

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, September 17, 2019

WARD: 3

**TITLE: VELMAR CENTRE PROPERTY LIMITED
OFFICIAL PLAN AMENDMENT FILE OP.19.003
ZONING BY-LAW AMENDMENT FILE Z.19.008
VICINITY SOUTHWEST CORNER OF RUTHERFORD ROAD
AND VELMAR DRIVE**

FROM:

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

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan Amendment and Zoning By-law Amendment Files OP.19.003 and Z.19.008 for the Subject Lands shown on Attachment 1, to permit the development shown on Attachments 2 to 6 consisting of a 7-storey mixed-use apartment building with 139 residential units, a total Gross Floor Area ('GFA') of 13,035 m², a Floor Space Index ('FSI') of 3.15 times the area of the lot, 615 m² of ground floor commercial space, 3 parking spaces at grade, and 257 parking spaces within 3 levels of underground parking.

Report Highlights

- To receive input from the public and the Committee of the Whole on applications to amend Vaughan Official Plan 2010 and Zoning By-law 1-88 to permit a 7-storey mixed-use apartment building consisting of 139 residential units and 615 m² of ground floor commercial space.
- Vaughan Official Plan 2010 permits a maximum building height of 4-storeys and a Floor Space Index of 1.5 times the area of the lot on the Subject Lands.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Files OP.19.003 and Z.19.008 (Velmar Centre Property Limited) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive technical report to the Committee of the Whole.

Background

The subject lands (the 'Subject Lands'), shown on Attachment 1 are located on the southwest corner of Rutherford Road and Velmar Drive, and are municipally known as 4101 Rutherford Road. The surrounding land uses are shown on Attachment 1. The Subject Lands are developed with a one-storey commercial building.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the Development

The Owner has submitted the following Applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit a 7-storey mixed-use apartment building with 139 residential units and 615 m² of ground floor commercial space (the 'Development') shown on Attachments 2-6:

1. Official Plan Amendment File OP.19.003 to amend Vaughan Official Plan ("VOP 2010") to amend the "Low-Rise Mixed-Use" designation on the Subject Lands to increase the maximum permitted building height and FSI from 4-storeys and 1.5 times the area of the lot to 7-storeys and 3.15 times the area of the lot respectively.
2. Zoning By-law Amendment File Z.19.008 to amend Zoning By-law 1-88, to rezone the Subject Lands from "C3 Local Commercial Zone", subject to site-specific Exception 9(814) to "RA2 Apartment Residential Zone" in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 of this report.

Public Notice was provided in accordance with the Planning

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

The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed along the Rutherford Road and Velmar Drive street frontages generally in accordance with the City's Notice Signs Procedures and Protocols ('Protocols'). The Applications were received on May 15, 2019, with supplemental materials received on May 16, 2019, and May

31, 2019. The Applications were deemed as “complete” on June 13, 2019. The Owner on July 8, 2019, posted the Notice Signs on the Subject Lands. The Protocols states that the Notice Sign be posted on the Subject Lands within 14 days of receipt of an application. Notwithstanding, notice regarding the Applications exceeds all the legislative requirements of the *Planning Act*.

- b) Circulation Area: An expanded notification area within 650 m of the Subject Lands as shown on Attachment 1, to the Carrying Place, Greater Woodbridge, National Estates, Pinewood Estates and Vellore Woods Ratepayers' Associations, and those individuals that had requested notice or provided a written submission to the City.
- c) Comments received:

The Development Planning Department has received written comments from the following individuals (as of August 23, 2019):

