

COMMITTEE OF THE WHOLE - DECEMBER 1, 2008

VAUGHAN CORPORATE CENTRE UPDATE RFP AWARD – RFP08-163 FILE # 25.5

Recommendation

The Commissioner of Planning recommends:

1. That Staff be directed to prepare a City initiated Official Plan Amendment to amend OPA No. 500, as amended by No. OPA 663, to extend the "Corporate Centre Corridor" designation north on Jane Street to Portage Parkway, east of Millway Avenue, in the Vaughan Corporate Centre, and hold a Public Hearing on the matter.
2. That Staff be directed to prepare and bring forward to Council a City initiated zoning amendment respecting the establishment of a 5 storey (16.5 metre) minimum building height limit in the areas designated "Corporate Centre Corridor" and "Corporate Centre Node" in the Vaughan Corporate Centre to the same Public Hearing meeting.
3. That a by-law be prepared and brought forward to amend the Site Plan Control By-law 228-2005, as amended, to include all types of buildings in the Vaughan Corporate Centre Area under Site Plan Control.
4. That Staff be directed to bring a report to Committee of the Whole, Working Session, by June 2009 on the establishment of a pilot Design Review Panel to provide design advice on developments in the Vaughan Corporate Centre and potentially for other developments in the City.

Economic Impact

There is no significant economic impact associated with this report.

Communication Plan

Not Applicable.

Purpose

To determine the advantages and disadvantages of implementing an interim control by-law and other planning tools which may be used to control development applications that are not consistent with the vision for Vaughan Corporate Centre (VCC) as shown on Attachment 1, until such time as the Vaughan Corporate Centre Plan Review is finalized.

Background – Analysis and Options

On November 10, 2008, Vaughan Council Resolved that:

"The Commissioner of Planning be requested to prepare a report for the Committee of the Whole meeting of December 1, 2008, which outlines the advantages and disadvantages of implementing an interim control by-law for the Vaughan Corporate Centre:

That the report identify if there are other planning tools which may be used to effect control over undesirable applications; and

That potential boundaries of the planning area affected by the implementation of an Interim Control By-law or other planning tools be identified.”

On May 7, 2007, Vaughan Council approved the Terms of Reference for a new Vaughan city wide Official Plan. The approved Terms of Reference for the new Vaughan Official Plan project identified the Vaughan Corporate Centre as one of four Focused Area Studies to be undertaken.

On May 12, 2008, Vaughan Council approved the Terms of Reference for the Vaughan Corporate Centre. The focus of the project will be the areas designated “Corporate Centre Node” (the future downtown) and lands designated “Corporate Centre District” in the Vaughan Corporate Centre Secondary Plan Area of Official Plan Amendment No. 500, as amended by OPA No. 663 (Attachment 2).

While the current VCC Secondary Plan has not been comprehensively reviewed since its approval in March 1998. Since that time, there have been a number of planning-related initiatives and events that have occurred over the past 10 years that affect the Vaughan Corporate Centre Plan such as:

- Official Plan Amendment No. 663 (2007)
- The Highway 7 Land Use Futures Study (2007)
- The Growth Plan for the Greater Golden Horseshoe (2006)
- The Region of York Official Plan (2004)
- The Region of York Rapid Transit Master Plan (2002)
- The VCC Streetscape and Open Space Master Plan Study
- Vaughan’s Master Servicing Strategy Study for the VCC
- The provincial funding for the Spadina Subway Extension
- New proposed high density development in the VCC

The March 23, 2006 announcement of provincial funding for the Spadina Subway extension to the VCC has set the stage for intensified development within the VCC. However, OPA No. 500 is out-of-date, and there is a need to revisit and update the policies guiding its future development in a manner consistent with Council’s vision. While this work is underway a concern has been expressed that there may be developments that come forward that may be inconsistent with the framework guiding the VCC’s future development.

Vaughan Corporate Centre Area

The Corporate Centre has an important function in the urban structure established by both the City of Vaughan and Region of York Official Plans. York Region’s Official Plan identifies the Vaughan Corporate Centre as one of four primary centres in the Region and the only Regional Centre in the City of Vaughan. Regional Centres are intended to have the highest concentration of uses in the Region and will be the focus of business, government, entertainment and culture with complementary medium and high density development.

