

COMMITTEE OF THE WHOLE MARCH 22, 2011

**CITY OF VAUGHAN OFFICIAL PLAN 2010
REQUEST TO PROCESS DEVELOPMENT APPLICATIONS
IN ADVANCE OF THE SECONDARY PLAN
NORTHWEST CORNER OF DUFFERIN STREET AND CENTRE STREET
ZONING BY-LAW AMENDMENT FILE Z.08.028
SITE DEVELOPMENT FILE DA.11.004
VAUGHAN CROSSINGS INC.
WARD 4**

Recommendation

The Commissioner of Planning, in consultation with the Director of Development Planning and the Director of Policy Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004 (Vaughan Crossings Inc.) continue to be processed by City Staff in advance of the required Secondary Plan for Dufferin Street and Centre Street pursuant to Section 10.1.1.10 of the City of Vaughan Official Plan 2010.

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On January 11, 2011, the Committee of the Whole considered a Deputation (Attachment #7) on behalf of Vaughan Crossings Inc. requesting that Vaughan Council permit the processing of Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004 (Vaughan Crossings Inc.) in advance of the required Secondary Plan for Dufferin Street and Centre Street. The Committee of the Whole recommended the following, which was adopted by Vaughan Council on January 25, 2011:

"That the deputation of Mr. David A. McKay and Communications C1, dated December 14, 2010 and C16, dated January 11, 2011, be received and referred to staff for a further report on the request."

The Vaughan Development Planning Department in consultation with the Vaughan Policy Planning Department has prepared this report in response to Vaughan Council's resolution.

Purpose

To receive Council direction respecting the request made by Vaughan Crossings Inc. for City Staff to continue processing Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004 (Vaughan Crossings Inc.) in advance of the required Secondary Plan for the Dufferin Street and Centre Street area pursuant to Section 10.1.1.10 of the City of Vaughan Official Plan 2010.

Background - Analysis and Options

Location

The vacant 3.21 ha site shown on Attachments #1 and #2 is located at the northwest corner of Dufferin Street and Centre Street, in Part of Lot 6, Concession 3, City of Vaughan, Ward 4.

Development Applications (Files - OP.08.007, Z.08.028 and DA.11.004)

On May 20, 2008, the Owner submitted an Official Plan Amendment Application (File OP.08.007) and a Zoning By-law Amendment Application (File Z.08.028) to amend OPA #450 (Employment Area Plan) and Zoning By-law 1-88, respectively, to permit commercial and retail uses on the subject lands to facilitate the development of 10 retail buildings. The proposal was inconsistent with the City's policies, the Provincial Policy Statement (PPS) and the Province's Growth Plan (GGH), and was considered to be an employment land conversion.

The applicant has since revised their proposal, which is the subject of this report, to rezone the subject lands from EM1(H) Prestige Employment Area Zone with the Holding Symbol "H" to C7 Service Commercial Zone and has submitted a Site Development Application (File DA.11.004) to facilitate the development of Phase I for a 3-storey office building and 4 service commercial buildings as shown on Attachments #3 to #5. The revised application conforms to the Official Plan as discussed below, and therefore, the Official Plan Amendment Application (File OP.08.007) is no longer required.

Official Plan

The subject lands are designated "Prestige Area" by the City's Employment Area Plan (OPA #450) as amended by OPA #555 and OPA #672. The City's Employment Area Plan permits a range of industrial, office and civic uses on the subject lands with no outside storage of goods, materials or equipment. The Plan also permits Service Nodes in the "Prestige Area" designation, which are to be located at the intersections of arterial and or collector roads. Uses permitted in Service Nodes shall provide for the day-to-day convenience and service needs of businesses, industries and their employees. The maximum area of a service node shall be approximately 1.2ha and shall only be permitted to exceed 1.2 ha if the site is developed in conjunction with a predominant use such as an office complex or hotel (OPA #450, Section 2.2.5, in part).

OPA #450 was amended by a site-specific Official Plan Amendment (OPA #555), which established that the priority uses for the subject lands shall be offices, hotels with related hospitality and conference facilities, major corporate complexes and other prestige employment uses (OPA #555, Section 4.4, in part).

OPA #555 was further amended by the City's Centre Street Corridor Study (OPA #672) to permit the addition of recreational and institutional uses, provide a maximum overall density of 1.0 floor space index (FSI), prohibit automobile service station and gas bar uses and introduce urban design guidelines for the subject lands (OPA #672, Part 2, Section 11, in part).

The 3.21 ha site is located at the intersection of two arterial roads; will be developed with permitted service commercial uses and a prominent use, comprising a 3 storey office building; will not include a gas bar; and, the proposed Phase I development will achieve an approximate FSI of 0.23. The proposed development conforms to the Official Plan.

City of Vaughan Official Plan 2010

The City of Vaughan Official Plan 2010 (VOP 2010) was adopted by Vaughan Council on September 7, 2010 and is pending approval from the Region of York. The subject lands are designated "Commercial Mixed-Use" with a maximum building height of 4 storeys and a maximum density of 1.0 FSI. The "Commercial Mixed-Use" designation permits office uses up to a maximum of 12,500 m², hotels, retail uses and prohibits gas stations. The subject lands are located in an Intensification Area, thereby a minimum of 30% of the total gross floor area of all uses on the site shall consist of uses other than retail uses (VOP 2010, Section 9.2.2.7). The proposed 3 storey office building will be 5,256 m², which constitutes 68% of the total gross floor area devoted to office uses on the Phase I lands. The proposal conforms to VOP 2010.

The subject lands are also located within a designated Required Secondary Plan Area, more specifically, Dufferin Street and Centre Street (VOP 2010, Schedule 14-A). The VOP 2010 establishes criteria for processing development applications in Required Secondary Plan Areas as follows:

"Council may permit the continuance of processing an existing development application submitted prior to May 17, 2010 when it is demonstrated to Council's satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process (VOP 2010, Section 10.1.1.10)."