- T. Di Pasquale, Siderno Crescent, emails dated June 20, 2019, June 24, 2019 and July 17, 2019
- R. Dunsworth, Siderno Crescent, email dated June 20, 2019
- S. Pasquini, Siderno Crescent, emails, dated June 20, 2019, and July 8, 2019
- A. Selvaggi, Velmar Drive, email dated June 20, 2019
- T. Genco, email address only, emails dated June 20, 2019, and June 24, June 25, and June 26, 2019
- H. D'Onoforio, email address only, email dated June 24, 2019
- J. Losiggio, Velmar Drive, email dated June 24, 2019
- E. Melchiori, email address only, email dated June 24, 2019
- S. Sbergio, email address only, email dated June 25, 2019
- T. Palumbo, Siderno Crescent, email dated June 25, 2019
- R. Vella, Polo Crescent, emails dated June 27, 2019, and July 18, 2019
- L. Russo, Polo Crescent, email dated June 28, 2019
- M. Lund, email address only, email dated June 28, 2019
- F. Mondelli, email address only, email dated June 28, 2019
- N. Di Lecce, Velmar Drive, email dated June 29, 2019
- L. and M. Prativiera, Polo Crescent, email dated July 2, 2019
- C. Zhang, email address only, email dated July 2, 2019
- Q. Deng, email address only, email dated July 2, 2019
- Bruno (no surname provided), email address only, emails dated July 2, 2019, and July 3, 2019

- Carrying Place Ratepayers Association, emails dated July 2, 2019 and July 3, 2019
- K. Doan, email address only, email dated July 3, 2019
- E. Yang, Siderno Crescent, emails July 3, 2019 and July 5, 2019
- J. Zhu and S. Jia, Siderno Crescent, email dated July 7, 2019
- E. Zou, email address only, email dated July 9, 2019
- J. Andreoli, email address only, email dated July 12, 2019
- Dr. Fervaha, email address only, email dated July 13, 2019
- M. Furman, Deer Run Court, email dated July 15, 2019
- V. Lacaria, email address only, emails dated July 15 and 25, 2019 and August 2, 2019
- A. Scarpino, Pinemeadow Drive, email dated July 15, 2019
- T. Markle, Novaview Crescent, email dated July 16, 2019
- R. Pignotti, Colavita Court, email dated July 16, 2019
- J. Carrello, email address only, email dated July 17, 2019
- G. Sellitto, Velmar Drive, email dated July 17, 2019
- Lisa (no surname provided), emails dated July 17, 2019, July 19, 2019, July 23, 2019, and July 29, 2019
- N. and C. Farro, Flatbush Avenue, email dated July 18, 2019
- F. Quattrociochio, email address only, email dated July 18, 2019
- V. Baggetta, Polo Crescent, email dated July 18, 2019
- Vince (no surname provided), email address only, email dated July 19, 2019
- L. Rubino, email address only, email dated July 19, 2019
- N. Tasevski, email address only, email dated July 19, 2019
- A. Garisto, Velmar Drive, email dated July 19, 2019
- J. and E. Ramundi, Novaview Crescent, email dated July 19, 2019
- C. Mammone, Polo Crescent, email dated July 20, 2019
- A. Russo, Polo Crescent, emails dated July 21, 2019 and July 23, 2019
- J. Simone, email address only, email dated July 22, 2019
- F. Gasbare, email address only, email dated July 22, 2019
- P. Simone, email address only, email dated July 22, 2019
- V. Manos, email address only, email dated July 22, 2019
- C. Locciano, Pinemeadow Drive, email dated July 23, 2019
- F. Scarangella, Windrose Court, email dated July 24, 2019
- M. Marcucci, Polo Crescent, email dated July 24, 2019
- C. Beattie, Santa Barbara Place, email dated July 24, 2019
- A. and P. Pitoscia, Velmar Drive, letter dated July 2019, and received July 31, 2019

- Lina and Massimiliano (no surnames provided), Velmar Drive, letter dated July 2019, and received Aug 2, 2019
- S. Florio, Kimber Crescent, emails dated July 26, 2019, and August 13, 2019
- M. Porretta, Muzich Place, email dated August 3, 2019
- R. Savage, email address only, email dated August 6, 2019
- F. Battaglia, email address only, email dated August 12, 2019
- M. Lippi, email address only, email dated August 14, 2019
- Sal (no surname provided) email address only, email dated August 14, 2019
- M. Power, email address only, email dated August 15, 2019
- B. and M. Paiano, Polo Crescent, letter received August 16, 2019
- T. and D. Parente, Polo Crescent, letter received August 16, 2019
- G. and A. Botta, no address provided, letter received August 16, 2019
- F. Leone, Polo Crescent, letter received August 16, 2019
- Barazza Family, Woolacott Road, email dated August 19, 2019

