

COMMITTEE OF THE WHOLE OCTOBER 4, 2011

**ZONING BY-LAW AMENDMENT FILE Z.11.024
SITE DEVELOPMENT FILE DA.11.072
CASERTANO DEVELOPMENT CORP. (PHASE 1)
WARD 4**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.11.024 (Casertano Development Corp. (Phase 1)) BE APPROVED, to amend Zoning By-law 1-88, specifically to remove the Holding Symbol "(H)" from the subject lands shown on Attachment #1, thereby effectively zoning the subject lands C1 Restricted Commercial Zone.
2. THAT Site Development File DA.11.072 (Casertano Development Corp. (Phase 1)) BE APPROVED, to facilitate a tiered (1, 3 and 5-storeys), office and commercial mixed-use building with a gross floor area of 5,898 m², as shown on Attachments #3 to #6, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the Owner shall satisfy all requirements of the Vaughan Development Planning Department, respecting the final site plan, building elevations, landscaping, materials board, and signage plans;
 - ii) the final site grading and servicing plans, stormwater management report, functional servicing report, traffic impact statement, and the revised Phase 1 Environmental Site Assessment report shall be approved by the Vaughan Development/Transportation Engineering Department;
 - iii) all hydro requirements of PowerStream Inc. shall be satisfied;
 - iv) the final development plans shall be in accordance with the City of Vaughan Waste Collection Design Standards Policy and approved to the satisfaction of the Vaughan Public Works Department;
 - v) the Owner shall satisfy all requirements of the Region of York Transportation Services Department;
 - vi) the Holding Symbol "(H)" applicable to the subject lands shall be lifted;
 - vii) the required Minor Variance Application (File A286/11) to implement the proposed development shall be approved by the Vaughan Committee of Adjustment, and shall be in full force and effect; and,
 - viii) the final site plan and building elevations shall be approved by the Vaughan Mills Design Review Committee; and,
 - b) that the Site Plan Letter of Undertaking include the following provision:
 - i) "The Owner shall pay to Vaughan by way of a certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance

with Section 42 the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”

Contribution to Sustainability

The Owner has proposed the following sustainability features for the building and site design:

- a) an on-site stormwater management system that infiltrates and collects the “first flush” (25 mm) of rainfall;
- b) achieve a reduction in potable indoor water use;
- c) incorporate into the landscape design the requirement for little or no irrigation; incorporate low input and indigenous plants; use high water irrigation technologies or the use of captured rainwater or recycled site water for irrigation purposes; and, use climate-appropriate, non-invasive plant species and native species;
- d) 10% to 20% of building materials are extracted, processed and manufactured regionally;
- e) 40% to 90% of building materials are low-emitting, including adhesives, sealants, paints and coatings, carpet systems, composite woods and agri-fibre products;
- f) compliance with ASHRAE 62-2004 ventilation standards;
- g) the elimination of CFC-based refrigerants in new base building HVAC and refrigeration systems and halons in fire suppression equipment;
- h) use rapidly renewable building materials and products (made from plants that are typically harvested within a ten year cycle or shorter) for 5% of the total value of all building materials and products used in the development proposal;
- i) recycle and/or salvage at least 50% to 77% of non-hazardous construction and demolition debris; and,
- j) the installation of Energy Star certified heating and air conditioning systems.

The Development Planning Department also notes that the design of the building elevations includes cantilevered sunshades that would reduce building cooling costs. Furthermore, the subject lands are located adjacent to a regional transit hub on the Vaughan Mills Mall site, which supports transit.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted the following:

1. Zoning By-law Amendment File Z.11.024 to amend Zoning By-law 1-88, specifically to remove the Holding Symbol “(H)” from the subject lands shown on Attachments #1 and #2, thereby effectively zoning the subject lands C1 Restricted Commercial Zone.
2. Site Development File DA.11.072 to facilitate the development of the subject lands with a tiered (1, 3 and 5 storeys) office and commercial mixed-use development, as shown on Attachments #3 to #6, comprised of the following:

- a) site area of 0.83 ha;
- b) total gross floor area of 5,898 m²;
- c) lot coverage of 23 %;
- d) a total of 233 parking spaces (including 5 barrier-free spaces) of which 140 spaces are located underground and 93 spaces are at grade level; and,
- e) total landscape area of 36%.

Background - Analysis and Options

The 0.83 ha subject lands are located on the west side of Jane Street, south of Rutherford Road, in Part of Block 1 on Plan 65M-3696, being part of Lots 14 and 15, Concession 5 (Ward 4), City of Vaughan. The surrounding lands uses are shown on Attachment #2.

Previous and Existing Development Planning Applications

In February 2007, the Owner submitted an Official Plan Amendment File OP.07.001 to facilitate a high-density residential/commercial development (6 residential apartment buildings ranging in height from 26 to 40 storeys together with 2 two-storey office/commercial buildings), on the entire Casertano Development Corp. (Attachment #2) lands. The application was held in abeyance until the completion of the Jane Street Corridor Study. In November 2009, the Owner re-initiated the Official Plan Amendment File OP.07.001 and submitted corresponding Zoning By-law Amendment File Z.09.038.