Addressing the Criteria of Section 10.1.1.10:

- "Council may permit the continuance of processing an existing development application submitted prior May 17, 2010."

The application (File Z.08.028) was submitted on May 20, 2008 thereby addressing this criterion;

- "Council may permit the continuance of processing . . . when it is demonstrated to Council's satisfaction that":

- "the proposed development is generally compatible with the vision contemplated in the Official Plan" :

This application is unique in that it conforms to both the existing Official Plan and the new VOP 2010, with respect to the "Commercial Mixed-Use" designation. As such, it is compatible with the new plan and, in addition, respects the existing Official Plan policies. Given its dual conformity, the City is in a position to continue the processing of the zoning amendment and site plan applications;

- the "development is significant in terms of city-building":

The application proposes a 3-storey office building that will define the northwest quadrant of the Dufferin Street – Centre Street intersection. It will act as a gateway into the Thornhill-Concord Community, forming an urban edge extending along the north side of Centre Street and north along the west side of Dufferin Street. In addition, it will benefit from the application of the current urban design guidelines as set out in OPA 672 and the updated guidelines being developed through the on-going Thornhill - Centre Street Corridor Urban Design Guidelines and Streetscape Master Plan. These guidelines will be implemented through the zoning amendment and site

development (File DA.11.004) applications to ensure that the development meets the City's expectations for excellence at this important gateway location;

- "the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process":

The applicant has advised that there is significant tenant interest in the proposed development and that the delay for the preparation of the secondary plan could slow the ultimate development of the site.

Unlike other sites in similar situations, it conforms to both the current Official Plan and the new VOP 2010; and it is a relatively autonomous parcel with limited connection to adjacent developed lands. No access will be permitted to Centre Street and only limited options are available to access Dufferin Street. The transportation and traffic issues can be addressed through the development applications and conditions applied as necessary to coordinate access along Dufferin Street. The urban design/streetscape framework is now being refined and will be implemented during the development approval stage.

Therefore, staff is satisfied that the criteria of Section 10.1.1.10 have been satisfactorily addressed and the processing of the development applications can proceed in advance of the secondary plan.

Zoning

The subject lands are zoned EM1(H) Prestige Employment Area Zone with the Holding Symbol "H" by By-law 1-88 and subject to Exception 9(1156), which only permits the following uses: Business and Professional Office, Convention Centre, Hotel, and Office Building. The proposed service commercial uses are not permitted, and therefore, the Zoning By-law Amendment Application (File Z.08.028) is required to implement the policies of the Official Plan.

Ministry of Transportation

The Ministry of Transportation (MTO) has advised the Vaughan Development Planning Department in a letter dated February 7, 2011, that the MTO has undertaken a preliminary review of the proposed site plan and has advised that the lands are located within the Ministry's permit control area and that a Ministry Building and Land Use Permit is required, prior to any construction. The Ministry is protecting for a future interchange at Centre Street and Highway 407. This is not expected to have an impact on the proposed development, except that the property is located on Centre Street between Dufferin Street and Highway 407 and is designated a Controlled Access Highway, and therefore, no entrances along Centre Street are permitted by the MTO. A 14 metre setback is also required along the property line or future property limit abutting Centre Street to all above and below ground structures, including but not limited to, fire routes, required parking, retaining walls, utilities and underground parking, which shall be located outside the 14 metre setback. Should Council concur with the recommendation contained in this report, the applications will be circulated to the MTO for detailed review and comment. Any issues will be addressed when the technical report is considered. The applicant will be required to satisfy all requirements of the Ministry of Transportation.

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 Vitality".

Regional Implications

The subject lands are located at the intersection of two regional roads, Dufferin Street and Centre Street. Should Council concur with the recommendation contained in this report, the applications will be circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered. The applicant will be required to satisfy all requirements of the Region of York.

Conclusion

The Vaughan Development Planning Department and the Vaughan Policy Planning Department have reviewed the applicant's proposal to process Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004 (Vaughan Crossings Inc.) in advance of the required Secondary Plan for Dufferin Street and Centre Street. The proposed development conforms to the policies of the Official Plan (OPA #450 as amended by OPA #555 and OPA #672), and is consistent with the policies of VOP 2010. The Zoning By-law Amendment Application (File Z.08.028) is required to permit service commercial uses to implement the policies of the Official Plan. The applications meet the criteria established by Vaughan Council regarding the continuance of processing existing applications in required secondary plan areas. The Ministry of Transportation has no objections to the proposed development, which will not impact the planned interchange at Centre Street and Highway 407. Accordingly, the Development Planning and Policy Planning Departments can support the approval of the Owner's request, in accordance with the recommendation contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan (File DA.11.004)
4. Proposed Elevation Plan Building "C" (File DA.11.004)
5. Proposed Elevation Plan Buildings "A" and "B" (File DA.11.004)
6. Proposed Elevation Plan Buildings "D" and "E" (File DA.11.004)
7. Deputation: Committee of the Whole January 11, 2011

Report prepared by:

Christina Napoli, Acting Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

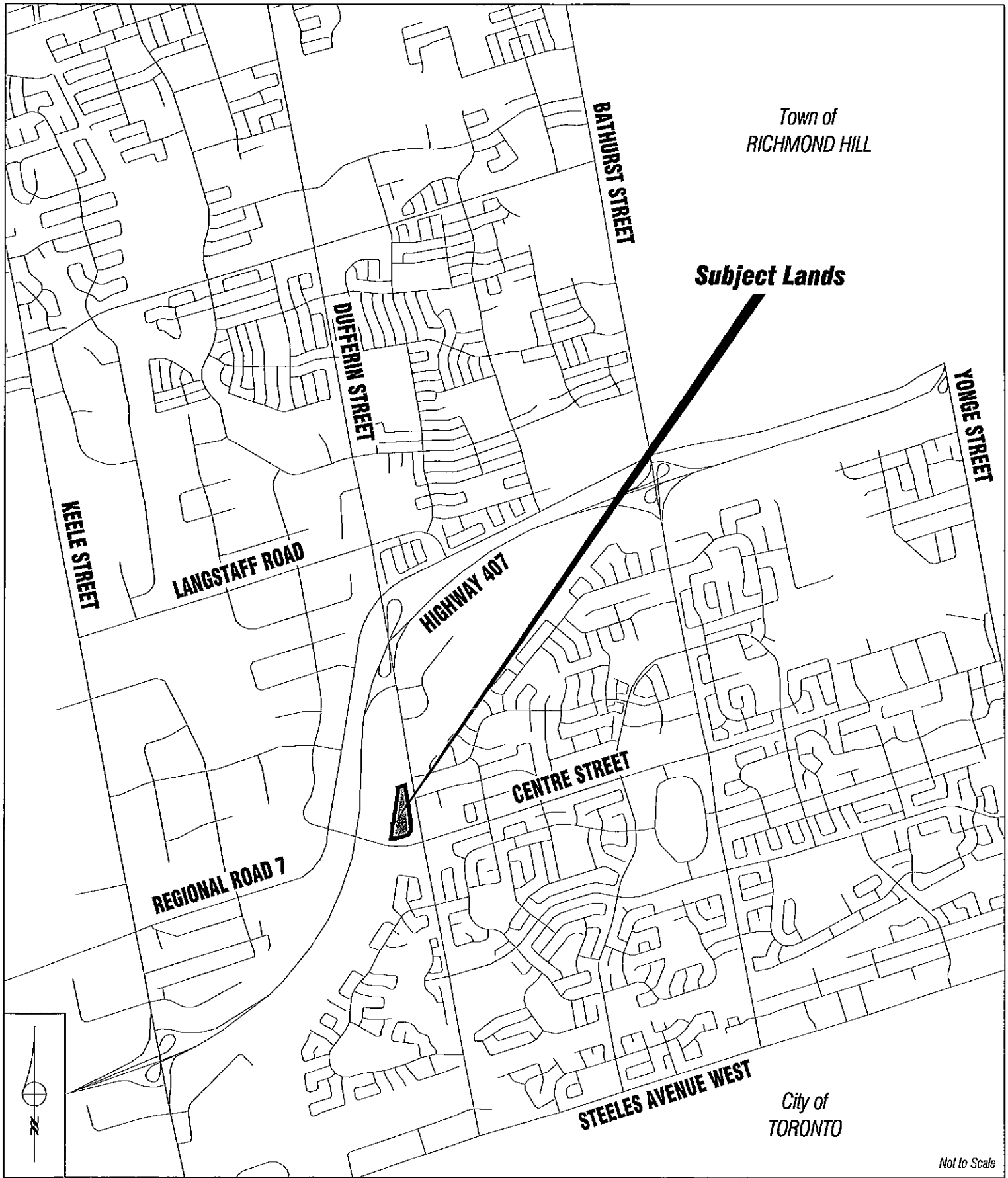
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

DIANA BIRCHALL
Director of Policy Planning

/CM



Town of
RICHMOND HILL

Subject Lands

YONGE STREET

BATHURST STREET

DUFFERIN STREET

KEEFE STREET

LANGSTAFF ROAD

HIGHWAY 407

CENTRE STREET

REGIONAL ROAD 7

STEELES AVENUE WEST

City of
TORONTO

Not to Scale

Context Location Map

LOCATION:
Part of Lot 6, Concession 3

APPLICANT:
Vaughan Crossings Inc.

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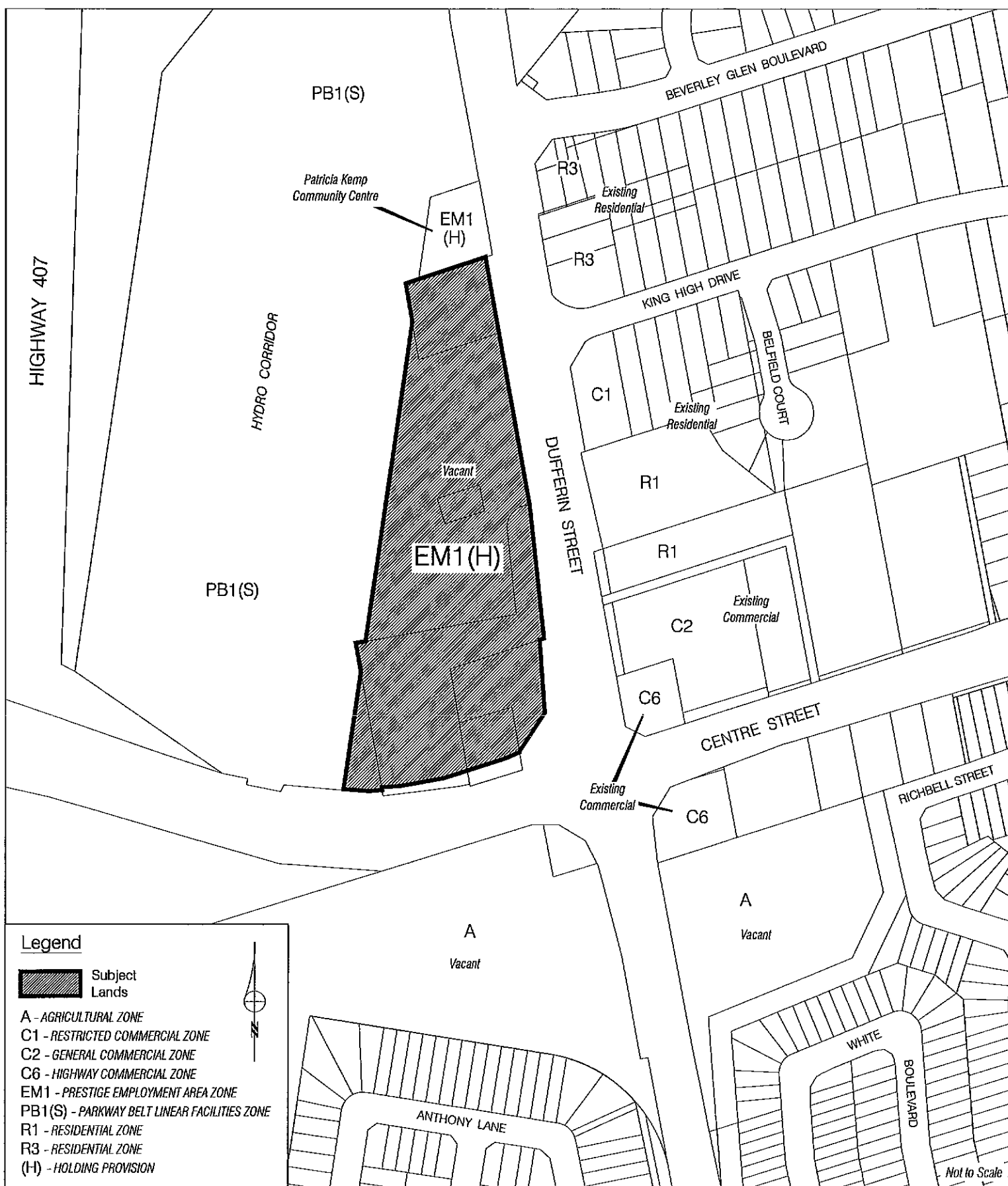