The City’s policy framework for the Corporate Centre was established in 1998 by OPA No. 500. The Plan defines the limits of the VCC Secondary Plan Area and sets out policies to guide the City in its consideration of implementing development applications. When the Plan was developed its purpose was to:

- establish a mix of land uses and to ensure a compact urban form and community structure that recognizes its strategic location in Vaughan, the Region and the broader geographic area;
- ensure appropriate policies and urban design guidelines are in place to stimulate and guide both private and public sector development over the long term, and;

- ensure that adequate and efficient transportation networks are possible with potential to become a major transportation gateway that is supported by densities.

At the time the Secondary Plan was developed, the VCC was expected to provide over 30,000 employment opportunities and places of residence for 5000 people (approximately 2200 units). The Secondary Plan Area covers an area of approximately 400 hectares (Attachment 1) and consists of two main designations for development, as follows:

The "Corporate Centre Node" straddles both sides of Highway 7 between Highway 400 and (just west of) Creditstone Road and consists of approximately 50 hectares. The Node is to be recognized as a higher order transit hub and its function as the City's future "downtown". When the Secondary Plan was being developed, the Node was seen as having the potential to accommodate between 5.5 and 6.0 million square feet of development and a wide range of commercial and residential uses. The Plan calls for a compact urban form of development based on 100m x 100 m development blocks. The Node is surrounded by a planned ring road that is intended to divert traffic from Highway 7, allowing it to become a more pedestrian and transit oriented urban street.

The "Corporate Centre District" surrounds the Node and includes lands east and west of Highway 400, and north and south of Highway 7 (outside the Node). The District is intended to provide opportunities for land uses requiring visual exposure, good vehicular access and large development sites. Unlike the Node, residential uses are not permitted but larger retail facilities are allowed along with employment uses.

A third designation, the "Corporate Centre Corridor" was recently added to the Secondary Plan by OPA No. 663. This designation applies to lands located on both sides of Highway 7 to a depth of 200 metres, east and west of the Node and on both sides of Jane Street, south of Highway 7. The Corridor designation permits similar uses to the Node with the addition of employment uses and contains a number of development and urban design policies in support of transit ridership.

Recent and Proposed Major Development

A considerable amount of development has taken place in the Corporate Centre area since the inception of the Secondary Plan. As expected, most of the initial development occurred in the outer area of the Plan within the "Corporate Centre District" designation, in the form of large scale retail uses, theatres, restaurants and hotels. Development within the Node began in 2005, including a relatively small amount of retail development and two hotel complexes.

A number of current development proposals have been received by the City within the Corporate Centre as shown on Attachments 3 and 3a. As noted, there are currently seven development applications within the Vaughan Corporate Centre which are generally consistent with the policy position taken within OPA No. 500, as amended by OPA No. 663. Proposed developments range from 4 storeys to 35 storeys, except for a public facility (York Region Waste Recycling Facility) at the eastern terminus of the Corporate Centre, which is a low scale single storey building, the other applications are consistent with the mixed use residential/commercial, transit oriented development contemplated by the Vaughan Corporate Centre.

Development Control Instruments

In addition to an interim control by-law, there are five other planning mechanisms that could be used to ensure appropriate development in the Vaughan Corporate Centre. These are discussed in more detail below and include the use of Holding Zones, a Minimum Height By-

law, Expansion of Site Plan Control, the Development Permit System and a Design Review Panel.

Interim Control By-law

Section 38(1) of the Planning Act, as amended, provides the Council of a municipality the authority to enact an Interim Control By-law for a period no more than one year:

"Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area thereof, the council of the municipality may pass a by-law (hereinafter referred to as interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law."

An interim control by-law may prohibit the use of land, building or structure for the period of time set out in the interim control by-law, not to exceed one year, and Council may amend the interim control by-law to extend the period of time in which it will be in effect, provided that the total period of time does not exceed two years from the passing date.

The advantage of an interim control by-law is that it would provide a mechanism to forestall any additional development approvals which could be seen to be inconsistent with the new policy framework guiding the VCC's future development.