In January 2010, Files OP.07.001 and Z.09.038 were considered at a Public Hearing where the Committee of the Whole recommended, "that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole following the completion and approval by City of Vaughan Council of the final results of the City's comprehensive Official Plan Review Process". This recommendation was ratified by Vaughan Council on January 19, 2010.

On September 7, 2010, Vaughan Official Plan 2010 (VOP 2010) was adopted by Vaughan Council and is currently pending approval from the Region of York. The subject lands were identified within the Vaughan Mills Centre as a required Secondary Plan Area.

In April 2011, Vaughan Council approved a joint report by the Development Planning and Policy Planning Departments to not process Files OP.07.001 and Z.09.038 in advance of the required Vaughan Mills Secondary Plan, as identified in the adopted VOP 2010.

Ontario Municipal Board Appeal and Settlement

In April 2011, the Owner appealed Files OP.07.001 and Z.09.038 to the Ontario Municipal Board (OMB) citing the City of Vaughan's failure to approve the Official Plan Amendment and Zoning By-law Amendment applications in a timely manner.

On August 18, 2011, an OMB Pre-hearing for the appeals filed by Casertano Development Corp. was held for the original development proposal for 6 high-rise residential buildings up to 40 storeys in height and 2 two-storey office/commercial buildings.

The OMB was advised that settlement discussions were ongoing and that Casertano Development Corp. (Phase 1) submitted Site Development File DA.11.072 for a tiered 5 storey, office and commercial mixed-use building on the subject lands, situated at the north end of the Casertano Development Corp. lands. The Owner has agreed to hold the OMB appeals in abeyance, pending the completion of the Vaughan Mills Centre Secondary Plan process, provided the subject site Plan Application DA.11.072 is processed at this time.

Official Plan and Zoning

The subject lands are designated "General Commercial – Special Policy" by OPA #600. The proposed site development conforms to the Official Plan. The subject lands are designated "High-Rise Mixed-Use" and are located within a designated Required Secondary Plan Area, more specifically, Vaughan Mills Centre (VOP 2010, Schedule 14-A).

The subject lands are zoned C1(H) Restricted Commercial Zone with the Holding Symbol "(H)" by Zoning By-law 1-88, subject to Exception 9(1030). The Holding Symbol "(H)" was placed on the property to ensure that a development would not occur on the lands without site plan approval and in advance of the Vaughan Mills Mall. Upon site plan approval of File DA.11.072, these conditions will be satisfied and the Holding Symbol can be removed from the subject lands. Should Zoning By-law Amendment File Z.11.024 be approved, an implementing by-law will be forwarded to Vaughan Council, for enactment, prior to the execution of the Site Plan Letter of Undertaking.

The C1(H) Restricted Commercial Zone under Exception 9(1030), permits a broad range of commercial uses on the subject lands. The following site-specific zoning exceptions are required to implement the proposed site plan:

	By-law 1-88 C1 Zone Standards (Exception 1030)	Proposed Exceptions to C1 Zone (Exception 1030)
Minimum Width of Landscape Buffer (Jane Street)	6.0 m	3.0 m
Minimum Parking Space Requirement	6.0 spaces per 100 m ² GFA @ 5,898 m ² (354 spaces)	3.0 spaces per 100 m ² GFA @ 5,898 m ² (177 spaces)

The Owner has submitted Minor Variance File A286/11 for consideration by the Vaughan Committee of Adjustment. The reduction of the landscape buffer along Jane Street from 6.0 m to 3.0 m is for the south portion of the lot flankage where outdoor patios are proposed to create opportunities to animate the street and contribute to a pedestrian-friendly atmosphere.

With respect to the reduced parking standards, the Owner has submitted a parking study in support of the application. The Vaughan Development/Transportation Engineering Department has reviewed the parking study and concurs with the findings of the study. A total of 233 parking spaces will be provided on the site for a surplus of 56 spaces based on the reduced parking ratio. The 56 parking space surplus allows for parking flexibility on the subject lands.

The proposed parking ratio reduction is supported in the draft Parking Standards Report by IBI Group that the City of Vaughan undertook in March 2010. The report recommends an off-street parking requirement for new developments of 3 (minimum) to 4.5 (maximum) spaces/100 m² gross floor area, which is in keeping with the proposed parking standard of 3 spaces/100 m² gross floor area. It is expected that the report and a by-law to implement the proposed parking standards will be undertaken by the Policy Planning Department and considered by Council in the near future.

The City of Vaughan continues to evolve into an increasingly urban environment with transit-supportive densities and destinations with access to more frequent public transportation. An over supply of parking contributes to inefficient use of lands and facilitates dispersed development patterns, which in turn encourages automobile dependence. In the case of the current development proposal, the proposed parking supply can be supported given the location of the subject lands within an identified Primary Centre (VOP 2010), along a Primary Intensification Corridor (Jane Street), and adjacent to a Regional Transit Hub, and that the proposed parking standard is consistent with the standard contemplated by the City's draft parking study.

As a result, the Development Planning Department can support the variances subject to the recommendations in this report.