Attachment

FILE:
DA.11.004, Z.08.028

DATE:
February 10, 2011

1



Location Map

LOCATION:
Part of Lot 6, Concession 3

APPLICANT:
Vaughan Crossings Inc.

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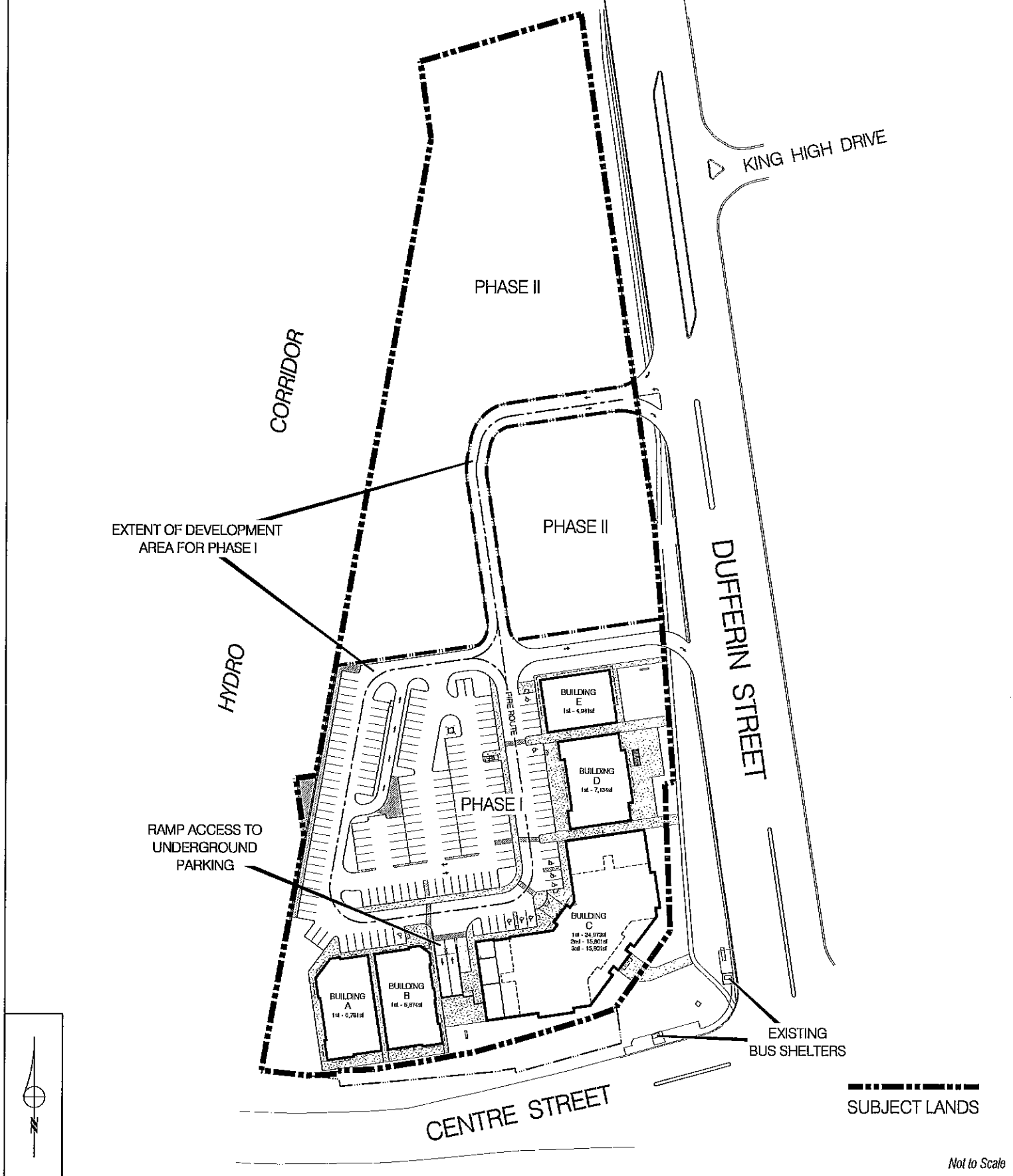


Attachment

FILE:
DA.11.004, Z.08.028

DATE:
February 10, 2011

2



Proposed Site Plan (file: DA.11.004)



