

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, September 17, 2019

WARD: 4

**TITLE: DUFCEEN CONSTRUCTION INC./MARYDEL HOMES
OFFICIAL PLAN AMENDMENT FILE OP.17.013
ZONING BY-LAW AMENDMENT FILE Z.17.040
VICINITY OF DUFFERIN STREET AND CENTRE STREET**

FROM:

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

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan Amendment File OP.17.013 and Zoning By-law Amendment File Z.17.040, to permit the development of 140 stacked townhouse units, a 10-storey apartment building containing 168 units, and a 12-storey apartment building containing 274 units, for a total of 582 units, as shown on Attachments 2, on the subject lands shown on Attachment 1 and 2.

Report Highlights

- To receive input from the public and the Committee of the Whole on a proposed development consisting of 140 stacked townhouse units and 442 residential apartment units.
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.
- Should the Official Plan and Zoning By-law Amendment Applications be approved, future Site Development and Draft Plan of Condominium Applications will be required.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendation

1. THAT the Public Hearing report for Official Plan and Zoning By-law Amendment Files OP.17.013 and Z.17.040 (Dufcen Construction Inc./Marydel Homes) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The Subject Lands (the 'Subject Lands') shown on Attachment 1 are located north of Centre Street and on the west side of Dufferin Street, and are municipally known as 7838, 7848, 7850, 7868 and 7878 Dufferin Street, as shown on Attachments 1 and 2. The Subject Lands are currently vacant. The surrounding land uses are shown on Attachment 1

An Official Plan Amendment and Zoning By-law Amendment have been submitted to permit the development

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit 140 stacked townhouse units, a 10-storey apartment building containing 168 units, and a 12-storey apartment building containing 274 units, for a total of 582 units, with driveway access onto Dufferin Street, (the 'Development'), as shown on Attachment 2:

1. Official Plan Amendment File OP.17.013 to amend the Vaughan Official Plan 2010 ("VOP 2010") to redesignate the Subject Lands from "Community Commercial Mixed-Use" to "Mid-Rise Residential" to permit the Development, in the manner shown on Attachment 2.
2. Zoning By-law Amendment File Z.17.040 to amend Zoning By-law 1-88 to rezone the Subject Lands from "C7 Service Commercial" subject to Exception 9(1411), as shown on Attachment 1, to "RM2 Multiple Residential Zone" and "RA3 Apartment Residential Zone" to permit the development in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

Public Notice was provided in accordance with the Planning Act and Council's Notice Signs Procedures and Protocol

- a) Date the Notice of Public Hearing was circulated: August 23, 2019.

The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed along Dufferin Street, in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands.

c) Comments Received:

Written comments have been received by the Development Planning Department from the following individuals:

- Brownridge Ratepayers Association

The following is a summary of the comments that have been provided to date:

- i) Residential is not acceptable for the Subject Lands, as the Subject Lands are bounded by a Hydro line and Highway 407.
- ii) Stacked townhomes and mid-rise buildings are out of character with the existing community.
- iii) The community supports Community Commercial Mixed-Use development.

The concerns noted above and any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

Not applicable.

Analysis and Options

An Amendment to the policies of the “Community Commercial Mixed Use” designation of VOP 2010 is required to permit the Development.

The subject lands are designated “Community Commercial Mixed Use” by VOP 2010 and are located within a “Community Area” as identified on Schedule 1, “Urban Structure” of VOP 2010. This designation does not permit residential development.

In accordance with Schedule 14-A of VOP 2010, “Areas Subject to Secondary Plans”, the adjacent lands at the Dufferin Street and Centre Street intersection are within a required secondary plan area. Consideration will be given to the proposed land uses in the Dufferin Street and Centre Street Secondary Plan.

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

The Subject Lands are zoned “C7 Service Commercial Zone” subject to Exception 9(1411) by Zoning By-law 1-88, as shown on Attachment 1. The “C7 Service Commercial Zone” permits only service commercial uses.

