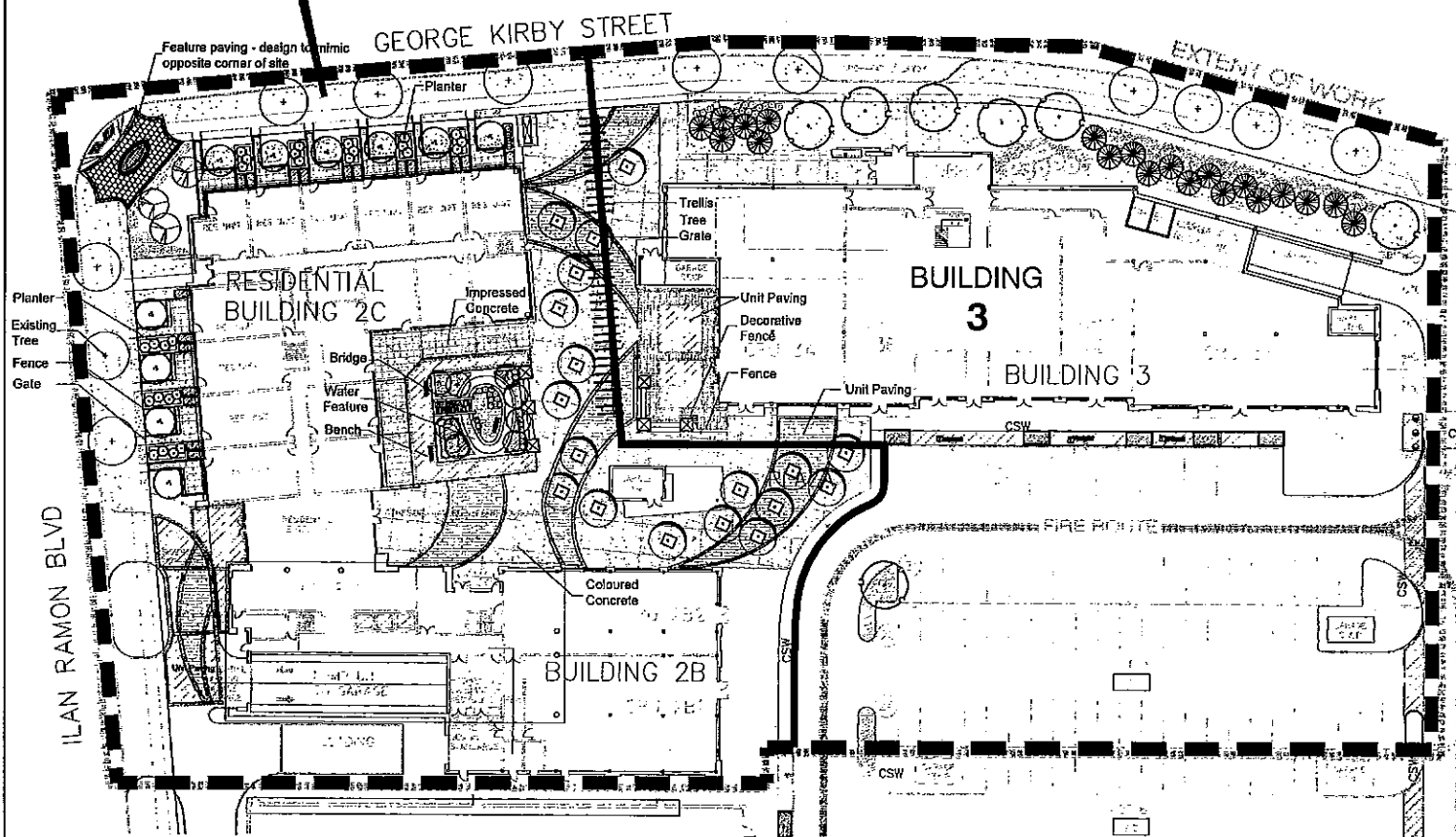
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DATE:  
August 03, 2012

**4**

AREA OF  
RESIDENTIAL  
DEVELOPMENT  
(PART 'A')

Not to Scale



--- SUBJECT AREA  
(EXTENT OF WORK)