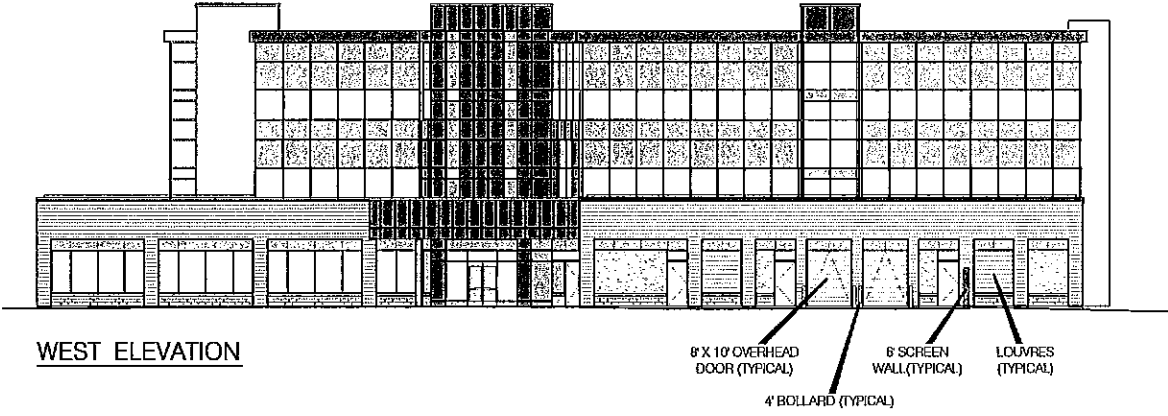
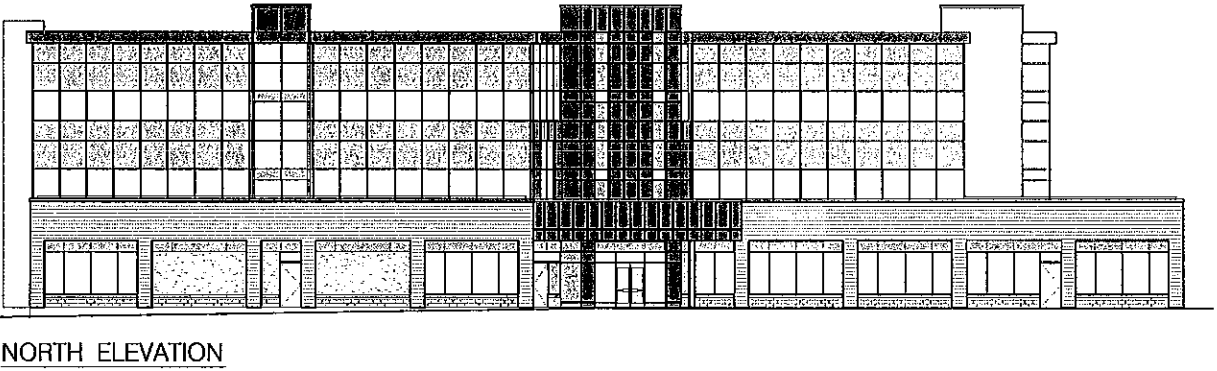
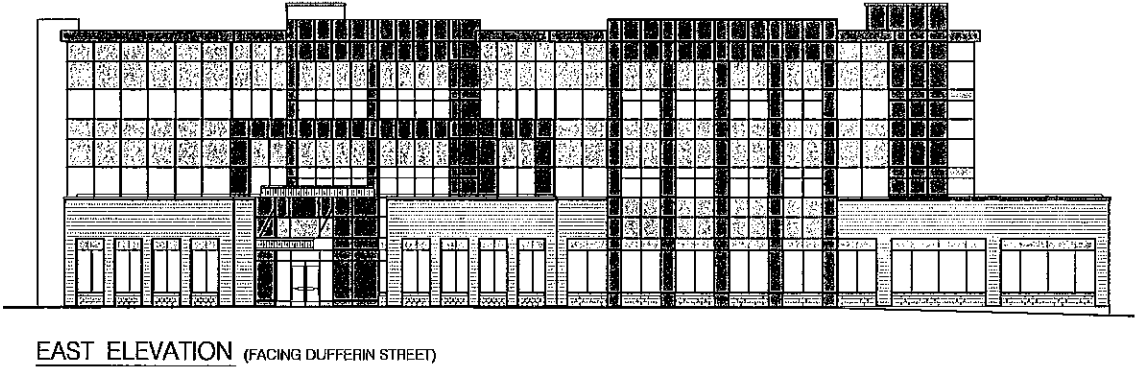
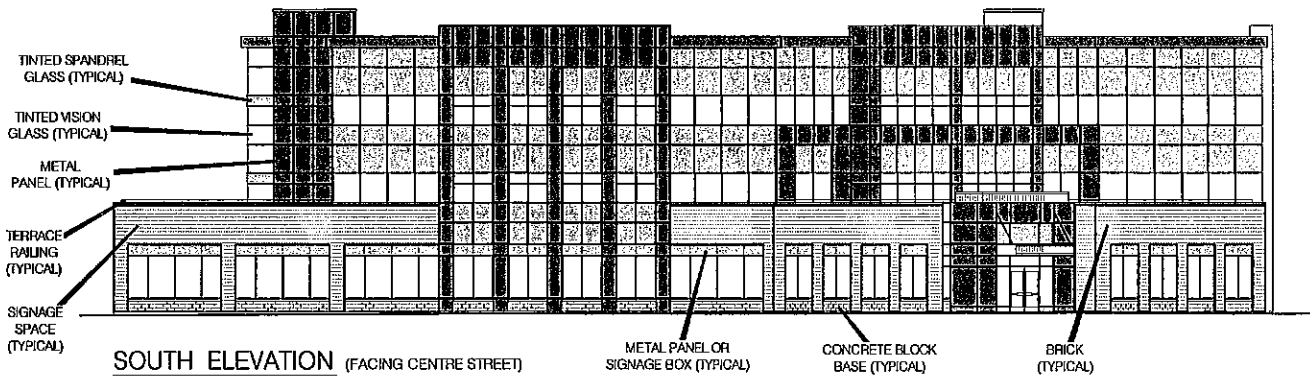
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APPLICANT: Vaughan Crossings Inc.
LOCATION: Part of Lot 6, Concession 3