The disadvantage of an interim control by-law is that it freezes all development without regard to any hardship it may cause, by delaying projects which are appropriate through the added processing of exemption applications. In addition, an interim control by-law is usually implemented and is intended to be utilized when it is demonstrated that development pressures are spawning applications which are detrimental to the planning district. The analysis of proposed developments illustrated in Attachment 3 demonstrates the opposite in that with the exception of one application all are consistent with the scope and scale of development which is supportive of transit and compact mixed use high density. Thirdly, an interim control by-law would fail to recognize the recent work of OPA No. 663 which was approved by Council on June 25, 2007 and, subsequently approved by York Region on July 17, 2008, which implements appropriate development policies along Highway 7 and Jane Street. It would be difficult to defend an Interim Control By-law in an area that was subject to so recent a study.

A further disadvantage of an Interim Control By-law is that landowners could appeal the imposition of an interim control by-law to the Ontario Municipal Board which would require a significant expenditure in time and funds on the part of the City.

The Toronto Transit Commission is hoping to secure option agreements with landowners, particularly Smart Centres and Bentall, for a revised subway alignment. The imposition of an interim control by-law could jeopardize any cooperation that the TTC is currently receiving and could affect property negotiations.

Staff has also received a copy of a letter dated, November 7, 2008, from Smart Centres which was addressed to the Mayor and Members of Council respecting the passing of an interim control by-law on the Vaughan Corporate Centre lands. The letter indicates their concern that this type of action may discourage the various stakeholders, including Smart Centres, from expending the significant financial resources necessary to realize this major undertaking and make it exemplary. Smart Centres states "We have engaged planners, architects and engineers of a world class variety so as to bring to the Corporate Centre a

world class plan and architecture, all to be done in a collaborative way with Council and staff of the City.” They request the consideration of other options available as opposed to passing an interim control by-law on the Corporate Centre lands.

In light of the fact that active applications in the VCC are for higher density, mixed-use transit oriented development and that major landowners have signalled their intentions to undertake development appropriate to the vision for the VCC, staff does not recommend the use of this tool at this stage. In the event that the City does receive an inappropriate application, the City could impose an interim control by-law at that time.

Holding Zones

Section 36(1) of the Planning Act, as amended, provides that a municipal council may pass a by-law pursuant to section 34 and append an “H” holding symbol in conjunction with any use designation to specify the use to which land, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

A municipality may impose a holding symbol so long as there is an official plan in effect containing provisions which provide for the use and lifting of a holding symbol. Typically, the holding symbol may be used to control or govern the phasing of development of land until it is required or to prevent development pending the provision of services, road or other similar services or conditions as may be appropriate.

The advantages of utilizing the Holding Zone allows the municipality the opportunity to zone certain lands for permitted uses but delay their development until such time as conditions/standards appropriate for their development can be satisfied.

The disadvantage of a Holding Zone is that it restricts the lands subject to the holding symbol to the uses existing at the time of the passage of the by-law. This would not restrict the continuation of uses which may be deemed undesirable or inappropriate and as previously stated developers and landowners could take exception to having a Hold placed on their lands, resulting in a series of objections to the Ontario Municipal Board. In addition, depending on which parcels of land were made subject to a holding symbol it could jeopardize negotiations that the TTC is undertaking with specific landowners in securing an EA amendment and the conveyance of land for the subway.

Minimum Building Height By-law

The City’s vision for the Vaughan Corporate Centre is that this area will be the future “downtown” for Vaughan. It is intended to be developed with higher density, pedestrian friendly, mix of uses in a more compact urban form, which is intended to have the highest concentration of uses and will be the focus of business, government entertainment and culture with complementary medium and high density development. The Vaughan Corporate Centre is also to be connected to higher order transit facilities such as the extension of the Spadina Subway from York University to the Vaughan Corporate Centre.

Currently, the VCC comprises industrial and commercial users that range from hotels to big box developments, entertainment facilities and vacant lands within the Corporate Centre. An older industrial area located between Jane Street and the CN Rail Yard and between Highway 7 and Highway 407 consists of first generation employment uses that were developed in the 60’s and comprise a range of industrial users. Most of the existing development ranges in height in the 1 to 2 storeys except for a few office buildings along Highway 7 which are greater than 6 storeys. It is the intent of the VCC Focused Area Review to explore and further develop policies addressing height, density, built form, streetscape, open space and sustainable measures in order to ensure that the vision for the Corporate Centre is achieved.