## Landscape Plan

LOCATION:  
Part of Lot 16, Concession 2

APPLICANT:  
FCHT Holdings (Ontario) Corporation

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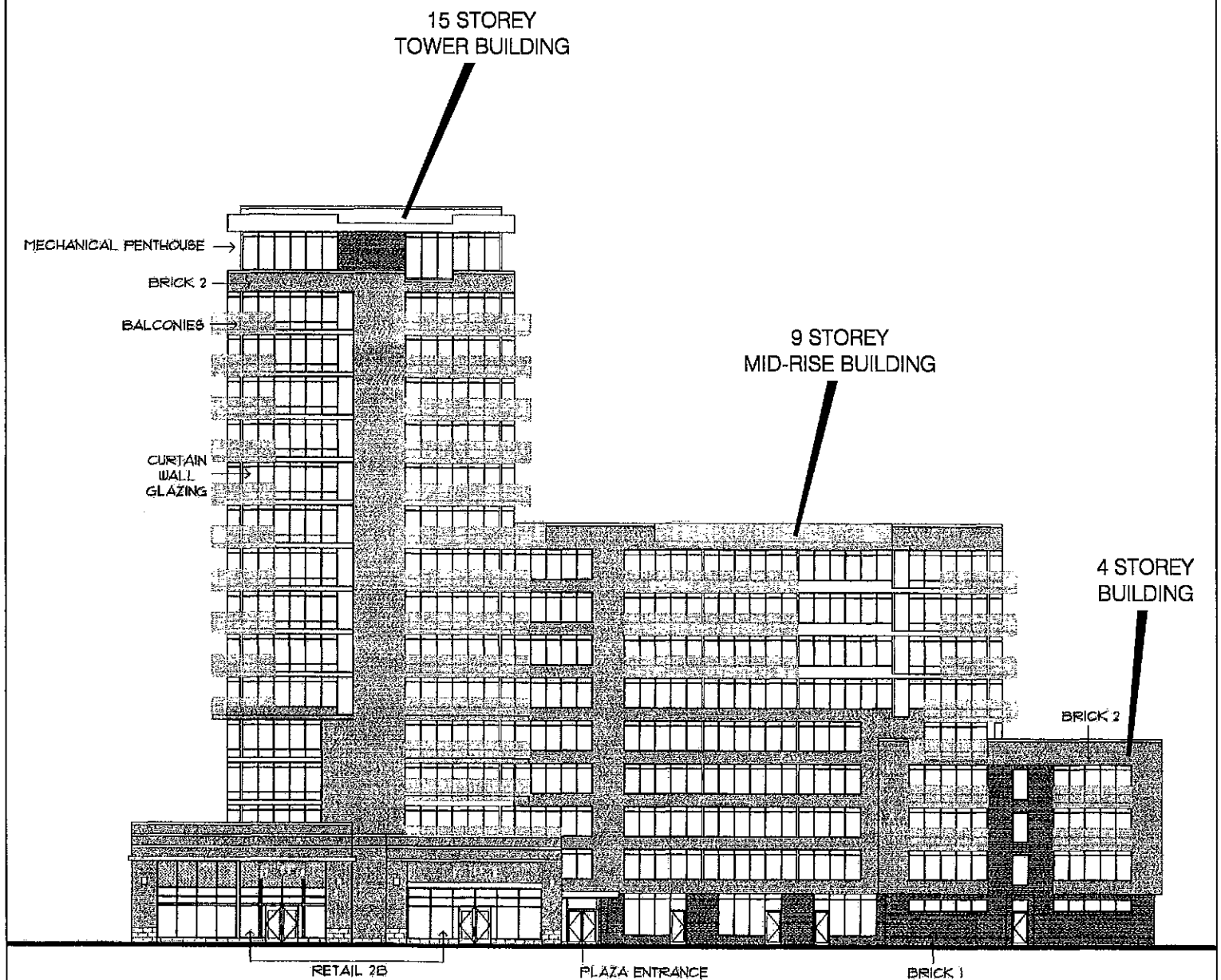


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OP.11.013 & Z.11.044

DATE:  
August 03, 2012

5



EAST ELEVATION (FACING FUTURE COMMERCIAL DEVELOPMENT & BATHURST STREET)