Site Plan Review

The Development Planning Department is generally satisfied with the proposed site plan, building elevations, landscape plan, and signage plans, as shown on Attachments #3 to #6, subject to the recommendations in this report and the following comments that have been forwarded to the Owner to incorporate into a revised site plan submission:

- a) the street wall massing should be articulated up with evenly spaced vertical recesses or other articulations and/or changes in the building materials;
- b) the ground floor commercial interface along Jane Street should include street related active facades with vision glazing and primary entrances at grade flush with the adjacent public sidewalks;
- c) the site should include grade related landscaped pedestrian accessibility to public transit;
- d) phasing plans for the site must be submitted for the site and underground parking to demonstrate the feasibility of the site plan concept;
- e) activate the rooftop of the proposed one-storey portions of the building for uses such as outdoor patios for the commercial units. This can be achieved by considering direct vertical access points to the rooftop patios from the adjacent walkways and the parking area;
- f) increase the amount and quality of landscaped areas and pedestrian areas; and,
- g) the south end of the building should be setback further from the private road.

The Vaughan Development/Transportation Engineering Department is generally satisfied with the servicing, grading and storm water management plans. However, the final plans must be approved by the Development/Transportation Engineering Department. A condition to this effect has been included in the recommendation of this report.

All hydro requirements must be addressed to the satisfaction of PowerStream Inc. Waste collection must be in compliance with the City's Waste Collection Design Standards, to the satisfaction of the Vaughan Public Works Department. A condition respecting both are included in the recommendation of this report. All snow removal and garbage and recycling pick-up will be carried out by private contractors.

Vaughan Mills Urban Design Guidelines

Development on the site is subject to the Vaughan Mills Urban Design Guidelines (VMUDG), approved by Vaughan Council on April 26, 1999, as amended. The Guidelines outline peripheral parcel development standards, including but not limited to, building setbacks and orientation,

architecture and site plan design, and requires that out-parcel development be approved by the Vaughan Mills Design Review Committee (VMDRC).

The Development Planning Department is generally satisfied that subject to the recommendations and comments in this report, the proposal meets the general intent of the Guidelines. Accordingly, the Development Planning Department is supportive of the proposal.

A condition of site plan approval has been included in the recommendation of this report that requires that the final site plan and building elevations be approved by the VMDRC.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Well-being".

Regional Implications

The subject lands are located on Jane Street, which is a Regional Road. The Region of York Transportation Services Department, in a letter dated September 19, 2011, has provided the following comments:

- a) a Regional Site Plan Agreement will be required to be executed prior to issuance of a building permit by the City of Vaughan;
- b) access to Jane Street will be restricted to right-in and right-out movements only;
- c) the only access permitted to the subject lands will be approximately 110 m south of the centreline of the eastern entrance to Vaughan Mills;
- d) the Owner agrees to share the proposed Jane Street access (private road) with the adjacent property to the south (other lands owned by Owner);
- e) the Owner shall convey the following lands, along the entire frontage of the site adjacent to Jane Street to the Regional Municipality of York, free of costs and encumbrances:
 - i) sufficient property to provide a 22.5 m setback from the centreline of construction; and,
 - ii) sufficient property to provide a 15.0 m by 15.0 m daylighting triangle at the southwest corner of Jane Street and the eastern entrance to Vaughan Mills.

The Region of York is protecting for a 45.0 m right-of-way for this section of Jane Street, and therefore requests that all municipal setbacks be referenced from a point 22.5 m from the centreline of Jane Street.

The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department. A condition to this effect has been included in the recommendation of this report.

Conclusion

Zoning By-law Amendment File Z.11.024 to remove the Holding Symbol "(H)" from the subject lands and Site Development File DA.11.024 to facilitate the development of the lands with an office and commercial mixed-use building have been reviewed in accordance with the policies of OPA #600, VOP 2010, Zoning By-law 1-88, the comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the request to remove the Holding Symbol from the subject lands and the proposed site development are appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations – East & West
6. Elevations – North & South

Report prepared by:

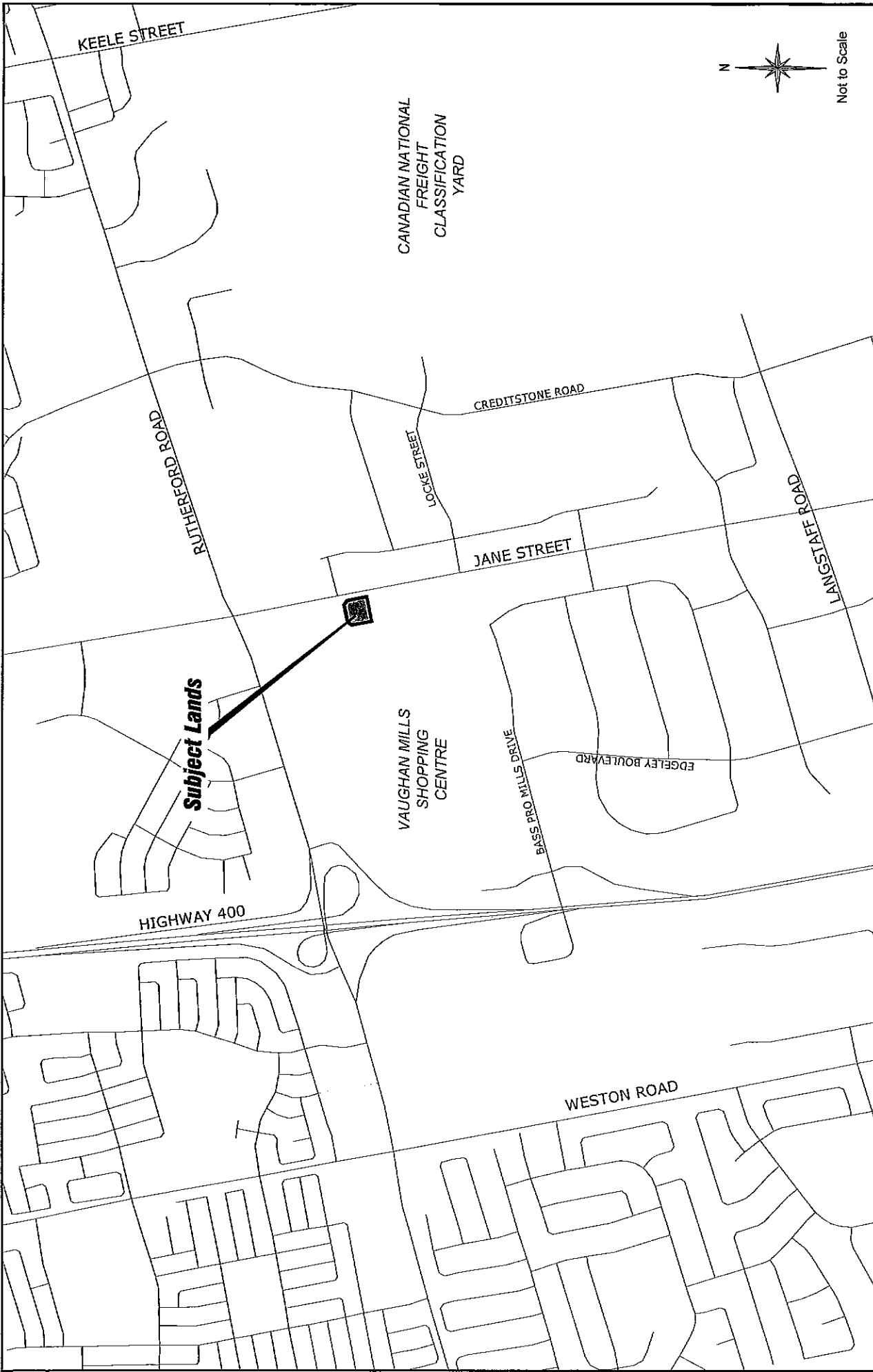
Stephen Lue, Planner, ext. 8210
Christina Napoli, Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG



Context Location Map

LOCATION:
Part of Lots 14 & 15, Concession 5

APPLICANT:
Casertano Development Corp. (Phase I)
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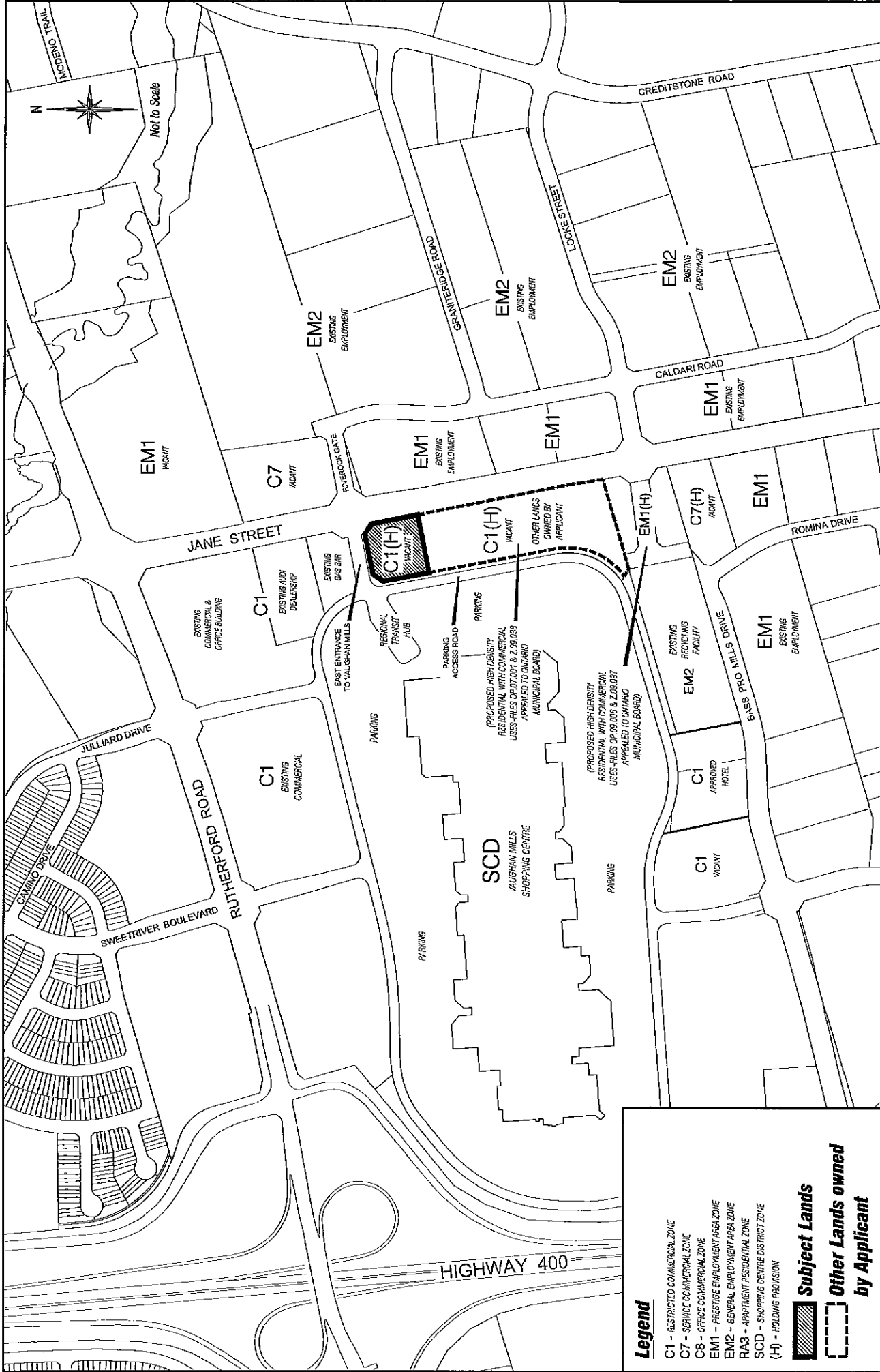