OPA No. 500 (the Vaughan Corporate Centre Plan), as modified by OPA No. 663 (passed by Council on June 25, 2007 and subsequently approved by York Region on July 17, 2008), enables more intensive development to occur at preferred locations within the VCC in support of transit ridership. It does this by providing development policies and a new "Corporate Centre Corridor" designation that allows increased intensification/density.

OPA No. 663 identified that it is the intent of the City to achieve an F.S.I of 5.0 throughout the "Corporate Centre Node", with no F.S.I. limit on any individual site. It also increased the net density of development in the "Corporate Centre District" which surrounds the node, from not exceeding 0.6 F.S.I. to not exceeding 1.5 F.S.I. In an effort to give prominence to the Node and the Corridor, it restricts building heights for most buildings in the Corporate Centre District to a maximum of 16.5 metres, however, theatres and office buildings may exceed the 16.5 metre height limit.

OPA No. 663 also established a "Corporate Centre Corridor" designation which is expected to accommodate an array of land uses at densities and in building forms that will support transit along the Jane Street and Highway 7 Corridor. It is the intent of the City to achieve an F.S.I of 1.5 on lands designated "Corporate Centre Corridor", although it is anticipated that development density may range from a minimum of 0.75 to a maximum of 2.5 F.S.I.

These initiatives give form, structure and scale to the VCC, with the Node having the highest density, followed by the Corporate Centre Corridor. These two designations encompass the Highway 7 and Jane Street corridors, the main face of the VCC.

A planning tool which is available to Council to affect control over undesirable development applications is a minimum building height by-law requirement which could be applicable to the Vaughan Corporate Centre Node and Corporate Centre Corridor designations. This would effectively restrict buildings/structures below a certain height from being constructed.

The advantage of this would be to secure development of a height which is more consistent with the City's vision for the Corporate Centre. The disadvantage of such a by-law is that landowners might object to having their lands restricted and resulting in appeals to the Ontario Municipal Board. A further impact of such a by-law in effect, is that it would make all structures below the imposed minimum specified height become legal non-conforming with respect to building height.

Notwithstanding the above, staff is of the opinion that a minimum height by-law would be less objectionable to landowners than an interim control by-law while still allowing the City to achieve its goals. Should Council wish to take this route, a report should be prepared and a Public Hearing be held respecting the enactment of a minimum height by-law.

Site Plan Control

Currently Vaughan's Site Plan Control By-law does not require Site Plan Approval for Employment Areas that do not abut arterial roads or provincial highways. A significant portion of the Vaughan Corporate Centre is located on lands that do not abut arterial roads or provincial highways. In order to have site plan control for all the lands within the Vaughan Corporate Centre it would be necessary to amend the Site Plan Control By-law to include all types of buildings within the Vaughan Corporate Centre site plan control area. The advantages of this would be to insure consistent application of development policies/guidelines for all lands within the VCC in order to provide for high quality development.

It is accordingly, appropriate to amend the Site Plan Control By-law to include all buildings and sites within the VCC lands as subject to site plan control.

Development Permit System

The Development Permit System (DPS) is not a short term planning tool and is deemed inappropriate at this time. The City may wish to use this tool in the Vaughan Corporate Centre at a later time, however, to implement DPS it would require significant work in terms of policies, criteria, administrative systems and may have financial and staffing implications. The desirability of a Development Permit System will be reviewed in the Vaughan Corporate Centre Plan Review and the new Official Plan process.

Design Review Panel

A number of Cities have determined that current regulatory development approvals process does not adequately address the quality of design in proposed developments. This can mean that opportunities are missed in achieving high quality architecture, landscape architecture and urban design. Many cities in Canada, United States, England and Europe, in order to improve the design quality of buildings and the public realm use a Design Panel Review to augment the development approval process. Canadian Design Review Panels exist in Vancouver, the National Capital Commission in Ottawa, Montreal, Niagara Falls and Mississauga. Design Review Panels have been established in the Toronto Community Housing Corporation, the Toronto Waterfront Revitalization Corporation, and within the City of Toronto as a two year pilot project for specified areas within the City, with a view to test the feasibility of incorporating the Design Review Panel within the development approvals process.