*Not to Scale*

## East Elevation

**LOCATION:**  
Part of Lot 16, Concession 2

**APPLICANT:**  
FCHT Holdings (Ontario) Corporation

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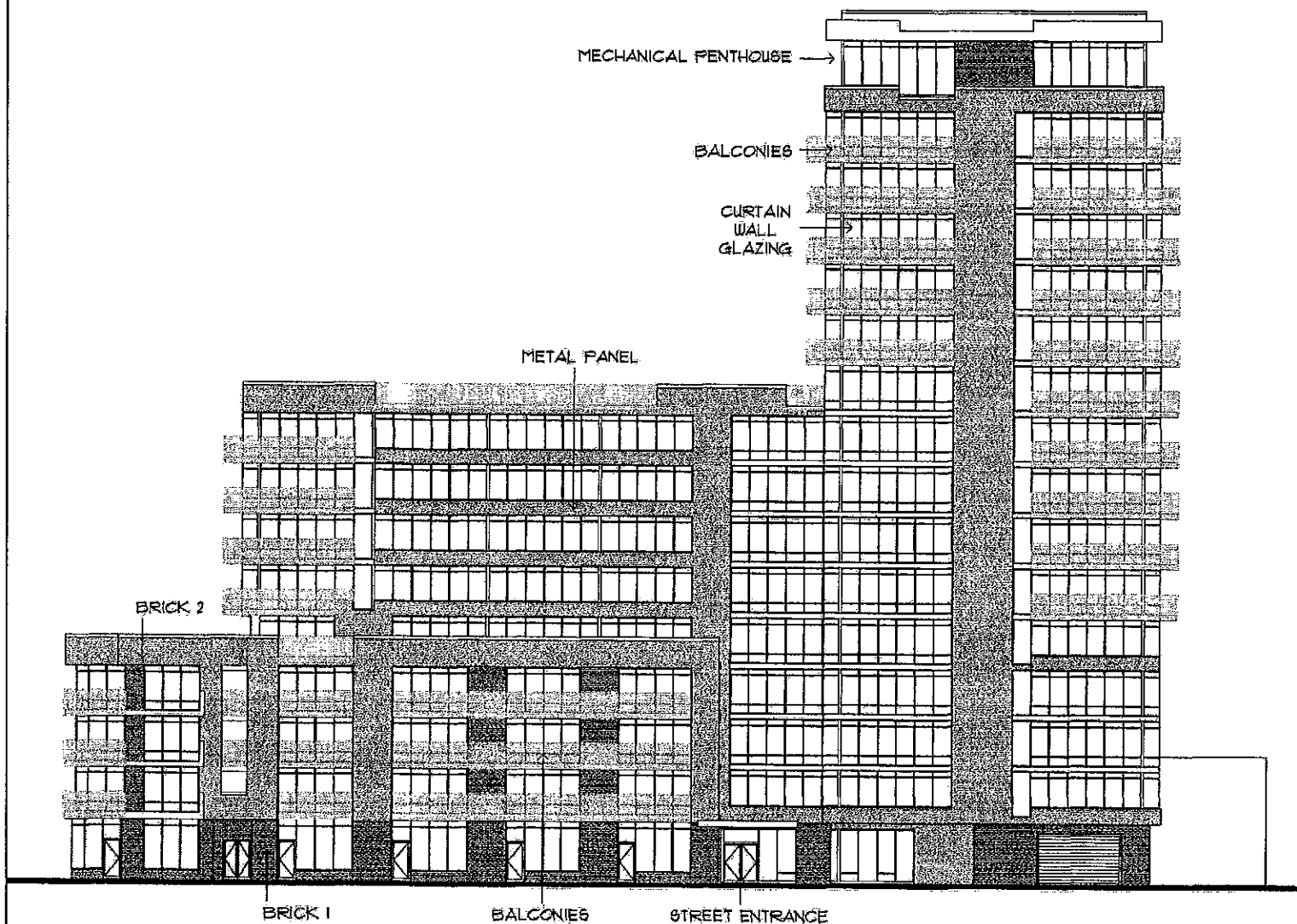


## Attachment

**FILES:**  
OP.11.013 & Z.11.044

**DATE:**  
August 03, 2012

# 6



WEST ELEVATION (FACING ILAN RAMON BOULEVARD)