FILE: DA.11.004, Z.08.028
DATE: February 10, 2011

3

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Not to Scale

Proposed Elevations Building 'C' (file: DA.11.004)



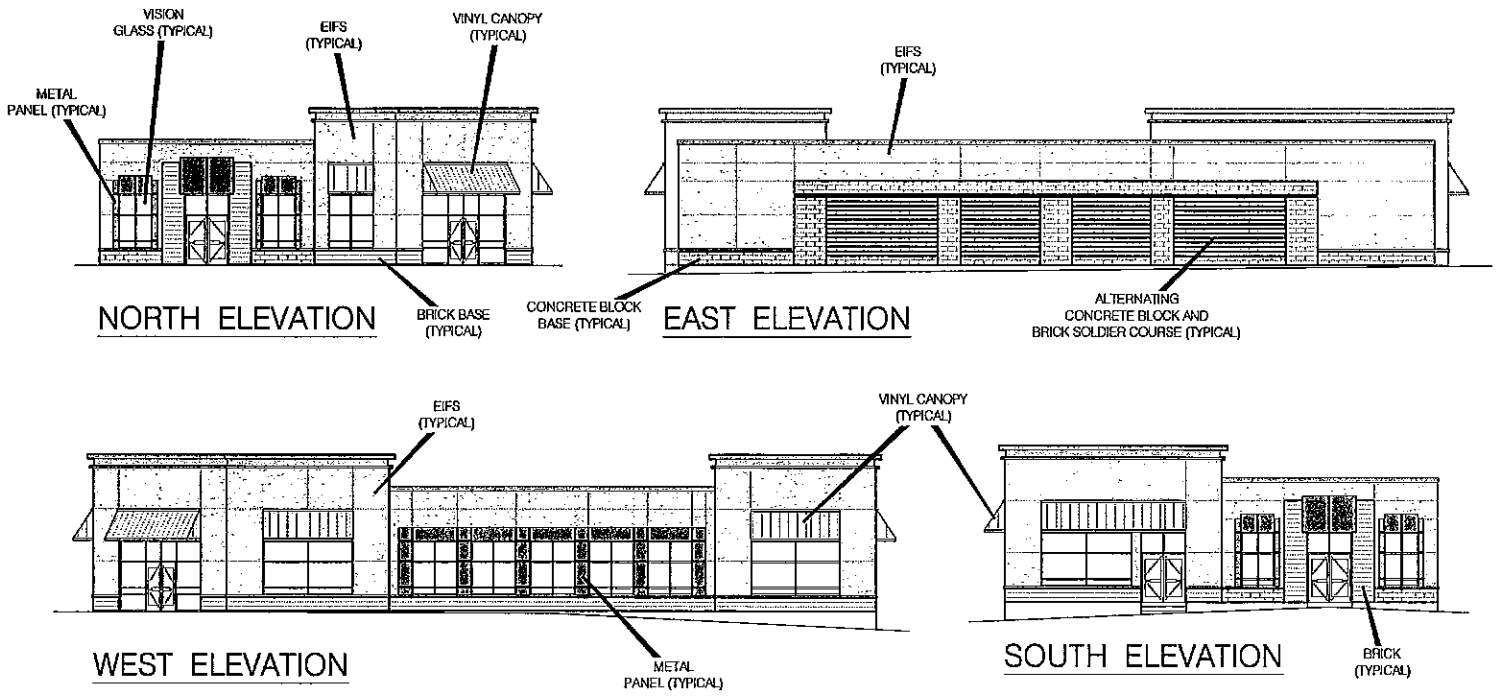
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APPLICANT: Vaughan Crossings Inc.
LOCATION: Part of Lot 6, Concession 3

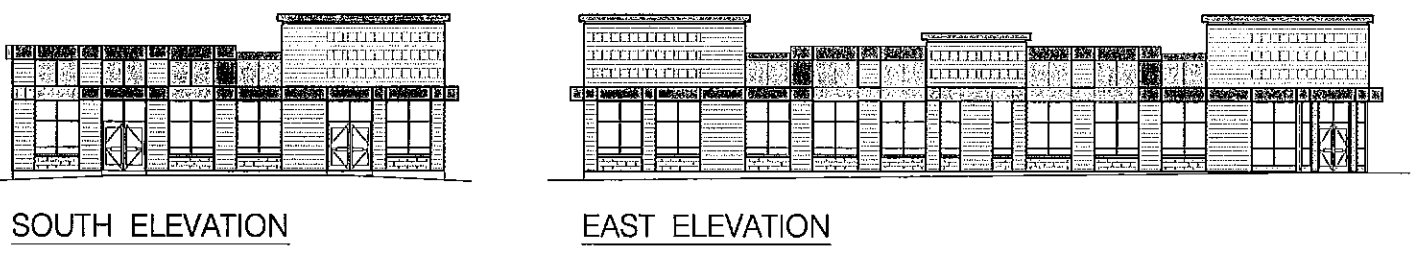
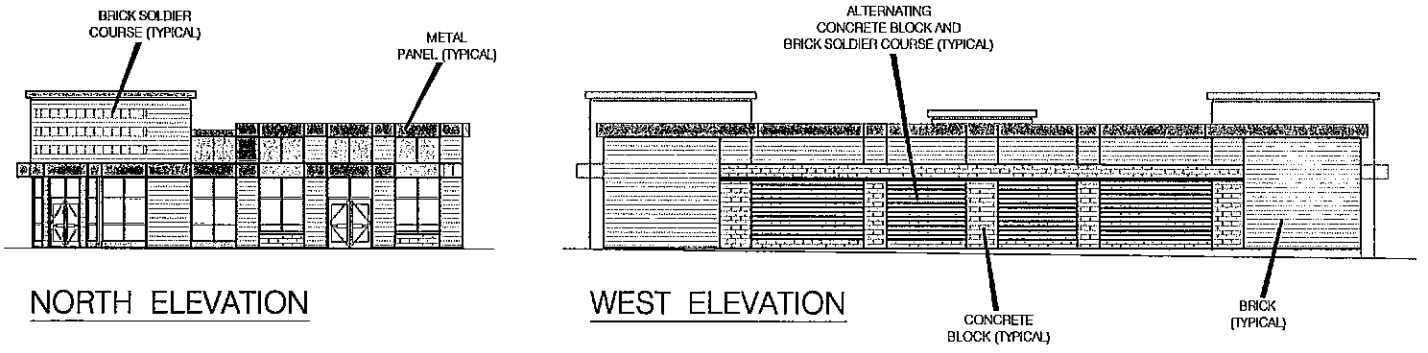
FILE: DA.11.004, Z.08.028

