

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF JULY 6, 2011**

Item 1, Report No. 36, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on July 6, 2011.

**1 TORONTO-YORK SPADINA SUBWAY EXTENSION  
PROGRESS UPDATE  
WARD 4**

**The Special Committee of the Whole recommends approval of the recommendation contained in the following report of the Director of Development/Transportation Engineering, dated, July 6, 2011:**

**Recommendation**

The Director of Development/Transportation Engineering recommends that this report be received for information purposes.

**Contribution to Sustainability**

The Toronto-York Spadina Subway Extension (TYSSE) project will provide higher order transit infrastructure to support compact urban form and offer an alternative mode of transportation to the single occupant vehicle. In addition, the subway extension into the City will stimulate the establishment of transit orientated development in the Vaughan Metropolitan Centre and the Official Plan Amendment 620 (Steeles West Secondary Plan) area. The YYSSE is committed to applying sustainability standards in the design and construction of the subway project.

**Economic Impact**

There are no immediate economic impacts associated with the recommendations of this report.

**Communications Plan**

TYSSE and York Region will continue their communication efforts while construction advances to keep the public and stakeholders informed. The following communication plan will be used to ensure the public is fully aware of the current and upcoming construction activities associated with the YYSSE and VivaNext projects:

- Printed advertisements in local/regional newspapers and newsletters;
- Radio and television reports via traffic reporters;
- Bi-annual project newsletters and quarterly VivaNext newsletters;
- On-street project signs showing the station design and a 1-800 construction information line for all public enquiries;
- Construction notices sent by email, social media, mail and posted on the project and City websites;
- Construction Community Liaisons and Project Information Centres for the public to learn more about the project and to make enquiries; and
- Direct communication with affected property owners and tenants.

In addition, media events will be hosted and communication issued to celebrate milestones of the project, including the launch of the tunnel boring machines, completion of the first leg of the tunnel boring, quarterly construction completion targets reached and grand opening event of the subway extension.

The City's Economic Development, Corporate Communication and Development/Transportation Engineering Departments are assisting and coordinating with the YYSSE project team on this communication plan.

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#### **Purpose**

The purpose of this report is to provide an update on the progress of the Toronto-York Spadina Subway Extension project.

#### **Background - Analysis and Options**

The Toronto-York Spadina Subway Extension (TYSSE) project is an 8.6km extension from the existing Downsview Station northwest through York University within the City of Toronto and north to the Vaughan Metropolitan Centre as shown on Attachment No 1. The TYSSE is scheduled to open for full revenue service to the Vaughan Metropolitan Centre (VMC) by the end of 2015.

The TYSSE project is now transitioning from the design phase into the construction phase. The following provides a brief overview of the progress of the project and the upcoming major milestones expected to be achieved over the summer.

#### ***Steeles West Station***

The design of the Steeles West Station is 90 percent complete. The site plan is being submitted in phases to maintain the overall project schedule. The first phase site plan was submitted to the City on June 23, 2011 and includes the underground subway box, the main station entrance and the electrical substation as generally shown on Attachment No.2. Staff is currently reviewing the submission with the objective of recommending a conditional site plan approval through the City Manager's Office during the summer hiatus period.

The York Region Transit (YRT) bus terminal, commuter parking lot, the passenger pick-up/drop-off (PPUDO) and the associated roadways will be included in the second phase site plan submission, which is expected to be submitted in the fall 2011. Roadwork for the Steeles West Station is not scheduled to begin until early in 2012.

#### ***Highway 407 Station***

The site plan for the Highway 407 Station was approved in 2010 and construction of the advanced contracts, which include the realignment of the Black Creek, new 6 lane access bridge and the relocation of the existing sanitary trunk sewer, is well underway. It is anticipated that these works will be completed by the fall 2011. This clears the way for the start of the tunneling operation, which is scheduled to start in Q1-2012.

#### ***Vaughan Metropolitan Centre Station***

The site plan for the Vaughan Metropolitan Centre (VMC) Station was conditionally approved by Council on May 24, 2011. The VMC YRT bus terminal, PPUDO and the VivaNext Station will be included as part of a subsequent site plan submission.