Not to Scale

## West Elevation

LOCATION:  
Part of Lot 16, Concession 2

APPLICANT:  
FCHT Holdings (Ontario) Corporation

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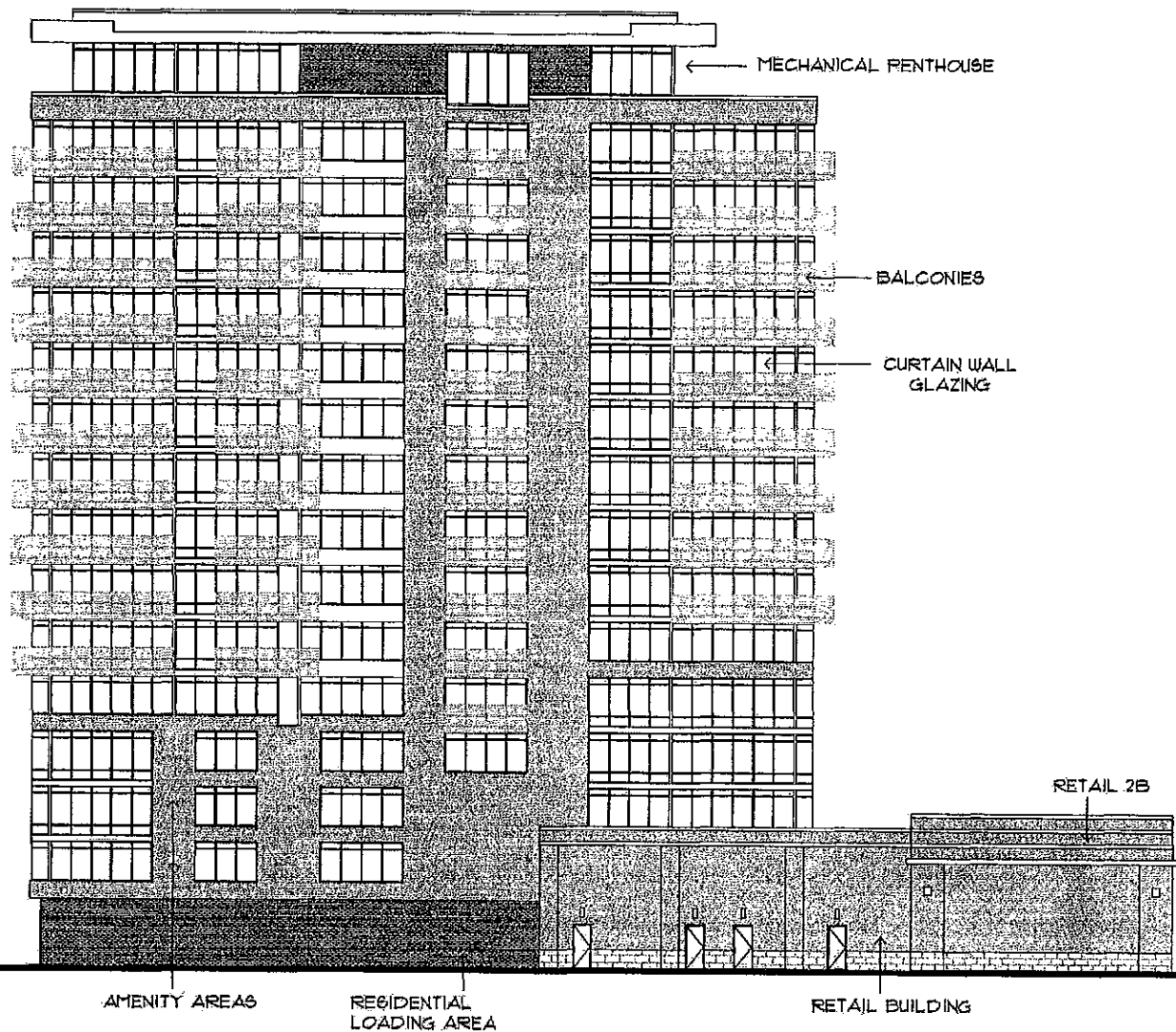


