

Committee of the Whole (Public Meeting) Report

DATE: Wednesday, April 7, 2021

WARD: 1

**TITLE: EASTWOOD HOLDINGS CORP.
OFFICIAL PLAN AMENDMENT OP.20.017
ZONING BY-LAW AMENDMENT Z.20.044
9291 JANE STREET
VICINITY OF RUTHERFORD ROAD AND JANE STREET**

FROM:

Jim Harnum, City Manager

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to redesignate and rezone the subject lands to permit two 36-storey apartment buildings, which include 5-storey podiums (excluding the mechanical penthouse levels), containing 760 residential dwelling units and having a Floor Space Index of 4.17 times the area of the lot, as shown on Attachments 1 to 5.

Report Highlights

- The Owner proposes two 36-storey apartment buildings, which include 5-storey podiums (excluding the mechanical penthouse levels), containing 760 residential dwelling units and having a Floor Space Index of 4.17 times the area of the lot
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.20.017 and Z.20.044 (Eastwood Holdings Corp.) 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

Location: 9291 Jane Street (the 'Subject Lands') and located in the northeast quadrant of Jane Street and Rutherford Road. The Subject lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: April 20, 2020

Date applications were deemed complete: January 18, 2021

Vaughan Official Plan 2010 as it relates to the Subject Lands has been appealed
Eastwood Holdings Corporation (the 'Owner') on November 16, 2011 appealed Vaughan Official Plan 2010 ('VOP 2010') the Local Planning Appeal Tribunal (LPAT) as it pertains to the proposed land use designation of the Subject Lands. The appeal has been identified as Appeal #3 of VOP 2010 and remains outstanding. Therefore, VOP 2010 is not in effect for the Subject Lands. An LPAT Hearing for this appeal has been scheduled from October 18, 2021 to November 1, 2021.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the proposed development (the 'Development') as shown on Attachments 2 to 5.

1. Official Plan Amendment File OP.20.017 to amend VOP to redesignate the Subject Lands from "Community Commercial Mixed-Use" to "High Density Residential", to increase the maximum permitted building height from 16-storeys to 36-storeys and increase the Floor Space Index ('FSI') from 2.7 to 4.17 times the area of the lot.
2. Zoning By-law Amendment File Z.20.044 to amend Zoning By-law 1-88 to rezone the Subject Lands from "C1(H) Restricted Commercial Zone", with the Holding Symbol "(H)" and subject to site-specific Exception 9(1246), as shown on Attachment 1 to "RA3 Apartment Residential Zone" in the manner shown on Attachment 2, 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 Notification Protocol

- a) Date the Notice of Public Meeting was circulated: March 12, 2021.

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

- b) Circulation Area: To all property owners within 150 m radius of the Subject Lands and the extended polling area, as shown on Attachment 1, the South Maple Ratepayers Association, and to anyone on file with the Office of the City Clerk having requested notice.
- c) To date the City has received a comment from a resident living north of the Subject Lands related to the proposed height and density of the buildings and the increased traffic and noise that will be generated from the Development.

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 and will be reviewed and addressed by the Development Planning Department in a future comprehensive report to the Committee of the Whole.

Previous Reports/Authority

Not applicable.

Analysis and Options

Official Plan Amendment 600, as amended by Official Plan Amendment 626 does not permit the proposed Development

Official Plan Designation under Official Plan Amendment 600, as amended:

- "High Density Residential/Commercial" by the in-effect Official Plan Amendment 600 ('OPA 600'), as amended by Official Plan Amendment 626 ('OPA 626'), which was approved by the LPAT (formerly the OMB) on April 19, 2005
- This designation permits apartment buildings to a maximum height of 16-storeys, a maximum density of 200 units per hectare and maximum FSI of 2.7 times the residential land area of the entire land holdings. Density and FSI may be transferred from one property or parcel of land to another within the amendment area provided the policies of the Official Plan are maintained and the total number of units does not exceed 200 units per hectare or a maximum FSI of 2.7 times the residential land area
- OPA 600, as amended by OPA 626, also contains policies regarding noise impact and appropriate setbacks from Canadian National Railway pullback tracks (CN Pullback Tracks) to ensure that residential development will be adequately protected from noise and vibration impacts generated from the CN Pullback Tracks
- OPA 600, as amended by OPA 626, establishes a minimum setback of 115.5 m for residential buildings measured perpendicular to the north property line of the OPA

Amendment area, which is the equivalent of 150 m from the south track of the CN Pullback Tracks for residential buildings. Only commercial uses are permitted on the Subject Lands

The Owner appealed Vaughan Official Plan 2010, as it relates to the Subject Lands, to the Local Planning Appeal Tribunal

Official Plan Designation

- “Community Area” and on a “Primary Intensification Corridor, as shown on Schedule 1-Urban Structure
- “Community Commercial Mixed-Use” on Schedule 13 - Land Use Map VOP 2010
- This designation permits office, hotel, cultural and entertainment uses, retail uses and gas stations with a maximum FSI of 4.0 times the area of the lot and a maximum building height of 16-storeys
- An Amendment to VOP 2010 is required to increase the permitted building height, density, units per hectare and FSI to permit two 36-storey apartment buildings, which includes 5-storey podiums with an FSI of 4.17 times the area of the lot

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

Zoning:

- “C1(H) Restricted Commercial Zone” with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to site-specific Exception 9(1246), which does not permit the Development
- The Owner proposes to rezone the Subject Lands to “RA3 Apartment Residential Zone”, together with the site-specific zoning exceptions identified in Table 1 of this report, to permit the Development shown on Attachments 2 to 5
- Additional Zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report at a future Committee of the Whole meeting

