

Committee of the Whole Report

DATE: Tuesday, May 07, 2019

WARD: 1

TITLE: FERRI FAMILY HOLDINGS INC.

ZONING BY-LAW AMENDMENT FILE Z.18.034

SITE DEVELOPMENT FILE DA.18.101

VICINITY OF JANE STREET AND RUTHERFORD ROAD

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.18.101 to remove the Holding Symbol “H” from the subject lands shown on Attachment 1 and for Site Development File DA.18.101 to permit the development of a two-storey, 2,289 m² motor vehicle sales establishment (Maple Mini & BMW) with one level of underground parking.

Report Highlights

- The Owner proposes to develop the subject lands with a two-storey, 2,289 m² motor vehicle sales establishment.
- A Zoning By-law Amendment is required to remove the Holding Symbol “(H)” from the subject lands currently zoned C1(H) Restricted Commercial Zone with the Holding Symbol “(H)”.
- The Development Planning Department supports the approval of Zoning By-law Amendment and Site Development Files Z.18.034 and DA.18.101, subject to the Recommendations of this report, as the applications will permit a motor vehicle sales establishment that is a permitted use by Zoning By-law 1-88, and is compatible with the existing Maple Auto Mall.

Recommendations

1. THAT Zoning By-law Amendment File Z.18.034 (Ferri Family Holdings Inc.) BE APPROVED, to remove the Holding Symbol “(H)” from the subject lands, shown on Attachment 1, thereby zoning the subject lands C1 Restricted Commercial Zone.
2. THAT Site Development File DA.18.101 (Ferri Family Holdings Inc.) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to the satisfaction of the Development Planning Department to permit the development of a two-storey, 2,289 m² motor vehicle sales establishment (Maple Mini & BMW) as shown on Attachments 2 to 4:
 - a) That prior to the execution of the Site Plan Letter of Undertaking:
 - i) The Development Planning Department shall approve the final site plan, building elevations (including bird-friendly design treatments on the building elevations), landscape plan and signage details;
 - ii) The Development Engineering confirm the Owner is proposing underground parking as part of the development. The Owner shall provide all applicable reports (i.e. Geotechnical/Hydrogeological Reports) to confirm any potential groundwater issues. If permanent dewatering is required due to the findings of the report(s), the Owner shall confirm the desired method of dewatering within the stormwater management report (SWMR) including quality and quantity controls and illustrate as such on the civil engineering plans. Additionally, the Owner shall obtain all required dewatering permits from Environmental Services (ES) within Public Works prior to final DE approval.
 - iii) The Development Engineering Department shall approve the final grading and servicing plan, erosion and sediment control plan, and Stormwater Management Report;
 - iv) The Owner shall revise the Stormwater Management Report as follows:
 - a) the Stormwater Management Report shall demonstrate that adequate pressures and flows exist for the development under fire flow conditions. A hydrant flow test is required prior to final approval of the Letter of Undertaking. The Stormwater Management Report shall include the data and analysis results of the hydrant flow test prior to final approval of the Letter of Undertaking; and,

- b) the Stormwater Management Report shall be revised to include a sanitary sewer downstream analysis from the Subject Lands to the nearest Regional trunk sewer. The data and analysis included in the report shall be completed with sanitary sewer design sheets as required by the City of Vaughan Standard design sheet template and a sanitary drainage area plan. The contributing flows shall be in accordance with the City of Vaughan Standards, complete with infiltration allowance;
 - v) The Owner shall satisfy all requirements of the Environmental Services Department, Waste Management Division, and the final site plan shall be in conformity with the City's Waste Collection Design Standard Policy;
 - vi) The Owner shall satisfy all requirements of the Toronto and Region Conservation Authority;
 - vii) The Owner shall successfully obtain approval from the Committee of Adjustment for a Minor Variance Application for any required variances, and Consent Applications for any required easements. The Committee's decisions regarding the Variance Application and a Consent Applications shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee;
 - viii) The Owner shall revise the Sustainability Performance Metrics Scoring Tool to achieve a minimum Bronze Sustainability Threshold Score of 31 in accordance with the Council approved Sustainability Metrics Program; and
 - ix) The Owner shall enter into a Tree Protection Agreement in accordance with the Council adopted Tree By-law 052-2018 and the City's Tree Protection Protocol. The Agreement will include a tree compensation plan and/or cash-in-lieu payment that must be submitted to the City.
- 3. The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent of 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

4. Prior to the issuance of a Building Permit the Owner shall pay to the City all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board the York Catholic District School Board.