The following is a summary of the comments that have been provided in the written correspondence received to date:

- Traffic infiltration and congestion is already an issue in the community and along Weston Road and Rutherford Road
- Access and egress from individual properties (driveways) in the community is problematic which will be worsened by the Development
- The increase traffic generated by the Development will have implications on emergency vehicles
- The proposed access/egress on Velmar Drive is inadequate and would be better suited on a regional road
- One of the Notice Signs displayed on the property was inadequately placed and the signs took too long to install
- Pedestrian and accessibility safety must be satisfactorily addressed
- Noise pollution is already an issue in the community that will be worsened
- The Development is out of scale and will change the character of the area
- The proposed density is too high for the area. The neighbourhood consists of single detached dwellings
- There are better suited areas for apartment type dwellings in the City that have already been identified
- The extension of Pine Valley Drive should be considered and approved
- The Development is overcrowded and too many units are proposed

- The proposed Development will negatively impact Velmar Downs Park in a community that already is inadequately serviced for parks
- The Development should not extend onto the park property
- The existing commercial plaza serves a community need
- The proposed parking is inadequate and may overflow onto the neighbourhood streets
- Approval of the Development will set a precedent for other properties
- The Development will add to the community and provide additional choice and affordable units
- The Development will have negative sun and shadow implications and negatively impact on privacy
- The building of the church and the erection of a telecommunications tower occurred without adequate community input
- Residents asked about next steps and in the planning process timing
- Residents asked why the City accepted the Application

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 the final technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

N/A

Analysis and Options

Amendments to Vaughan Official Plan (VOP 2010) are required to permit the Development

The Subject Lands are designated “Low-Rise Mixed-Use” by VOP 2010, which permits residential, office and retail uses, and the following building types; townhouses, stacked townhouses, low-rise buildings, and public or private institutional buildings. The Owner is proposing the following amendments to VOP 2010:

Table 1

	VOP 2010 Policy	Proposed Amendments to VOP 2010
a.	The “Low-Rise Mixed-Use” designation on the Subject Lands permits a Maximum Building Height of 4-storeys	Maintain the “Low-Rise Mixed-Use” designation on the Subject Lands and increase the Maximum Building Height from 4-storeys to 7-storeys
b.	The “Low-Rise Mixed-Use” designation on the Subject Lands permits a Maximum Floor Space Index (FSI) of 1.5 times the area of the lot	Maintain the “Low-Rise Mixed-Use” designation on the Subject Lands and increase the Maximum Floor Space Index (FSI) from 1.5 FSI times the area of the lot to 3.15 times the area of the lot

The proposed Development does not conform to the maximum building height and FSI policies of the VOP 2010 and therefore, amendments to the Official Plan are required. Should the Applications be approved, the necessary additional exceptions to VOP 2010 may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

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

The Subject Lands are zoned “C3 Local Commercial Zone”, subject to site-specific Exception 9(814), by Zoning By-law 1-88, which does not permit the Development. The Owner proposes to rezone the Subject Lands to “RA2 Apartment Residential Zone”, together with the following site-specific exceptions to permit the Development shown on Attachments 2 to 6:

Table 2

	Zoning By-law 1-88 Standard	RA2 Apartment Residential Zone Requirements	Proposed Exceptions to the RA2 Apartment Residential Zone Requirements
a.	Uses Permitted	<ul style="list-style-type: none"> • Apartment Dwelling • Day Nursery 	<p>To permit the following additional uses on the ground floor (maximum 615 m²) :</p> <ul style="list-style-type: none"> • Bank or Financial Institution