The construction contract for the VMC Subway Station was awarded in mid-June 2011. Construction of the station is expected to start in July 2011 with the closure of Millway Avenue. Millway Avenue will remain closed until the subway is open at the end of 2015. The construction of the VMC Subway Station will impact traffic flow in the area, in particular on Highway 7.

#### **Relationship to Vaughan Vision 2020**

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

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- The pursuit of excellence in service delivery;
- Planning and managing growth, and economic vitality; and
- The demonstration of leadership and promotion of effective governance.

Specific Strategic Plan Initiatives applicable to the recommendations made in this report include Vaughan's corporate priorities to support and plan high capacity transit at strategic locations throughout the City. Accordingly, this report is consistent with the priorities previously set by Council.

#### **Regional Implications**

The Region of York is a partner in the Toronto-York Spadina Subway Extension project.

#### **Conclusion**

The TYSSE project is now transitioning from the design phase into the construction phase. Construction is currently underway at the Highway 407 Station. Construction of the VMC Station is expected to start in July 2011 with the closure of Millway Avenue. The site plan for the Steeles West Station is currently under review by staff. Tunneling in Vaughan is scheduled to commence in early 2012 from the Highway 407 Station.

#### **Attachments**

Attachment 1: TYSSE Location Plan

Attachment 2: Steeles West Station – General Site Plan and Artist Rendering

#### **Report prepared by:**

Andrew Pearce, Director of Development /Transportation Engineering, Ext 8255

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 2, Report No. 36, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on July 6, 2011.

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**CONFIDENTIAL PROPERTY MATTER  
VAUGHAN METROPOLITAN CENTRE  
YORK REGION TRANSIT BUS TERMINAL  
WARD 4**

**The Special Committee of the Whole recommends:**

- 1) That the presentation from the York Region Rapid Transit Corporation (YRRTC) with respect to the alternate location of the proposed Vaughan Metropolitan Centre (VMC) York Rapid Transit Bus Terminal be received;**
- 2) That Council only support a VMC York Region Transit Bus Terminal location that includes a direct underground pedestrian tunnel connection to the VMC Subway Station; and**
- 3) That staff report to a future Committee of the Whole meeting with a broader plan for the implementation and funding of an underground pathway system and amenities in the Station Precinct of the VMC.**

**Recommendation**

Confidential report of the Commissioner of Planning and the Director of Development/Transportation Engineering with respect to the above.

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Item 3, Report No. 36, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on July 6, 2011.

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**PROCLAMATION REQUEST  
UNITED JEWISH APPEAL OF GREATER TORONTO WEEK**

The Special Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated July 6, 2011:

**Recommendation**

The City Clerk recommends:

- 1) That the week of August 21, 2011 be proclaimed as “United Jewish Appeal of Greater Toronto Week”; and
- 2) That the proclamation be posted on the City’s website and published on the City Page Online.

**Contribution to Sustainability**

N/A

**Economic Impact**

N/A

**Communications Plan**

The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations” and on the City Page Online.

**Purpose**

To respond to the request from the Director of Political Affairs, Canadian Jewish Congress.

**Background - Analysis and Options**

The correspondence received from the Director of Political Affairs, Canadian Jewish Congress, dated June 14, 2011, is attached. (Attachment 1)

The proclamation request meets the City’s Proclamation Policy, as follows:

“That upon request, the City of Vaughan issue Proclamations for events, campaigns or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act”. The UJA Federation of Greater Toronto is a registered charity.

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The Canadian Jewish Congress on behalf of UJA Federation of Greater Toronto has requested the City to proclaim the week of August 21, 2011 as “United Jewish Appeal of Greater Toronto Week” which coincides with the launch of their annual campaign. The UJA Federation of Greater Toronto is the city’s principal Jewish community organization responsible for fundraising, allocations to numerous non-profit agencies, planning and community development. The UJA Federation and its affiliated agencies assist many Canadians of all backgrounds and faiths, combating anti-Semitism and racism in all its forms, revitalizing Jewish community structures and services, fortifying Jewish identity and fostering strong ties with Israel. Council has previously granted this proclamation request.