Background

The subject lands (the 'Subject Lands') are located within the Maple Auto Mall, on the west side of Sweetriver Boulevard and south of Auto Vaughan Drive, municipally known as 240 Sweetriver Boulevard. The Subject Lands are currently vacant. The surrounding land uses are shown on Attachment 1.

A Zoning By-law Amendment Application and a Site Development Application have been submitted to permit the Development.

The Owner has submitted Zoning By-law Amendment File Z.18.034 for the Subject Lands. The Subject Lands are zoned to permit a motor vehicle sales establishment use, subject to removal of the Holding Symbol "(H)". Removal of the Holding Symbol "(H)" from the Subject Lands is conditional upon a Site Development Application being approved by Vaughan Council.

The Owner has submitted Site Development File DA.18.101 (the 'Application') for the Subject Lands shown on Attachment 1, to permit the development of a two-storey, 2,289 m² motor vehicle sales establishment (Maple Mini & BMW) with one level of underground parking (the 'Development'), as shown on Attachments 2 to 4.

Previous Reports/Authority

No previous reports.

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2014

The Provincial Policy Statement, 2014 (the 'PPS') provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS.

Section 1.3.1 - Employment of the PPS encourages planning authorities to promote economic development and competitiveness by:

- “a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary infrastructure is provided to support current and projected needs.”

The Development utilizes a vacant site within the Maple Auto Mall, with a built form and use that is compatible with the surrounding uses, and provides employment opportunities to help meet the City’s long-term employment needs. The Subject Lands are also located in an area where servicing and infrastructure is available to the Development. In consideration of the above, the Development is consistent with the PPS.

The Development conforms to Places to Grow - Growth Plan for the Greater Golden Horseshoe

The *Places to Grow – Growth Plan for the Greater Golden Horseshoe, 2017* (the ‘Growth Plan’) is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems. In accordance with Section 3(5) of the *Planning Act*, Vaughan Council’s planning decisions “shall conform with” the Growth Plan.

Section 2.2.5.12 - Employment of the Growth Plan directs that economic development and competitiveness in the Greater Golden Horseshoe be promoted by ensuring that:

“The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.”

The Subject Lands are located within a Community Area by Schedule 1 – Urban Structure of Vaughan Official Plan 2010, Volume 1. The Development makes efficient use of a vacant site within the existing Maple Auto Mall. The Development provides a compact form of development, and provides office and retail employment opportunities within the Maple Auto Mall. In consideration of the above, the Development conforms with the Growth Plan.

The Development conforms to the York Region Official Plan, 2010

The York Region Official Plan, 2010 ('the YROP 2010') guides economic, environmental and community building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are located within the "Urban Area" by Map 1- Regional Structure of YROP 2010, which permits a range of residential, commercial, employment and institutional uses, subject to additional policy criteria. The Subject Lands are located within the Maple Auto Mall which abuts Jane Street which is designated as a Regional Rapid Transit Corridor by Map 11 - Transit Network, and "Cycling Facilities on Regional Roads and Right-of-Ways" by Map 10 - Regional Cycling Network of YROP 2010.

Chapter 4.2 City Building requires that local municipalities support the development of Regional Centres and Corridors by encouraging attractive, compact, community design and the clustering of economic activities. It is the YROP's objective to support Regional Centres and Corridors as a focus of economic activity and culture in York Region. Section 4.2.5 requires that, commercial uses be located and designed to support the Regional Centres and Corridors structure of the YROP. The Development conforms with the objectives of Chapter 4.2 City Building of YROP by encouraging a clustering of economic activities.