	Zoning By-law 1-88 Standard	RA2 Apartment Residential Zone Requirements	Proposed Exceptions to the RA2 Apartment Residential Zone Requirements
			<ul style="list-style-type: none"> • Business or Professional Office • Eating Establishment/Outdoor Patio • Eating Establishment, Convenience/Outdoor Patio • Eating Establishment, Take-Out/Outdoor Patio • Personal Service Shop • Pharmacy • Photography Studio • Retail Store • Service or Repair Shop • Club or Health Centre
b.	Dimension of a Parking Space	2.7 x 6 m	2.6 x 6 m
c.	Minimum Lot Area Per Unit	80 m ² / unit @139 units = 11,120 m ²	No Minimum Lot Area / unit is Proposed
d.	Minimum Front Yard Setback (Rutherford Road)	7.5 m	5.9 m
e.	Minimum Rear Yard Setback	7.5 m	4.9 m (South property line)
f.	Minimum Interior Side Yard Setback	12.25 m	4.9 m (West property line)

	Zoning By-law 1-88 Standard	RA2 Apartment Residential Zone Requirements	Proposed Exceptions to the RA2 Apartment Residential Zone Requirements
g.	Minimum Yard Setbacks to the Underground Parking Garage	1.8 m	0.6 m (to each property line)
h.	Minimum Width Landscape Strip Abutting a Street Line	6 m	<ul style="list-style-type: none"> • 3.4 m along Rutherford Road • 5.3 m along Velmar Drive <p>A ventilation shaft and/or a hydro transformer may be located within the landscaped strip</p>
i.	Maximum Yard Encroachments for Balconies	1.8 m	2 m encroachment into any yard, provided that the balcony is setback a minimum of 3 m from any lot line
j.	Minimum Number of Parking Spaces	<p>139 units @ 1.5 spaces/unit = 209 spaces +</p> <p>139 units @ .25 spaces/unit for visitor parking = 35 spaces +</p> <p>Commercial GFA (615m²) @ 6 spaces/100 m² = 37 spaces</p> <p>Total Parking Required = 281 spaces</p> <p>9 Barrier Free Parking Spaces (4 Type A and 5 Type B)</p>	<p>139 units @ 1.22 spaces/unit = 170 spaces +</p> <p>139 units @ .2 spaces/unit for visitor parking = 28 spaces +</p> <p>Commercial GFA (615m²) @ 10 spaces/100 m² = 62 spaces</p> <p>Total Parking Proposed = 260 spaces</p> <p>7 Barrier Free Parking Spaces (3 Type A and 4 Type B)</p>

The site plan, landscape plan, building elevations and perspective views submitted in support of the Applications are shown on Attachments 2 to 6. Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies and York Region Official Plan	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the statutory Provincial policies including the <i>Provincial Policy Statement 2014</i> (the 'PPS'), <i>A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019</i> (the 'Growth Plan'), and the policies of the York Region Official Plan ('YROP 2010').
b.	City of Vaughan Official Plan 2010	<ul style="list-style-type: none"> The Owner is proposing to maintain the "Low-Rise Mixed-Use" designation on the Subject Lands and increase the maximum permitted building height to 7-storeys and the maximum FSI to 3.15 times the area of the lot in order to permit the Development, within a "Low-Rise Mixed-Use" designation. Low-Rise Buildings are generally buildings up to a maximum of 5-storeys in height by VOP 2010. A 7-storey building is considered a Mid-Rise Building. The appropriateness of maintaining the existing "Low-Rise Mixed-Use" designation and amending the maximum permitted building height and FSI will be reviewed. The proposed building height and FSI will be reviewed in consideration of the Community Area, Urban Design and Form, and Building Types and Development Criteria policies of VOP 2010. The Applications will be reviewed in consideration of the City's Urban Structure as set out in VOP 2010.
c.	Appropriateness of the proposed Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> The appropriateness of the proposed amendments to Zoning By-law 1-88 will be reviewed in consideration of the existing and