Design Review Panels provide professional, objective advice on matters that relate to design effecting the public realm, including the design of proposed buildings, streets, parks and open spaces. Their input assists in achieving and maintaining design excellence. Design Review Panels can make significant contributions to the development approvals process but do not replace the process. Their input is integrated into the development review process to provide advice to the City staff involved in this process. Panel members are design professionals who review development proposals based on publicly approved criteria such as secondary plans or urban design guidelines. The Design Panel is strictly an advisory body and makes recommendations only. It does not have authority to approve or refuse projects or make policy decisions.

The advantages of a Design Review Panel is that it has the potential to be a catalyst for high quality design and will send a message to the public, the development industry and the design community that design standards have been raised commensurate with the vision for the Vaughan Corporate Centre.

Accordingly, it is deemed appropriate to develop and bring forward for Council's approval a Terms of Reference for the establishment of a Design Review Panel pilot project that would be applicable to the Vaughan Corporate Centre and could also apply to other sites associated with major nodes and corridors particularly those areas associated with higher order transit initiatives.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

There are no Regional implications in reviewing interim development control measures.

Conclusion

There is no demonstrated need to utilize the interim control by-law or a holding zone provisions, however, there is a need to implement elements of OPA No. 663 so that we can achieve a height, density and form commensurate with the Vaughan Corporate Centre vision, which can be achieved with a minimum building height by-law. Accordingly, it is recommended that:

1. OPA No. 500, as amended by OPA No. 663, be amended to extend the Corporate Centre Corridor designation on Jane Street to Portage Parkway east of Millway Avenue; and
2. That a 5 storey (16.5 metre) minimum building height by-law be imposed on the lands designated "Corporate Centre Node" and "Corporate Centre Corridor" until such time as a revised by-law is prepared for the whole of the Vaughan Corporate Centre after the focused review.

It is also recommended that a pilot Design Review Panel be established for the Vaughan Corporate Centre Area to provide professional advice on matters of design that effect the public realm including the design of proposed buildings, streets, parks and open spaces in order to conceive and uphold standards of design excellence. The Department will bring forth a report to Council at a future Working Session. Furthermore it would be appropriate to include those lands and types of buildings within the Vaughan Corporate Centre which are currently not subject to Site Plan Control to be brought under the provisions of the Site Plan Control By-law.

Attachments

1. Location Map
2. Air Photo Vaughan Corporate Centre
3. Proposed Major Developments Within Vaughan Corporate Centre
- 3a. Proposed Developments Chart – Vaughan Corporate Centre
4. Existing Zoning within The Vaughan Corporate Centre