DATE: February 10, 2011

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BUILDING 'A'



BUILDING 'B'

Not to Scale

**Proposed Elevations
Buildings 'A' & 'B' (file: DA.11.004)**



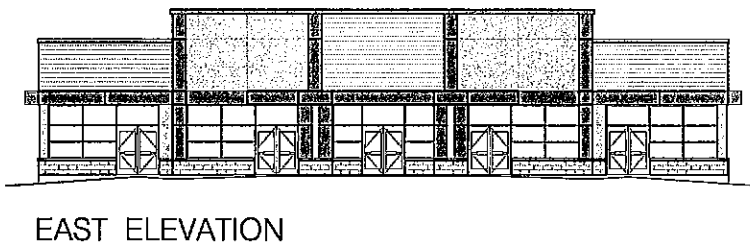
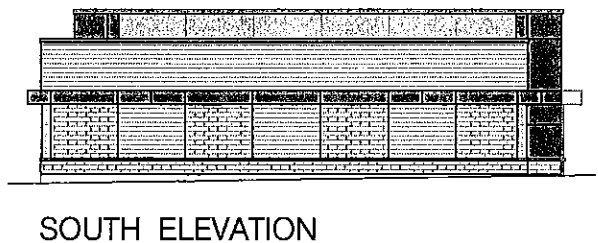
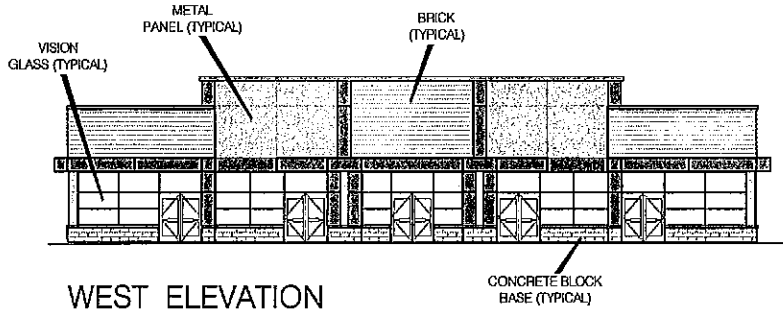
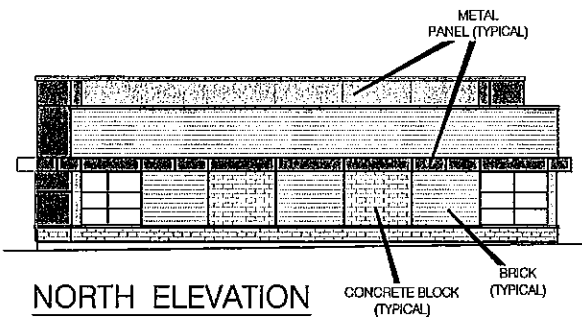
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APPLICANT: Vaughan Crossings Inc.
LOCATION: Part of Lot 6, Concession 3

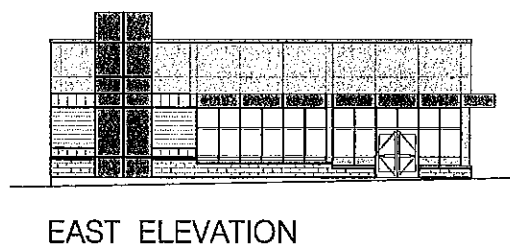
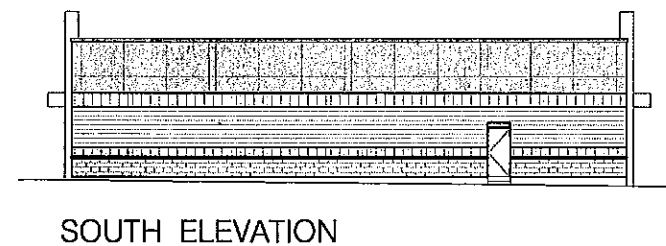
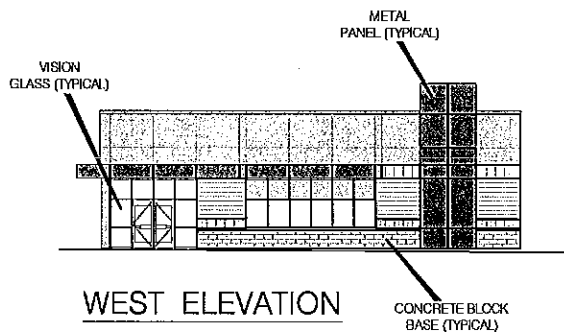
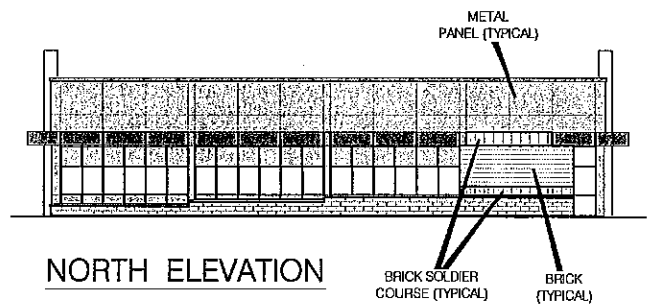
FILE: DA.11.004, Z.08.028

DATE: February 10, 2011

5



BUILDING 'D'



BUILDING 'E'

Not to Scale

Proposed Elevations
Buildings 'D' & 'E' (file: DA.11.004)



Attachment

APPLICANT: Vaughan Crossings Inc.
LOCATION: Part of Lot 6, Concession 3

FILE: DA.11.004, Z.08.028

DATE: February 10, 2011

6

December 14, 2010

Mayor Maurizio Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

RE: VAUGHAN CROSSINGS INC.
NORTHWEST CORNER OF DUFFERIN STREET & CENTRE STREET, VAUGHAN
PROPOSED OFFICE / COMMERCIAL DEVELOPMENT
OUR FILE 0650'H'

We are the planning consultants for Vaughan Crossings Inc. ("VCI"), the proponent of development for lands located at the northwest corner of Dufferin Street and Centre Street in the City of Vaughan.