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>planned surrounding land uses, built form compatibility with the surrounding area, and appropriate development standards.</p> <ul style="list-style-type: none"> ▪ The Owner is proposing to provide 7 Barrier Free Parking Spaces instead of 9. The number of Barrier Free Parking Spaces cannot be reduced as they are subject to the requirements of Ontario Regulation 413/12, made under the <i>Accessibility for Ontarians with Disabilities Act</i>.
d.	Traffic and Infiltration	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of traffic infiltration initiatives that have been undertaken for the surrounding community.
e.	Studies and Reports	<ul style="list-style-type: none"> ▪ The following studies and reports were submitted in support of the Applications and must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> – Planning Justification Report – Draft Official Plan Amendment – Draft Zoning By-law Amendment – Urban Design Brief – Traffic Impact Study – Community Services and Facility Study – Sun/Shadow Study – Tree Inventory and Preservation Plan – Parkland Dedication Summary – Site Plan Accessibility Checklist – Sustainability Metrics Chart – Functional Servicing and Stormwater Management Report – Phase One Environmental Site Assessment – Geotechnical Investigation – Hydrogeological Assessment – Construction Management Plan – Noise Impact and Feasibility Study – Pedestrian Wind Study

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> Additional studies/reports may be required as part of the development application review process.
f.	Urban Design Guidelines	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the City of Vaughan City-Wide Urban Design Guidelines.
g.	Related Site Development Application	<ul style="list-style-type: none"> The Owner has submitted related Site Development File DA.19.042 for the proposed Development shown on Attachments 2 to 6, which will be reviewed comprehensively and concurrently with the Applications. The review of the Site Development Application will consider, but not be limited to, the following matters: <ul style="list-style-type: none"> Appropriate built form, building elevations and materials, site design, enhanced landscaping, and interface with Velmar Downs Park The relationship of the building setbacks, height and design with the immediate area Site circulation, proper vehicular access and turning movements, including service vehicles such as fire and garbage trucks, on the Subject Lands Pedestrian and barrier-free accessibility to / from and throughout the site Integration of the Development with the existing community Provision of sufficient snow storage area(s) Implementation of appropriate waste collection design standards, stormwater management, and site servicing and grading
h.	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, bioswales, drought tolerant landscaping, energy efficient lighting, reduction in pavement, bird-friendly treatments, etc., will be reviewed and

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>implemented through the Site Development Application process, if the Applications are approved.</p> <ul style="list-style-type: none"> In accordance with the City of Vaughan's Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score.
i.	Toronto and Region Conservation Authority ('TRCA')	<ul style="list-style-type: none"> The Subject Lands are located in a Source Water Protection vulnerable area referred to as a Wellhead Protection Area-Q2 ('WHPA-Q2') and which must be reviewed and approved to the satisfaction of the TRCA.
j.	Parkland Dedication	<ul style="list-style-type: none"> The Owner will be required to pay to the City of Vaughan a cash-in-lieu of the dedication of parkland dedication, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-Lieu of Parkland Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Real Estate Department.
k.	Water and Servicing Allocation	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", which will be removed once Vaughan Council identifies and allocates servicing capacity for the Subject Lands.
l.	Section 37 (Density Bonusing)	<ul style="list-style-type: none"> The Applications will be subject to and reviewed in consideration of the City's bonusing for increases in building height and density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation

	MATTERS TO BE REVIEWED	COMMENT(S)
		of Section 37 of the <i>Planning Act</i> , whereby Council may authorize an increase in building height and/or density in return for community benefits.
m.	Draft Plan of Condominium Application(s)	<ul style="list-style-type: none"> The Owner is proposing a condominium tenure for the Development and a Draft Plan of Condominium Application(s) will be required, if the Applications are approved, to establish the ownership tenure(s) of the Development.
n.	York Region - Road Widening, Access and Traffic	<ul style="list-style-type: none"> The Subject Lands are located on Rutherford Road which is under the jurisdiction of York Region. York Region will identify and approve any road widenings, if required, and the location and design of the proposed access/egress driveway. York Region must review the Traffic Study submitted in support of the Applications.

Financial Impact

Not Applicable

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues or comments received from the Region will be addressed through the technical report to Council. At the time of the preparation of this report, the Owner has not submitted a request for exemption of Regional approval of the Official Plan Amendment Application. Accordingly, York Region must approve the implementing Official Plan Amendment if the Official Plan Amendment Application is approved.

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 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: Clement Messere, Senior Planner, Development Planning Department, ext. 8409.

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. North & East Elevations
5. West & South Elevations
6. Perspective Views

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