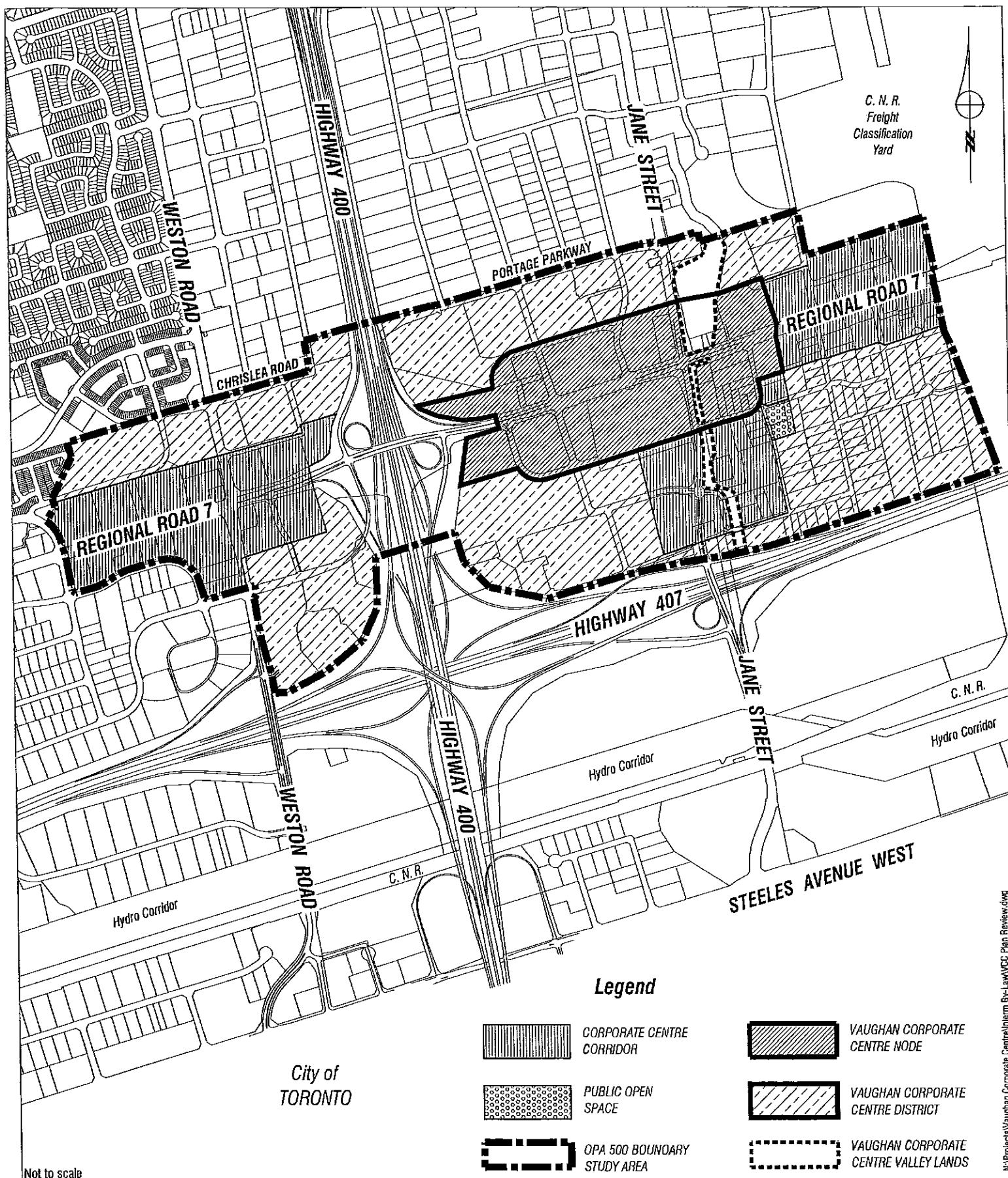
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Respectfully submitted