**Relationship to Vaughan Vision 2020/Strategic Plan**

This report supports the strategic priorities established by Vaughan Vision 2020, in particular “Preserve Our Heritage & Support Diversity, Arts & Culture”.

**Regional Implications**

N/A

**Conclusion**

Staff is recommending that the week of August 21, 2011 be proclaimed as “United Jewish Appeal of Greater Toronto Week”, and that the proclamation be posted on the City’s website and published on the City Page Online.

**Attachments**

Attachment 1 Correspondence from the Director of Political Affairs, Canadian Jewish Congress, dated June 14, 2011

**Report prepared by:**

Connie Bonsignore, Administrative Assistant to the City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



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- i) drought tolerant landscaping materials and bio-swale infiltration trench;
- ii) bicycle racks to promote an alternative to car use;
- iii) interlocking pavers for all walkways to permit water infiltration;
- iv) garbage receptacles to include double containers for recycled bottles and cans; and,
- v) locally sourced building materials to be used.

#### **Economic Impact**

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

#### **Communications Plan**

N/A

#### **Purpose**

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. A Zoning By-law Amendment File Z.11.011 to remove the Holding Symbol "(H)" from the subject lands zoned C4(H) Neighbourhood Commercial Zone, as shown on Attachment #2, thereby effectively zoning all of the subject lands C4 Neighbourhood Commercial Zone; and,
2. A Site Development File DA.11.032 to facilitate the development of two, multi-unit commercial buildings totaling 2,198.72m<sup>2</sup> GFA and one, single use 514.78 m<sup>2</sup> building for a Day Nursery, as shown on Attachments #3 to #7.

#### **Background - Analysis and Options**

##### Location

The subject lands shown on Attachments #1 and #2 are located on the southwest corner of Hawkview Boulevard and Vellore Woods Boulevard, municipally known as 125, 135 and 145 Hawkview Boulevard, within Planning Block 32 West, City of Vaughan. The surrounding land uses are shown on Attachment #2.

##### Official Plan

The subject lands are designated "Medium Density Residential/Commercial" with a "Neighbourhood Commercial Centre" overlay and "Vellore Urban Village" by OPA #600 and the Block 32 West Plan. This designation permits neighbourhood commercial uses, including retail stores, pharmacy, bank, and business and professional offices.

The subject lands are also designated "Mid-Rise Mixed-Use" with a maximum height of 6-storeys and a maximum Floor Space Index of 2.0 by the new City of Vaughan Official Plan 2010, which is subject to Regional approval. Retail uses are permitted within the "Mid-Rise Mixed-Use" designation.

The proposed development would provide neighbourhood commercial uses to serve the surrounding residential area. The proposal conforms to the Official Plans.



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##### Zoning and Removal of “H” Holding Provision

The subject lands are zoned C4(H) Neighbourhood Commercial Zone with the Holding Symbol “(H)” by By-law 1-88, subject to Exception 9(1180). The Owner has submitted a Zoning By-law Amendment Application (File Z.11.011) to remove the Holding Symbol from the subject lands in order to facilitate the proposed commercial development. On September 22, 2003, Vaughan Council enacted Zoning By-law 336-2003 to place a Holding provision on the property, which could be removed upon Council’s approval of a site plan for the property.

Site Development Application DA.11.032 has been reviewed and the Vaughan Development Planning Department is satisfied that the site is appropriately designed, subject to some minor elevation revisions outlined later in this report. Should Council approve the Site Development Application, a By-law to remove the Holding Symbol “(H)” can be enacted by Council on July 6, 2011.

The proposed development requires the approval of variances to the C4 Zone standards by the Vaughan Committee of Adjustment. These variances are discussed later in the staff report.