Development Planning Department

Attachment 1

FILES: DA.11.072 & Z.11.024
RELATED FILES: OP.07.001 & Z.09.038

DATE:
September 20, 2011



Legend

- C1 - RESTRICTED COMMERCIAL ZONE
- C7 - SERVICE COMMERCIAL ZONE
- C8 - OFFICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- RA3 - APARTMENT RESIDENTIAL ZONE
- SCD - SHOPPING CENTRE DISTRICT ZONE
- (H) - HOLDING PROVISION

Subject Lands

Other Lands owned by Applicant

Location Map

LOCATION: Part of Lots 14 & 15, Concession 5
 APPLICANT: Casertano Development Corp. (Phase I)
N:\DFT\1 ATTACHMENTS\DA.doc:1.072z:1.024.dwg



Development Planning Department

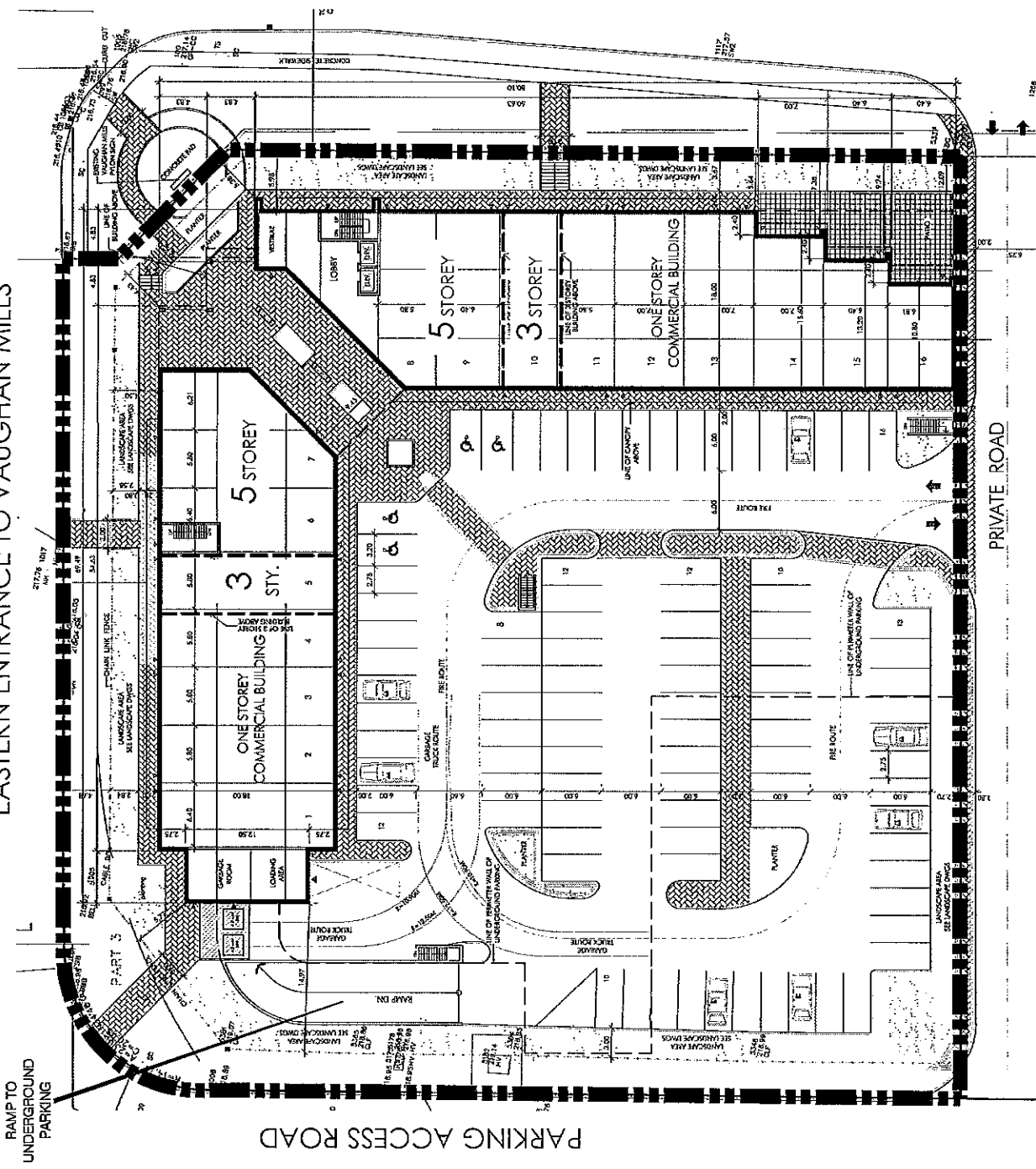
Attachment

FILES: DA.11.072 & Z.11.024
 RELATED FILES: OP.07.001 & Z.09.038

DATE: September 20, 2011

2

EASTERN ENTRANCE TO VAUGHAN MILLS



SITE STATISTICS

Site Area	0.83 ha.
GFA	5,898.0 m ²
Lot Coverage	23.0%
Underground Parking	140 spaces
Surface Parking	93 spaces
Landscape Area	36.46%



Not to Scale

Subject Lands

Site Plan

LOCATION:
Part of Lots 14 & 15, Concession 5

APPLICANT:
Casertano Development Corp. (Phase I)

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Development Planning Department