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Commissioner of Planning

Diana Birchall
Director of Policy



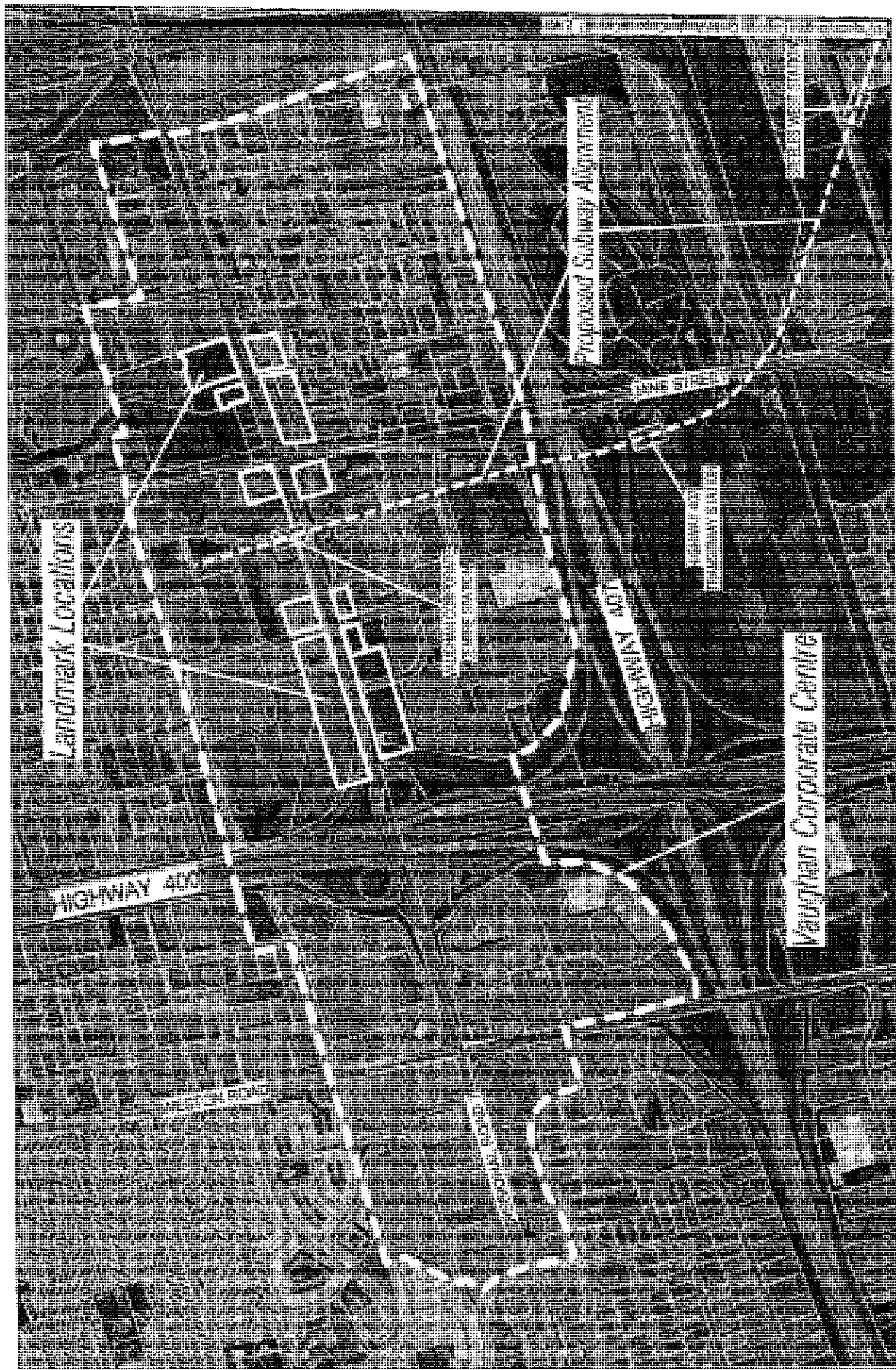
Location Map - Vaughan Corporate Centre Plan Review