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DATE:  
August 03, 2012

7



**SOUTH ELEVATION** (FACING EXISTING COMMERCIAL DEVELOPMENT)

*Not to Scale*

## South Elevations

**LOCATION:**  
Part of Lot 16, Concession 2

**APPLICANT:**  
FCHT Holdings (Ontario) Corporation

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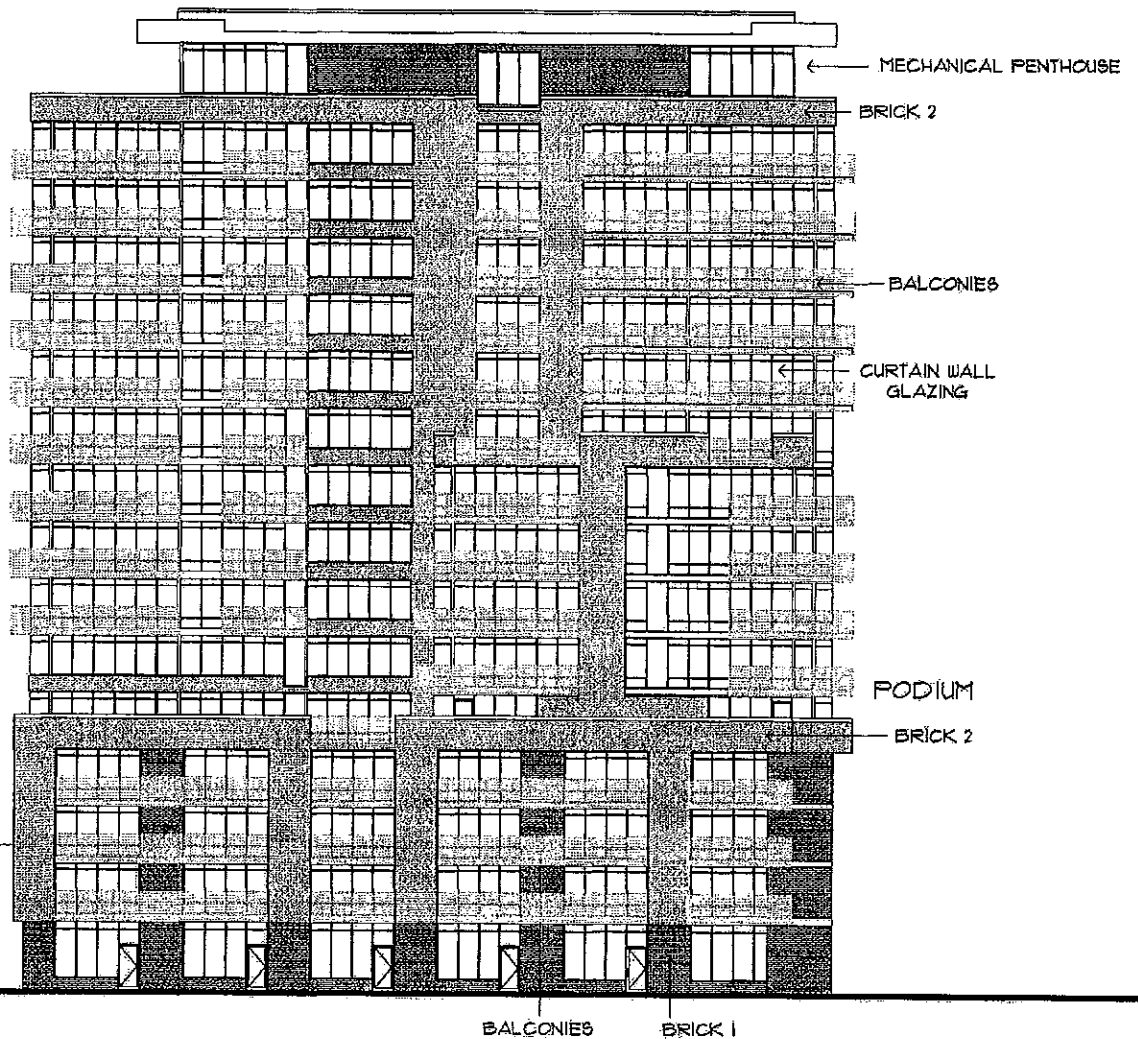


**Attachment**

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OP.11.013 & Z.11.044

**DATE:**  
August 03, 2012

**8**



NORTH ELEVATION (FACING GEORGE KIRBY STREET)