VCI Proposal

VCI is proposing to develop the lands for office and service commercial purposes. The first phase of development, being the southerly 1/3rd of the property is proposed to be developed for a three storey office building and four one storey buildings to be used for service commercial purposes (i.e. banks, restaurants, limited retail uses). The first phase of development will total 82,305 sq ft of space, with 314 parking spaces at and below grade. I attach a copy of the site plan and renderings of the proposed buildings. The second phase of development would occur at a later date.

History of VCI Proposal

The VCI lands are currently designated for employment purposes, including office and service commercial uses, by Official Plan Amendment 672, which was adopted for our client's lands and surrounding area in 2005. OPA 672 permits employment uses to be developed on the property, including office and service commercial uses.

In May 2008, our client proceeded to submit applications for an Official Plan Amendment and Zoning By-law Amendment to broaden the permitted uses for the site to include full retail uses. Through discussions with City staff in 2009 (and because of the economic downturn), our client was persuaded to place their application on hold until the new Official Plan was released, in the anticipation that full retail use permissions would be included in the new Official Plan.

Deputation: Committee
of the Whole January 11,
2011, Page 1



LOCATION:
Part of Lot 6, Concession 3

FILE:
DA.11.004, Z.08.028

APPLICANT:
Vaughan Crossings Inc.

DATE:
February 10, 2011

7

Since our client placed their application on hold, they have been actively attempting to obtain an anchor tenant for their project. This has now resulted in sufficient tenant interest for our client to proceed with the first phase of development, as discussed previously. It is our client's intent to begin construction of the first phase as soon as possible (Summer 2011) following approval by the City. Our client would like to proceed accordingly with the Zoning By-law Amendment application for the entire property to zone the property to a Site Specific C7 Zone, and to proceed with a Site Plan Approval application for Phase 1 component of the development.

Adopted Official Plan

The new Official Plan, adopted by Council on September 7, 2010, designates our clients property as Employment Area (with a Primary Intensification Corridor overlay along Centre Street) on the Urban Structure Schedule, and Commercial Mixed Use on the Land Use Schedule. Further, the property is subject to the Centre Street Corridor Secondary Plan, which essentially brings forward the policies of OPA 672 into the adopted Official Plan.

These various designations and policies would allow our client to proceed with their proposal. However, the adopted Official Plan also designates our clients lands as being an "Area Subject to Secondary Plans" on Schedule 14-A. Policy 10.1.1.4 states:

"That where it has been determined that a Secondary Plan is required but not yet completed, no amendments to this Plan or the zoning by-law will be permitted without prior or concurrent adoption of the Secondary Plan for that area."

Given the above Policy, City staff have advised that they are not in a position to further process or recommend to Council a position on our current Zoning By-law Amendment application nor our pending Site Plan Approval application. They have advised that they require further direction from Council.

Direction Required from Council

Policy 10.1.1.10 of the adopted Official Plan states:

" That notwithstanding the policies concerning the Required Secondary Plan Areas identified on Schedule 14-A, Council may permit the continuance of processing of an existing development application submitted prior to May 17, 2010, when it is demonstrated to Council's satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process."

We are therefore requesting permission from City Council to allow for the processing of our clients development applications, prior to the consideration of a Secondary Plan. In support of our request:

1. Our client's Zoning By-law Amendment application was submitted in 2008 and therefore meets the timing requirement of being submitted prior to May 17, 2010. The forthcoming Site Plan Approval application would implement the requested Zoning By-law Amendment.

2. The lands are already subject to a Secondary Plan (as set out in Policy 12.10). Policy 12.10 set out the following for our clients property:
 - a. The VCI lands are designated Commercial Mixed-Use Area D which permits a wide range of industrial, office, business and civic uses, including retail commercial and personal service uses. The parent land use plan permits development up to four storeys and at a density of 1.0 FSI. In this regard the intent as stated in Policy 12.10.2.1(o) is to create a landmark building at the intersection.
 - b. Requires a comprehensive development plan for the properties at the northwest corner of Dufferin Street and Centre Street.
 - c. A design vision to create an attractive, safe and pedestrian-friendly environment including provision for active street facades; appropriate massing and scaling of buildings; high levels of architectural design and materials being used; architectural variation and animation; screening of surface parking areas; and appropriate landscaping along the street line.

Our client's proposal is in keeping with, and in our opinion implements, the design vision and policies for the existing Secondary Plan.

3. The first phase of development implements the City's vision for this intersection, representing the intensification of the lands from their current underutilized and derelict status. It will further add a substantially to the built environment when completed, while generating approximately 300 jobs as well as substantial property taxes and development charges. We believe that the proposal will contribute significantly to the city building efforts of Vaughan Council.
4. City staff have advised that there is currently no timeframe for the preparation of a new Secondary Plan for this area, which is very troubling to our client. Further, even if the Secondary Plan process were initiated by Council now, we would anticipate this process to take at least a year to complete. This does not correspond to our client's intent to start construction next year, and would result in a further substantial and unreasonable delay since their initial applications were made in 2008.

With the above submissions made, we respectfully request that Council direct City staff to process our client's applications.

Thank you.

Yours truly,
MHBC


David A. McKay, MSc, MCIP, RPP

cc: Barry Godfrey, Albert Guido – Vaughan Crossings Inc.