City of Vaughan
The City Above Toronto

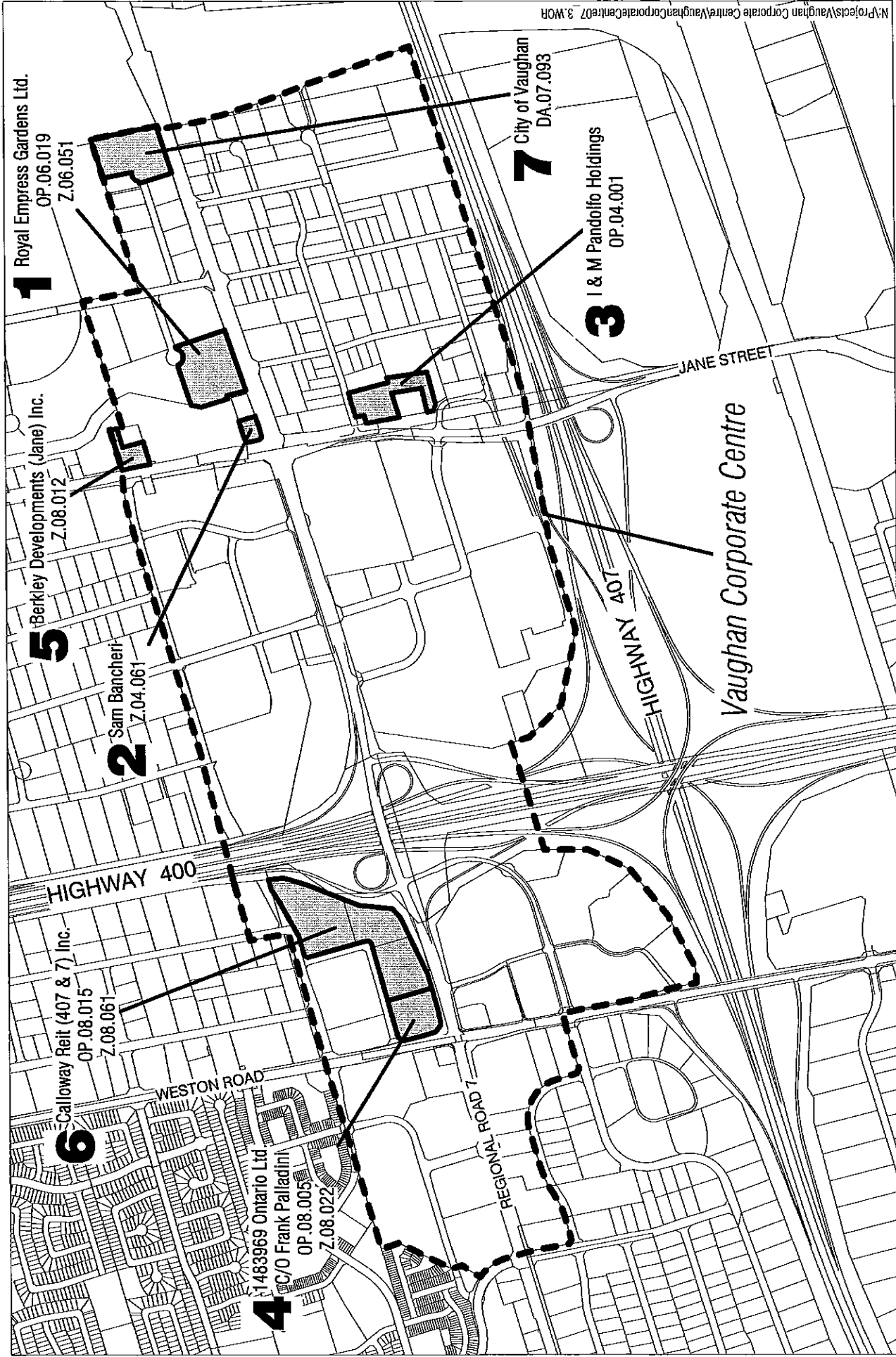
Policy Planning Department

Attachment 1

Location:
Part Lots 4, 5, 6
Concessions 4, 5, 6
Date: November 4, 2008



Air Photo of Vaughan
Corporate Centre with
Landmark Locations



Proposed Developments Chart – Vaughan Corporate Centre

	Applicant	Proposed Use	No. of Units	Height	G.F.A.	Density
1.	Royal Empress Gardens Inc.	mixed use residential/commercial	1,935 units	5 Towers 29 to 35 Storeys	182,000 m ²	5.2 F.S.I
2.	Sam Bancheri	mixed use residential/commercial (Concept Plan)	232 units	1 Tower 20 Storeys	25,796 m ²	6.45 F.S.I
3.	I and M. Pandolfo	mixed use residential/commercial (Concept Plan)	No Unit Count	4 Towers 20 Storeys	74,000 m ²	3.1 F.S.I
4.	1493069 Ont. Ltd. c/o Franco Paladini	mixed use residential/commercial (Concept Plan)	1050 units	3 Towers 24 to 32 Storeys	96,960 m ²	5.0 F.S.I
5.	Berkley Development Inc.	Office Building With ground floor commercial		7 Storeys	7,765 m ²	1.69 F.S.I
6.	Callaway Reit Inc	mixed use residential/commercial (Concept Plan)	No Unit Count	16 Towers 4 to 28 Storeys	287,163 m ²	3.5 F.S.I
7.	Regional Municipality of York	Waste Recycling Facility		1 Building 3 Drop Off Structures 1 Storey	600 m ²	0.045 F.S.I

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Proposed Developments Chart-
The Vaughan Corporate Centre



Policy Planning Department

Attachment

3a

Location:
Part Lots 4, 5, 6
Concessions 4, 5, 6
Date: November 4, 2008



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