The Development is not permitted in the “C7 Service Commercial Zone”, therefore, an amendment to Zoning By-law 1-88 is required to permit the proposed development. shown on Attachment 2. The Owner proposes to rezone the Subject Lands to a “RM2 Multiple Residential Zone” and a “RA3 Apartment Residential Zone” with the following site-specific zoning exceptions:

Table 1

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
a.	Definition - Lot	“Lot” means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the <i>Planning Act, R.S.O. 1983</i> would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	“Lot” means the Subject Lands shall be deemed one development and one lot, with a private condominium road, regardless of the number of buildings constructed on the lot, the creation of any new lot by plan of condominium, part lot control consent and any easements or restrictions for each parcel.
b.	Maximum Building Height	11 m	14 m
c.	Minimum Front Yard Setback	4.5 m	3.0 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed RA3 Residential Zone Requirements
d.	Definition - Lot	“Lot” means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the <i>Planning Act, R.S.O. 1983</i> would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	“Lot” means the Subject Lands shall be deemed one development and one lot, with a private condominium road, regardless of the number of buildings constructed on the lot, the creation of any new lot by plan of condominium, part lot control, consent and any easements or restrictions for each parcel.
e.	Minimum Interior Side Yard Setback	4.5 m	2.6 m

Additional zoning exceptions may be identified through the detailed review of the application and will be considered in a technical report to a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENT
a.	Consistency and Conformity with Provincial Policies, York	<ul style="list-style-type: none"> The proposed development will be reviewed in consideration of the statutory Provincial policies including the <i>Provincial Policy Statement, 2014</i>

	MATTERS TO BE REVIEWED	COMMENT
	Region and City Official Plans	(‘PPS’) and <i>A Place to Grow the Growth Plan for the Greater Golden Horseshoe (2019)</i> (the ‘Growth Plan’) and the policies of the York Region (‘YROP’) and the City of Vaughan (‘VOP 2010’) Official Plan.
b.	Appropriateness of the Proposed Uses and Site - Specific Official Plan and Zoning Exceptions	<ul style="list-style-type: none"> • The appropriateness of the proposed amendments to the Official Plan and Zoning By-law will be reviewed in consideration of the existing and planned surrounding land uses with consideration given to land use and built form compatibility, and lot size and configuration, transition to the existing detached dwellings to the south, built form compatibility, building setbacks, and traffic impact. • A Secondary Plan is required to determine the land use context for the adjacent Dufferin Street Centre Street area intersection area. Consideration will be given to the proposed Dufferin Street and Centre Street land use. • Vaughan Policy Planning and Environmental Sustainability presented a report at the September 17, 2019 Committee of the Whole Meeting recommending that the Dufferin-Centre Area Specific Plan be included in the 2020 Policy Planning and Environmental Sustainability budget for review, and that the Dufferin-Centre Area Specific Plan be expanded to include additional lands to update the policy framework. The additional lands referred to in the PPES report includes the Subject Lands. • The Subject Lands are within a draft Major Transit Station Area (‘MTSA’) as identified by York Region.

	MATTERS TO BE REVIEWED	COMMENT
c.	Section 37 Provision	<ul style="list-style-type: none"> • Opportunities for Section 37 benefits under the <i>Planning Act</i>, the policies of VOP 2010, and the City's Guideline for the Implementation of Section 37 of the <i>Planning Act</i> will be explored for this development. Section 37 of the Planning Act allows municipalities to authorize increases in height and/or density of development in return for the provision of facilities, services or other matters (i.e. community benefits) as determined by the municipality only if the proposed increase is considered to be appropriate.
d.	Lands to the south	<ul style="list-style-type: none"> • The neighbouring lands south of the Subject Lands currently cannot obtain vehicular access to Dufferin Street and Centre Street as these lands are within an MTO Control Area. • Consideration must be given to providing access to these lands.
e.	Studies and Reports	<ul style="list-style-type: none"> • The Owner has submitted the following studies and reports in support of the application, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> - Planning Justification Report - Stormwater Management and Functional Servicing Report (FSR) - Transportation Study - Preliminary Environmental Noise Analysis - Geotechnical Investigation - Urban Design and Sustainability Brief • The requirement for additional studies/information may be identified through the development application review process.