*Not to Scale*

## North Elevations

LOCATION:  
Part of Lot 16, Concession 2

APPLICANT:  
FCHT Holdings (Ontario) Corporation

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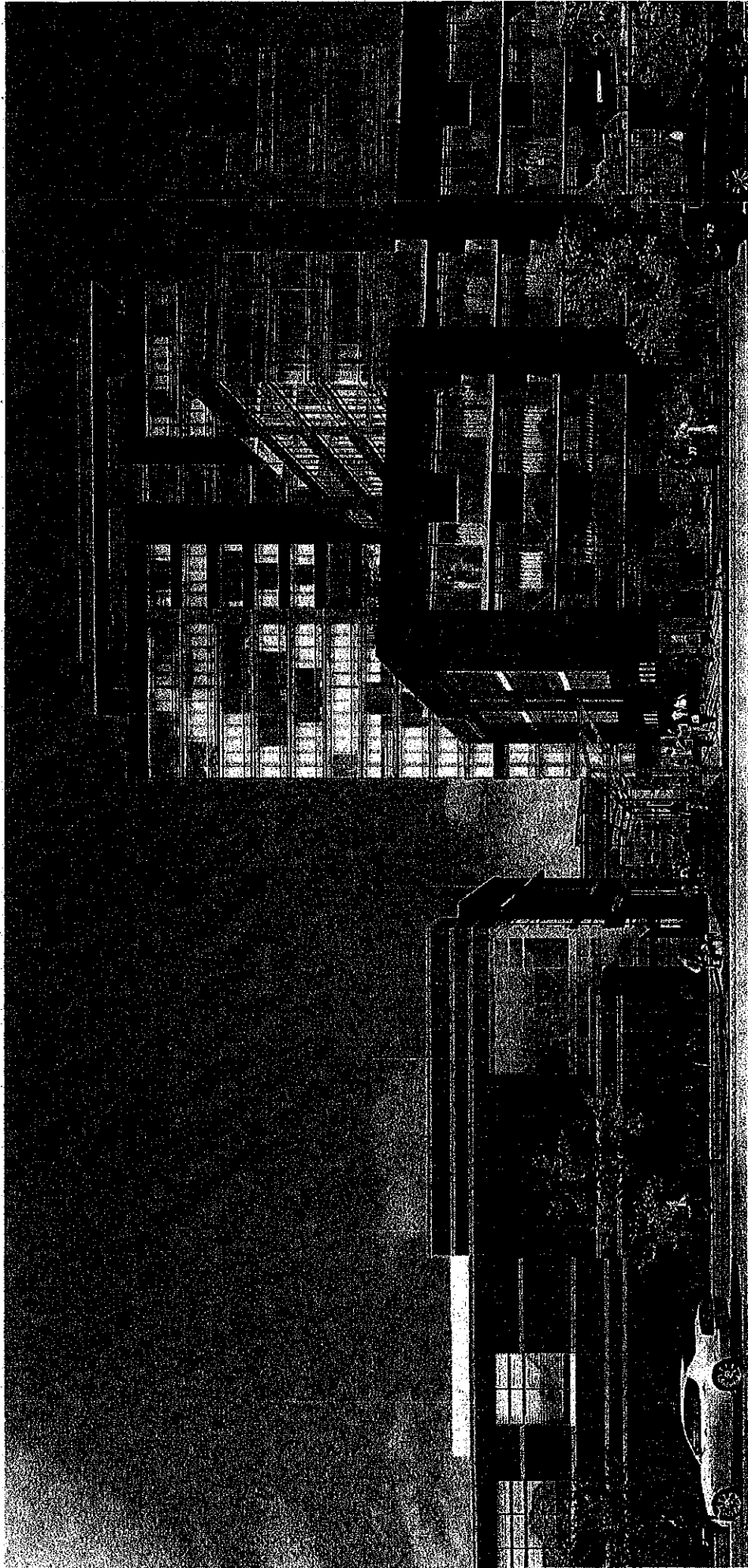