The Development does not conform to Vaughan Official Plan 2010

The Subject Lands are designated "Low-Rise Mixed-Use" by Vaughan Official Plan 2010 ("VOP 2010"), which permits retail uses to be located on the ground floor of residential and professional office developments, with a maximum gross floor area of 500 m². A stand-alone motor vehicle sales establishment is not permitted within the "Low-Rise Mixed-Use" designation. However, the Subject Lands are located within the Maple Auto Mall and are zoned as-of-right to permit a motor vehicle sales establishment use.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned C1(H) Restricted Commercial Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to site-specific Exception 9(1031A), which permits a motor vehicle sales establishment, including the open display and storage of new and used motor vehicles. The following exceptions to the “C1 Restricted Commercial Zone”, are required to permit the motor vehicle sales establishment:

Table 1

	Zoning By-law 1-88 Standard	C1 Restricted Commercial Zone Requirements subject to Site-Specific Exception 9(1031A)	Proposed Exceptions to the C1 Restricted Commercial Zone Requirements, subject to Site-Specific Exception 9(1031A)
a.	Minimum Width of a Landscape Strip	6 m	5 m (along Sweetriver Boulevard)
b.	Minimum Loading Space Requirement – Aisle Width	6 m	5.4 m

The Development Planning Department can support the variances being sought as they are considered to be minor in nature and will not have a significant impact on the surrounding development.

The Owner will be required to successfully obtain approval of a Minor Variance Application for the required site-specific exceptions identified in Table 1 from the Committee of Adjustment. The Committee’s decision regarding the Minor Variance Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.

Reciprocal access easements for a mutual driveway to be shared with the lands to the north (Subaru of Maple, 250 Sweetriver Boulevard) are required to facilitate the Development. Each Owner will be required to obtain approval of a Consent Application from Committee of Adjustment for the required access easements(s). The Committee’s

decisions regarding each Consent Application shall be final and binding, and the Owners shall satisfy any conditions of approval imposed by the Committee.

Removal of the Holding Symbol “(H)” from the Subject Lands is conditional upon a Site Development Application being approved by Vaughan Council. The Development Planning Department is satisfied with the proposed site plan as discussed in this report and recommends approval of the Site Development Application. Accordingly, should Vaughan Council approve the Site Development Application, it is also recommended that the Holding Symbol “(H)” be removed to facilitate the development of the Subject Lands.

The Development Planning Department supports the Development, subject to the Recommendations in this report

Site Plan

The Development shown on Attachments 2 to 4 includes a 2-storey, 2,289 m² motor vehicle sales establishment with two driveways from Sweetriver Boulevard. Pedestrian access is provided from the existing City sidewalk on Sweetriver Boulevard to the principal entrance on the east side of the building. Sixty-eight (68) at grade parking spaces, inclusive of four barrier free spaces, and 32 underground parking spaces are provided for a total of 100 parking spaces. The proposed parking complies with the required parking in Zoning By-law 1-88.

The landscape plan shown on Attachment 3 includes a 5 m wide landscape strip abutting Sweetriver Boulevard with additional landscaped medians throughout the parking area. The site will be landscaped with deciduous trees and a mix of ornamental grasses and perennials.

Building Elevations

The proposed building elevations shown on Attachment 4 consist primarily of black and white aluminum composite panels and white precast concrete panels, with a black and clear extruded aluminum curtain wall and framing. The east elevation has four aluminum glazed overhead doors which provide access to two service reception areas. Two pylon signs are located beside the driveway entrances along Sweetriver Boulevard. The east elevation includes Mini Vaughan and BMW Vaughan signage along with a Service Reception sign located above each overhead service doors. A Service Reception sign is also included above the overhead service door on the west elevation.

The Development Planning Department is satisfied with the site plan, landscape plan and building elevations, and will continue to work with the Owner to finalize the drawings. The final site plan, building elevations, landscape plan, and landscape cost

estimate must be approved prior to the execution of the Site Plan Letter of Undertaking. A condition to this effect is included in the Recommendations of this report.

The Urban Design and Cultural Heritage Section advise that the Subject Lands are clear of any built heritage or cultural heritage landscapes

The Development Planning Department, Urban Design and Cultural Heritage Division has reviewed the Applications and advise that the Subject Lands are cleared of any built heritage or cultural heritage landscapes, however, the Subject Lands lie in an area identified in the City's database of archaeological resources as being of high archaeological potential. The following standard clause shall be included in the Site Plan Letter of Undertaking:

- "Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport, the City of Vaughan's Policy Planning and Urban Design and Recreation and Recreation and Culture Departments shall be notified immediately.
- "In the even that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

The Policy Planning and Environmental Sustainability Department has no objection to the Development, subject to the conditions in this report

The Policy Planning and Environmental Sustainability ('PPES') Department have reviewed the Applications, and advise that they have no objection to the approval of the Development, subject to the Owner providing bird-friendly design treatments consistent with the Council-approved City-Wide Urban Design Guidelines and the Sustainability Performance Metrics Program. A condition to this effect is included in the Recommendations of this report.