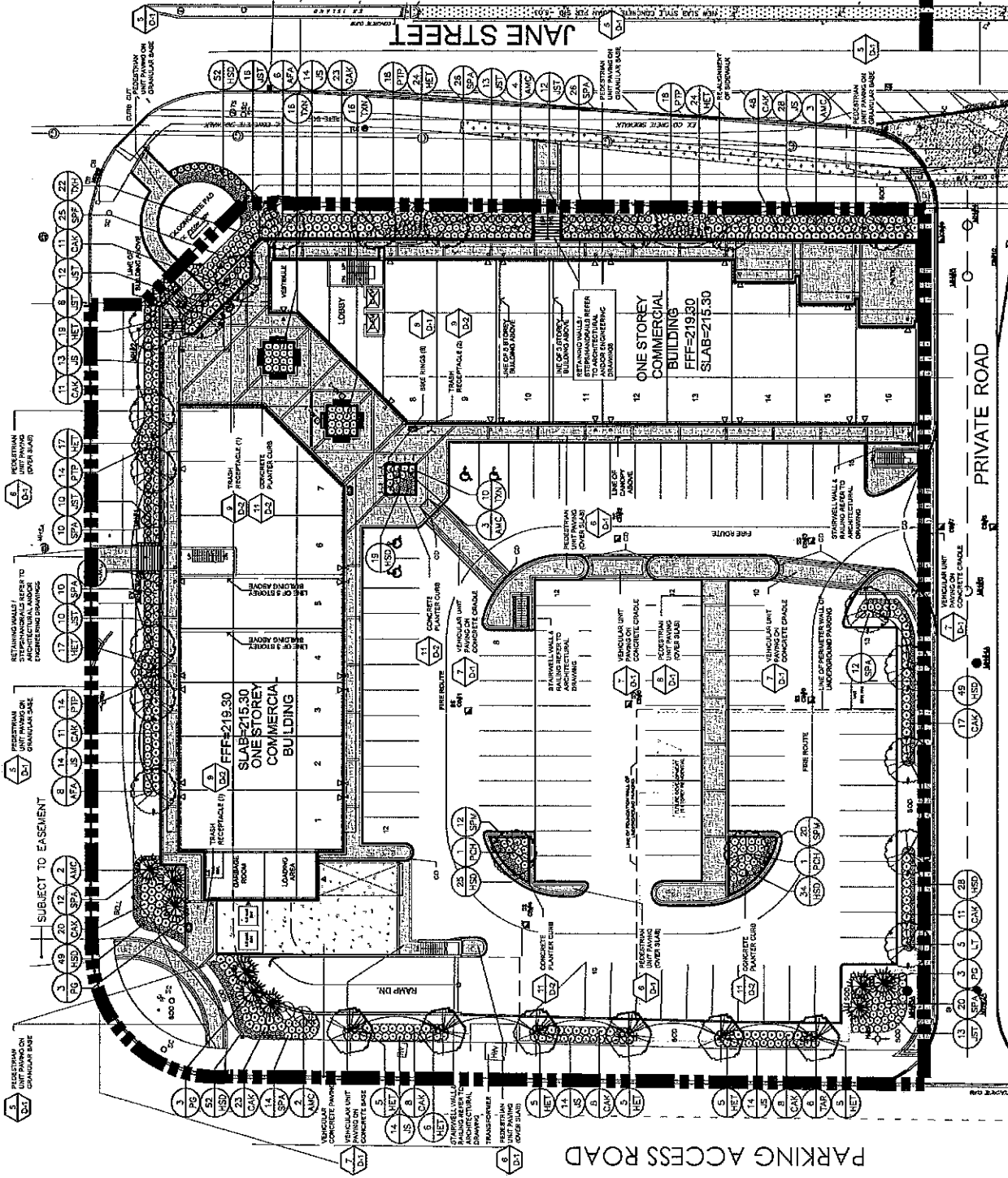
Attachment

FILES: DA.11.072 & Z.11.024
RELATED FILES: OP.07.001 & Z.09.038

DATE:
September 20, 2011

3

EASTERN ENTRANCE TO VAUGHAN MILLS



Not to Scale

Subject Lands

Landscape Plan

LOCATION:
Part of Lots 14 & 15, Concession 5

APPLICANT:
Casertano Development Corp. (Phase I)
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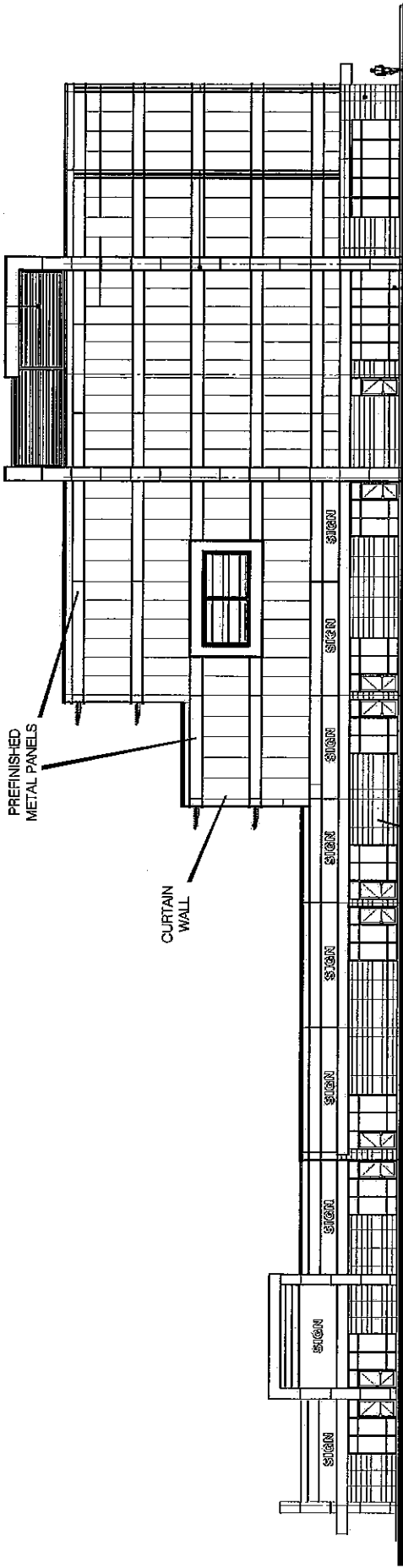
Development Planning Department

Attachment

FILES: DA.11.072 & Z.11.024
RELATED FILES: OP.07.001 & Z.09.038

DATE:
September 20, 2011

4



EAST ELEVATION (FACING JANE STREET)