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements Exception 9(1246)	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
a.	Minimum Front Yard (Jane Street)	7.5 m	3.9 m
b.	Minimum Interior Side Yard setback for buildings in excess of 11m	57.5 m – (which is half the height of the building)	Tower A - 15 m (South) and 30 m (North) Tower B - 9 m (South) from 5-storey podium and 29 m from Tower (North)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements Exception 9(1246)	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
c.	Minimum Parking Requirements	<u>Residential</u> 1.5 spaces/unit x 760 units = 1,140 spaces <u>Visitor</u> 0.25 spaces/unit x 760 units = 190 spaces Total required parking = 1,330 spaces	<u>Residential</u> 1.01 spaces/unit x 760 units = 768 spaces <u>Visitor</u> 0.20 spaces/unit x 760 units = 152 spaces Total proposed parking = 920 spaces
d.	Minimum Amenity Area	350 One Bedroom Units x 20m ² /unit = 7,000 m ² 402 Two Bedroom Units x 55m ² /unit = 22,110 m ² 8 Three Bedroom Units x 90m ² /unit = 720 m ² Total required amenity area = 29,830 m ²	Provide a total amenity area of 13,200 m ²
e.	Maximum Driveway Width	7.5 m	12 m
f.	Minimum Front Yard Setback to the Nearest Part of a building below Finished Grade (Underground Garage)	1.8 m	0 m
g.	Minimum Landscape Strip Width Abutting a Street Line (Jane Street)	6 m	3.8 m
h.	Maximum Building Height	44 m	115 m Towers A and B
i.	Minimum Lot Area/unit for the Subject Lands	67 m ² / unit	19.3 m ² / unit

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements Exception 9(1246)	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
j.	Minimum Setback for Apartment Building from North Lot line	115.5 m (half the height of the building)	29 m

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP'), VOP 2010 and OPA 600, as amended by OPA 626
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law 1-88	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to OPA 600, as amended by OPA 626, and VOP 2010 will be reviewed in consideration of the proposed land use designation, building height and proximity to the CN Pullback Tracks ▪ The Applications will be reviewed in consideration of the City Urban Structure established in VOP 2010 ▪ The Applications will be reviewed in consideration with the compatibility of the surrounding land uses, access, and the coordination of vehicle and pedestrian connections with the existing condominium development to the south ▪ The appropriateness of the rezoning and site-specific exceptions required for the Development will be reviewed in consideration of the existing and planned surrounding land uses
c.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications which are available on the City's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process

	MATTERS TO BE REVIEWED	COMMENT(S)
d.	Allocation and Servicing	<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 lands will be zoned with a Holding Symbol “(H)”, which will be removed once Vaughan Council identifies and allocates servicing capacity to the Subject Lands
e.	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 as it relates to High Rise Buildings
f.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the comments provided by the DRP on January 28, 2021
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed and approved by York Region, the Toronto and Region Conservation Authority, and other external public agencies and utilities, municipalities, and the Public, Separate, and French School Boards
h.	Sustainable Development	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program. The Development shall achieve a minimum Bronze score of 31
i.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
j.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<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/or density (Section 37 of the <i>Planning Act as it read September 17 2020</i>) policies of VOP 2010, and the City's Guidelines for the Implementation 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 ▪ As of the date of this report, the City can continue to apply the version of the Section 37 provisions in the <i>Planning Act</i> in effect as of September 17, 2020. By way of background, Bill 197, the <i>COVID-19 Economic Recovery Act, 2020</i>,

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>received royal assent on July 21, 2020, and the Bill 197 provisions related to Section 37 were proclaimed to come into effect on September 18, 2020. Bill 197 repeals and replaces the Section 37 policy regime, as it read on September 17, 2020, with a new regime known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land (4%)</p> <ul style="list-style-type: none"> ▪ Transitional provisions in the <i>Planning Act</i> permit municipalities to continue to apply the Section 37 provisions of the <i>Planning Act</i> as it read on September 17, 2020 until the earlier of the City's passage of a CBC By-law or September 18, 2022 (the date the transition ends). Should the approval and enactment of any Zoning By-law Amendment for the Subject Lands occur after the earlier of the City's passage of a CBC By-law or September 18, 2022, the City will not be permitted to collect community benefits through Section 37 of the <i>Planning Act</i>, as it read on September 17, 2020. If the CBC By-law is in place at that time, the City will be permitted to collect community benefits pursuant to that instrument
k.	Affordable Housing	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the Development includes an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals
l.	Canadian National Railway	<ul style="list-style-type: none"> ▪ The appropriateness of a residential Development with the CN pullback tracks/yard will be reviewed in consideration of the following, but not limited to: <ul style="list-style-type: none"> - compliance with the applicable policies of the CN Proximity Guidelines including but not limited to the adequacy of the proposed building setbacks as they relate to land use compatibility and safety for new developments - noise and vibration related to the NPC 300 Class1 noise level limits - the potential mitigation measures incorporated in the design of the buildings - odour and air emission impacts

	MATTERS TO BE REVIEWED	COMMENT(S)
m.	Tree Preservation and Removals	<ul style="list-style-type: none"> ▪ The Owner is required to enter into a Tree Protection Agreement with the Development Planning Department, to identify the standards and procedures required by the City to protect public and private trees through the development review process in accordance with the Tree Protection Protocol, should the Applications be approved

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. The Owner has requested exemption of Regional Approval for Official Plan Amendment File OP.20.017. At the time of the preparation of this report, York Region has not advised of the status of the request for exemption. Any Regional issues will be addressed when the comprehensive report is considered. The Development fronts onto Jane Street being a York Region right-of-way, any required road widenings, encroachment/road works permits, or agreements shall be determined by York Region.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the comprehensive review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Eugene Fera, Senior Planner, Development Planning Department, ext. 8003.

Attachments

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

Prepared by

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