The Development must achieve a minimum Bronze Sustainability Metrics Threshold Score

The Owner has submitted the completed Sustainability Scoring Tool and Summary Letter ("Sustainability Metrics Package"), dated October 26, 2018, in support of the Development. The Sustainability Metrics Package demonstrates an Overall Application Score of 20 and an Overall Community Score of 20.

The Development must meet a minimum Bronze Sustainability Metrics Threshold Score of 31 points in accordance with the Council approved Sustainability Metrics Program (SPM). The Owner can achieve a Bronze Threshold Score by implementing the following measures including: indicating proximity to transit routes, improving walkability, the introduction of stormwater management and rain water re-use measures, utilizing bird friendly design and the provision of bicycle parking in accordance with the City's sustainability metrics.

The Owner must submit a revised Sustainability Program Metrics Scoring Tool and Sustainability Program Metrics Summary Letter which achieves a minimum Bronze Threshold Score of 31 for the Development. A condition to this effect is included in the Recommendations of this report.

The Development Engineering Department has no objection to the Development, subject to the conditions in this report

The Development Engineering ("DE") Department has provided the following comments:

Water Servicing

Water service for the Subject Lands is available via a local 300 mm diameter watermain on the east side of Sweetriver Boulevard. The Owner is proposing to connect into an existing service connection, complete with a valve and chamber for fire service and a valve and box for domestic service. The Owner shall supply the as-built information for this connection prior to final approval of the Letter of Undertaking.

Sanitary Servicing

The Subject Lands will be serviced for sanitary drainage via a 200 mm diameter sanitary sewer internal to the site. The submitted Servicing Plan denotes an existing 200 mm diameter service connection to the Subject Lands. The Owner shall supply the as-built information for this connection prior to final approval of the Letter of Undertaking.

Storm Servicing

The Subject Lands will be serviced for storm drainage via a single connection, located to the north of the Subject Lands. An existing 1350 mm diameter storm sewer is available on Sweetriver Boulevard for connection. The internal storm sewers will drain the site via catchbasins, prior to discharge into the municipal sewer at a controlled rate. The Owner is required to provide the as-built information for the storm connection prior to final approval of the Letter of Undertaking.

Stormwater Management

The Stormwater Management Report shall demonstrate that adequate pressures and flows exist for the Development under fire flow conditions. A hydrant flow test is required prior to final approval of the Letter of Undertaking. The Stormwater Management Report shall be revised to include the data and analysis results of the hydrant flow test prior to final approval of the Letter of Undertaking.

The post-development flow calculations in the Stormwater Management Report shall be revised to utilize a time concentration of seven minutes.

The Stormwater Management report shall also be revised to include a sanitary sewer downstream analysis from the Subject Lands to the nearest Regional trunk sewer. The data and analysis included in the report shall be complete with sanitary sewer design sheets as required by the City of Vaughan Standard design sheet template and a sanitary drainage area plan. The contributing flows shall be in accordance with the City of Vaughan Standards, complete with infiltration allowance.

Geotechnical/Hydrogeological

Development Engineering (DE) confirms the Owner is proposing underground parking as part of the subject development application. The Owner shall provide all applicable reports (i.e. Geotechnical/Hydrogeological Reports) to confirm any potential groundwater issues. If permanent dewatering is required due to the findings of the report(s), the Owner shall confirm the desired method of dewatering within the stormwater management report (SWMR) including quality and quantity controls and illustrate as such on the civil engineering plans. Additionally, the Owner shall obtain all required dewatering permits from Environmental Services (ES) within Public Works prior to final DE approval.

Transportation Services, Parks and Forestry Operations have no objection to the Development

Transportation Services, Parks and Forestry Operations have no objection to the Development, subject to the Owner protecting municipal and private trees during all phases of construction in accordance with Vaughan Council enacted Tree By-law 052-2018.

Should the Applications be approved, the Owner will be required to enter into a Tree Protection Agreement ('Agreement') with the City in accordance with the Council enacted Tree By-law 052-2018 to regulate the planting, maintenance and removal of trees on public and private property and the City's Tree Protection Protocol. This

Agreement will include an arborist report including a tree compensation plan, with prescribed tree planting and/or cash-in-lieu payment that must be submitted for review and approval to the satisfaction of the City.

Development Charges are applicable to the Development

The Owner will be required to pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.