## Attachment

FILES:  
OP.11.013 & Z.11.044

DATE:  
August 03, 2012

9



VIEW FROM GEORGE KIRBY ST. PEDESTRIAN ENTRANCE

Not to Scale

## Rendered Elevations

LOCATION: Part of Lot 16,  
Concession 2

APPLICANT: FCHT Holdings  
(Ontario) Corporation

NAUTY ATTACHMENT/CP/01/10/11/044/049

## Attachment

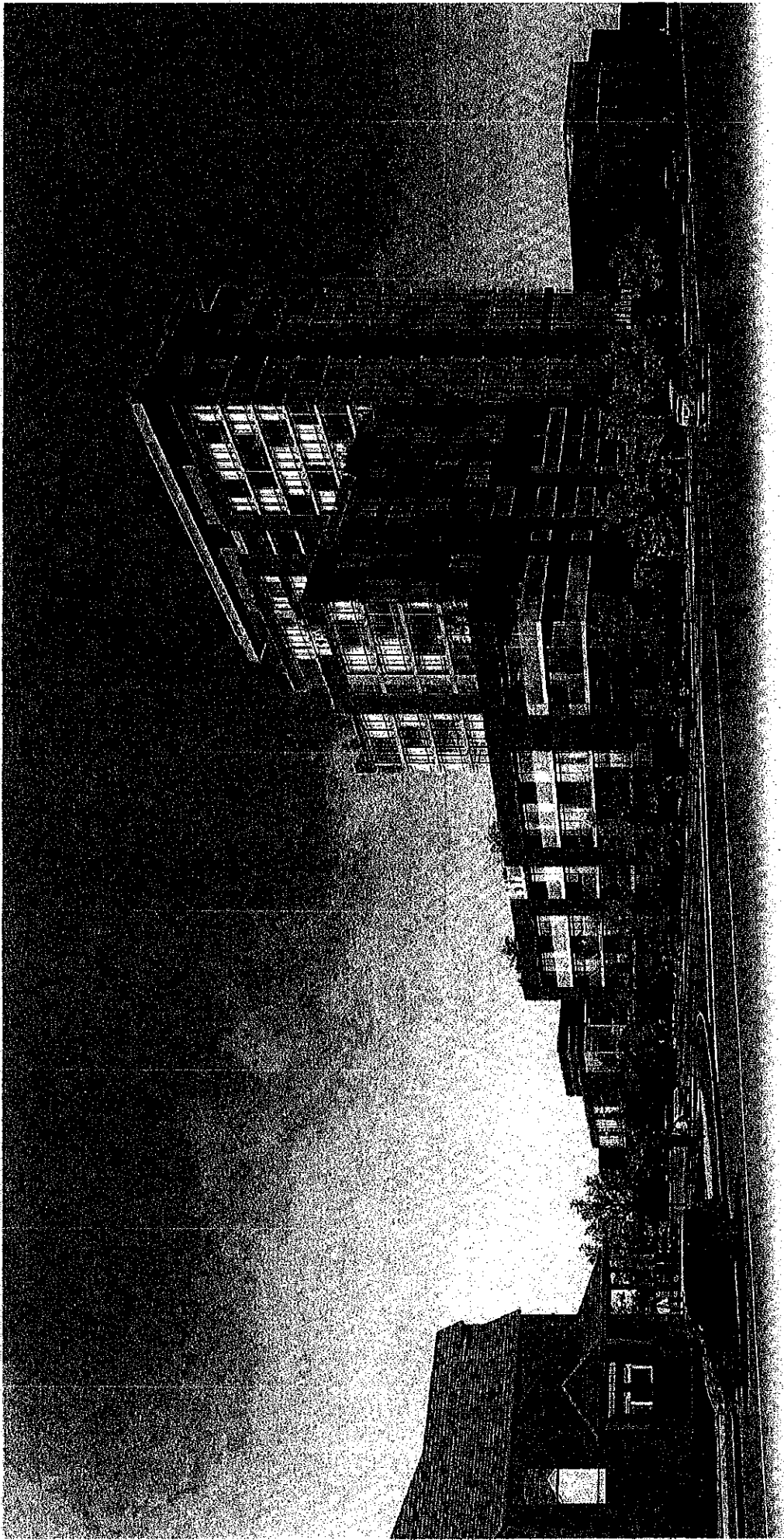
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DATE:  
March 26, 2012



# 10





VIEW FROM ILAN RAMON BLVD. AND GEORGE KIRBY ST.

Not to Scale

## Rendered Elevations

LOCATION: Part of Lot 16,  
Concession 2

APPLICANT: FCHT Holdings  
(Ontario) Corporation

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## Attachment

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OP.11.013 & Z.11.044

DATE:  
March 26, 2012

# 11