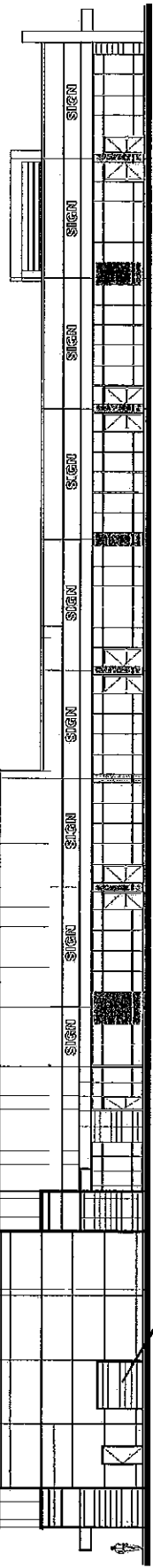
PREFINISHED METAL PANELS

CURTAIN WALL

STONE

CANTILEVERED SUNSHADE

METAL LOUVRES



WEST ELEVATION

STONE

Elevations - East & West

LOCATION:
Part of Lots 14 & 15, Concession 5

APPLICANT:
Casertano Development Corp. (Phase I)
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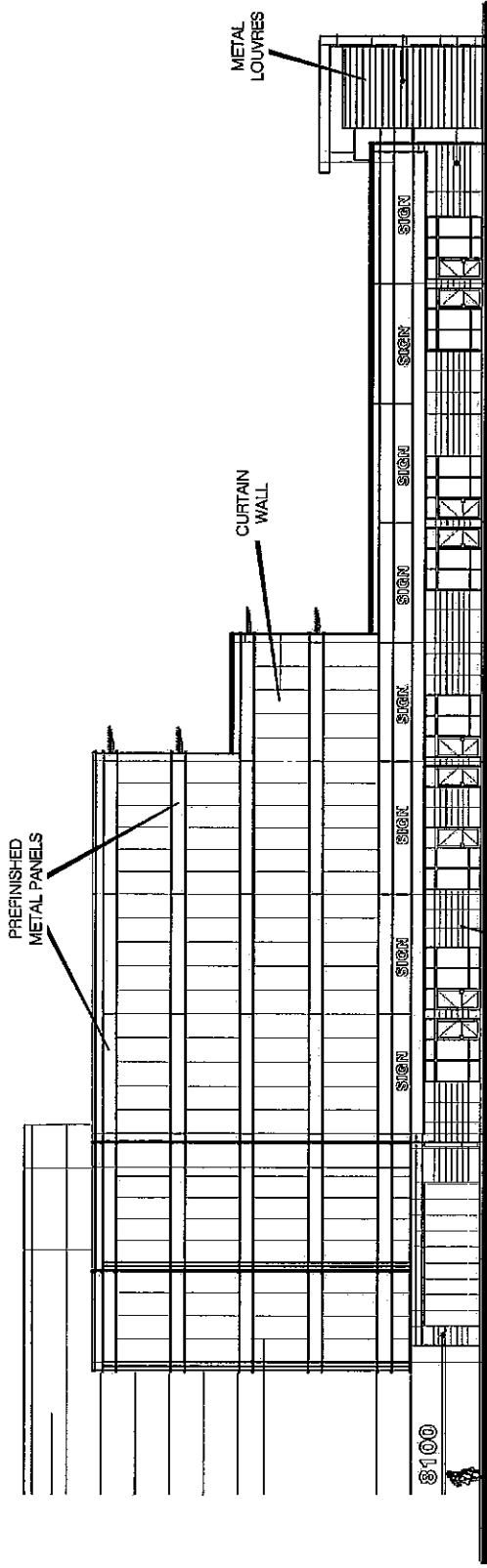
Development Planning Department

Attachment

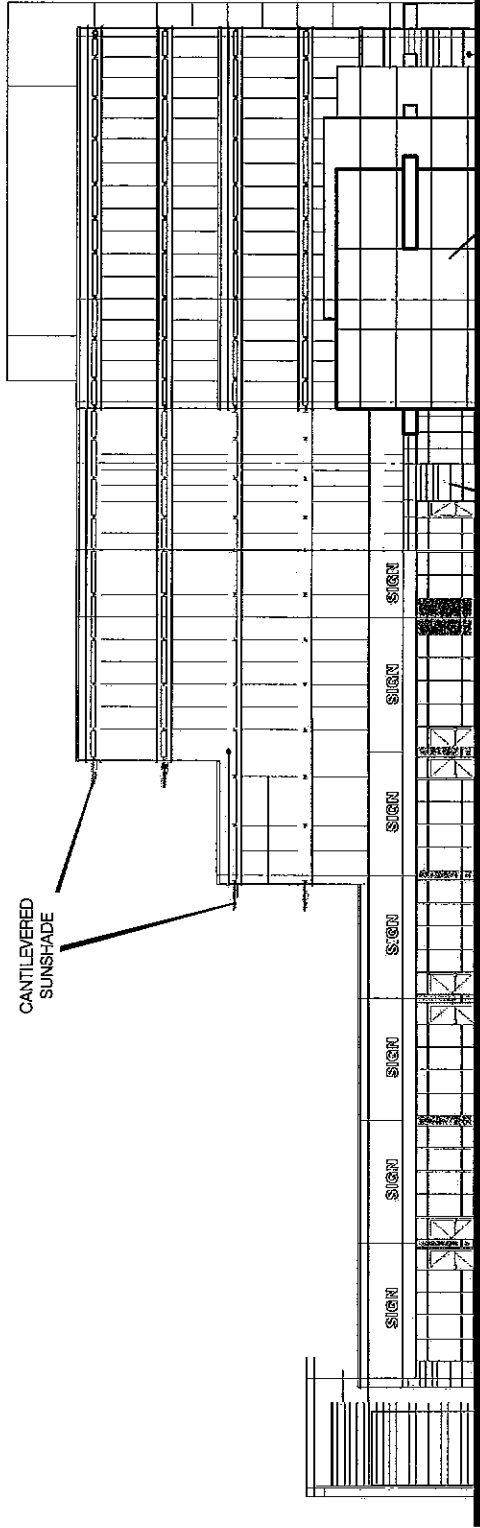
FILES: DA.11.072 & Z.11.024
RELATED FILES: OP.07.001 & Z.09.038

DATE:
September 20, 2011

5



NORTH ELEVATION



SOUTH ELEVATION

Elevations - North & South

LOCATION:
Part of Lots 14 & 15, Concession 5

APPLICANT:
Casertano Development Corp. (Phase I)
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Development Planning Department

Attachment

FILES: DA.11.072 & Z.11.024
RELATED FILES: OP.07.001 & Z.09.038

DATE:
September 20, 2011

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