The Environmental Services Department, Waste Management Division has no objections to the Development subject to the Recommendations in this report

The Environmental Services Department, Waste Management Division has reviewed the Applications and advise they have no objection to their approval, subject to the following:

- That the plans submitted in support of the Development be updated to show that waste collection vehicles will require to drive onto/over a supported structure (underground parking), and that the structure can support a minimum of 35,000 kilograms
- A loading pad must be provided, constructed to a minimum of 300 mm of compacted 20mm crusher run-limestone, and finished to a minimum of 200mm depth of concrete.

Prior to final approval and the execution of a Site Plan Letter of Undertaking, the Owner must satisfy all requirements of the Environmental Services Department. A condition to this effect is included in the Recommendations of this report.

The Fire and Rescue Services Department have no objection to the Development, subject to the Recommendations in this report

The Fire and Rescue Services Department have no objections to the Development and advise that adequate provisions for fire safety and protection must be provided in accordance with the Ontario Building Code (“OBC”).

Accordingly, the Owner shall agree to provide the following for the purposes of fire safety and firefighting operations:

- the water supply for firefighting, including hydrants, municipal or private shall be identified on the appropriate plans according to OBC, and must be installed and operational prior to the construction of the building
- hydrants shall be unobstructed and ready for use at all times

- access roadways shall be maintained and suitable for large and heavy vehicles
- a temporary municipal address is to be posted and visible for responding emergency vehicles to the satisfaction of the City of Vaughan the Fire Route must be posted prior to construction

Cash-in-Lieu of the dedication of parkland is required

The Office of the City Solicitor, Real Estate Department and the Parks Development Department have confirmed that cash-in-lieu of the dedication of parkland shall be paid in accordance with Section 42 of the *Planning Act*.

The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The Toronto and Region Conservation Authority has no objection to the Development

The Toronto and Region Conservation Authority ('TRCA') have reviewed the Applications and advise they have no objection to their approval, subject to the Owner providing the required TRCA review fee.

The TRCA advise that the Subject Lands are located in a Source Water Protection vulnerable area referred to as Wellhead Protection Area-Q2 ('WHPA-Q2'). The Credit Valley, Toronto Region and Central Lake Ontario ('CTC') Source Protection Plan recommends the implementation of best management practices, such as Low Impact Development, with the goal to maintain pre-development recharge. The TRCA advise that the pre-to-post water balance will remain largely unchanged, if slightly improved, as a result of the Development, and that the Development satisfies the intent of the CTC Source Protection Plan.

York Region has no objection to the Development

York Region reviewed the information provided in support of the Applications and have no comments or additional submission requirements.

Canada Post has no objection to the Development

Canada Post has no objection to the approval of the Development as provisions are already in place regarding door-to-door mail delivery for the Subject Lands. The Owner shall contact Canada post 60 days in advance of occupancy to arrange for setup of mail delivery.

The various utilities have no objection to the Development

Bell, Enbridge Gas, Alectra Utilities Corporation and Rogers Communications Inc. have no objection to the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of any site works.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Development has been reviewed by external agencies, including York Region, Canada Post, the TRCA and various utility companies, who advise they have no objections to the Development, subject to the conditions included in the Recommendations of this report.

Conclusion

Zoning By-law Amendment File Z.18.034 and Site Development File DA.18.101 have been reviewed in accordance with the applicable provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from the City Departments and external public agencies and the surrounding area context. The Development shown on Attachments 2 to 4 is consistent with provincial policy, conforms to the YROP and VOP 2010, complies with Zoning By-law 1-88 and is appropriate and compatible with the existing and permitted uses in the surround area. The condition for removing the Holding Symbol ("H") from the Subject Lands will be satisfied, should Council approve the Site Development Application.

The Development achieves an Overall Application Score of 20 and an Overall Community Score of 20. The Owner shall achieve minimum Bronze Threshold Score of 31 for the Development. A revised Sustainability Program Metrics Scoring Tool and Summary Letter is required which incorporates the recommended sustainability measures provided in this report.

Accordingly, the Vaughan Planning Department supports the approval of Zoning By-law Amendment Application Z.18.034 and Site Development Application DA.18.101, subject to the Recommendations in this report.

For more information, please contact Carol Birch, Planner, at Extension 8485.

Attachments

1. Location Map
2. Site Plan and Zoning
3. Landscape Plan
4. Building Elevation Plan

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