	MATTERS TO BE REVIEWED	COMMENT
f.	Allocation and Servicing	<ul style="list-style-type: none"> The availability of water and sanitary sewage servicing capacity for the proposed residential units must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing capacity is unavailable, the Holding Symbol "(H)" may be applied to the Subject Lands. Removal of the Holding Symbol will be conditional on servicing being identified and allocated by Vaughan Council.
g.	Cash-in-Lieu of Parkland	<ul style="list-style-type: none"> The provision of cash-in-lieu of parkland dedication in accordance with the <i>Planning Act</i> and the City's Cash-in-lieu of Parkland Policy, is required if the Applications are approved.
h.	Site Development Application	<ul style="list-style-type: none"> A Site Development Application will be required and will be reviewed in consideration of, but not limited to, appropriate building and site design, barrier free accessibility, pedestrian connectivity, the location and size of amenity space, vehicular access, internal traffic circulation, parking, landscaping (hard and soft), the location of permeable pavers, landscape buffers, fencing, environmental sustainability, bird friendly design, waste management, outdoor lighting designed to eliminate light spillage to neighbouring properties, stormwater management, and serving and grading. A Site Development Application can be processed concurrently with the Applications and be considered together in a comprehensive technical report to a future Committee of the Whole Meeting to ensure that the site-specific exceptions are identified in the implementing zoning by-law to facilitate the Development, if the Applications are approved.

	MATTERS TO BE REVIEWED	COMMENT
i.	Sustainable Development	<ul style="list-style-type: none"> • Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (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 the Applications are approved. • In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Overall Application Score.
j.	Future Draft Plan of Condominium Application	<ul style="list-style-type: none"> • Should the Applications be approved, a Draft Plan of Condominium Application will be required to establish the condominium tenure for the Development.
k.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none"> • The development of the Subject Lands must satisfy the requirements of the Source Protection Plan under the <i>Clean Water Act, 2006</i>. The purpose of a Source Protection Plan is to outline how water quality and quantity for the municipal drinking water systems will be protected. A site-specific water balance assessment has been included within the Functional Servicing Report (FSR) submission and is subject to review and approval by the TRCA.
l.	Infrastructure Ontario and Hydro One	<ul style="list-style-type: none"> • A Hydro One corridor exists west of the Subject Lands. The development of the Subject Lands must satisfy all requirements of Hydro One and Infrastructure Ontario.

	MATTERS TO BE REVIEWED	COMMENT
m.	Urban Design and Architectural Guidelines	<ul style="list-style-type: none"> • The Development must conform to the City-wide Urban Design Guidelines and have regard for the applicable Centre Street Urban Design Guidelines and Centre Street Streetscape Plan. The Urban Design and Sustainability Brief prepared by Weston Consulting must be reviewed to the satisfaction of the Vaughan Development Planning Department.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The application has been circulated to the York Region Community Planning and Development Services Department for review and comment. The Owner has applied for a Regional Official Plan exemption which is currently being reviewed by the Region. Any issues identified through the circulation 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 application will be considered in the technical review of the applications, together with comments from the public and Vaughan 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.

For more information, please contact: Carol Birch, Planner, Development Planning Department, Extension 8485.

Attachments

1. Location Map
2. Concept Plan
3. Proposed Zoning

Prepared by

Carol Birch, Planner, extension 8485

Eugene Fera, Senior Planner, extension 8003

Nancy Tuckett, Senior Manager of Development Planning, extension 8529

Mauro Peverini, Director of Development Planning, extension 8407

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