##### Site and Building Design

The site plan shown on Attachment #3 proposes three, one-storey buildings. Building “A” (145 Hawkview Boulevard) abutting Vellore Woods Boulevard is a multi-unit commercial building consisting of 862.03 m<sup>2</sup> of GFA. Building “B” (125 Hawkview Boulevard) abutting Hawkview Boulevard is a multi-unit commercial building consisting of 1,336.69 m<sup>2</sup>. Building “C” (135 Hawkview Boulevard) is a single use, 514.78 m<sup>2</sup> building proposed for a Day Nursery, with a 367 m<sup>2</sup> outdoor play area located south of the building. Sidewalks are proposed along the north and east property lines, to provide pedestrian connections to the site. Two vehicular accesses are provided; one from Hawkview Boulevard and one from Vellore Woods Boulevard. All driveway aisles accommodate two-way vehicular traffic, and 118 parking spaces are provided.

The landscape plan shown on Attachment #4, includes a 6.0 m wide landscape strip abutting Vellore Woods Boulevard and Hawkview Boulevard, and additional landscaping along the southerly lot line, and the northwest corner of the site. Two outdoor patio areas are proposed adjacent to the east facades of Buildings “A” and “B”, which encroach into the 6.0 m wide landscape strip along Vellore Woods Boulevard. These areas will be appropriately designed to the satisfaction of the Development Planning Department. The site will be landscaped with coniferous, deciduous and ornamental trees, and a mix of shrubs, perennials and ornamental grasses.

The building elevations are shown on Attachments #5 to #7. A pylon sign is proposed at the northeast corner of the site, as detailed on Attachment #6. Buildings “A” and “B” have front elevations on both sides of the building, and all 3 buildings incorporate the use of brick and cultured stone with asphalt shingle roofs. On June 28, 2011, the Owner met with members of the Development Planning Department, Development/Transportation Engineering Department, the Vellore Woods Ratepayers’ Association, the Local Councillor and one Regional Councillor. These discussions led to some minor revisions to the building elevations. The Owner has agreed to provide the following changes to the elevations:

- i) Buildings “B” and “C” are to be amended to include a raised central gable in order to break-up the building mass, as red-lined on Attachments #6 and #7;
- ii) additional canopies on the Building “B” north façade (facing Hawkview Boulevard) will be provided, as red-lined on Attachment #6; and,
- iii) all signage on the site shall be one uniform colour, in channel-lit lettering.

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The Vaughan Development Planning Department is generally satisfied with the site plan, landscape plan and building elevations, subject to the above-noted revisions, and will continue to work with the Owner to finalize the details. The final site layout, building elevations, landscape plan and signage details must be approved to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is included in the recommendation of this report.

Minor Variances

The Owner has submitted a Minor Variance Application (File A182/11) to address the following variances to the requirements of the C4 Neighbourhood Commercial Zone of Zoning By-law 1-88:

	<b>By-law Standard</b>	<b>By-law 1-88 Requirements (C4 Neighbourhood Commercial Zone)</b>	<b>Proposed Exceptions to the C4 Zone of By-law 1-88</b>
a.	Minimum Front Yard (North)	11 m	6.1 m - Building "B"
b.	Minimum Interior Side Yard (West)	11 m	1.5 m - Building "C"
c.	Minimum Exterior Side Yard (East)	11 m	6.5 m - Building "A" 9.5 m - Building "B"
d.	Minimum Rear Yard (South)	15 m	8.5 m - Building "A" 11.7 m - Building "C"
e.	Minimum Setback to an Institutional Use (Day Nursery - Building "C")	15 m	1.5 m - West 11.7 m - South
f.	Minimum Setback from an 'R' Residential Zone to any Building Structure	22.5 m	15.8 m (to centreline of Hawkview Boulevard)
g.	Minimum Width of Landscape Strip (abutting Vellore Woods Boulevard)	6.0 m to be used for no other purpose than landscaping	Permit two (2) outdoor patios to encroach into the required landscape strip
h.	Minimum Parking Requirements	6.0 parking spaces per 100 m <sup>2</sup> GFA (2713.5m <sup>2</sup> = 163 spaces) Note: 163 spaces does not include outdoor patio areas	A minimum of 118 parking spaces to facilitate the proposed development including the outdoor patios
i.	Outdoor Patio Requirements	The parking required for the outdoor patio shall be equal to that required for the main eating establishment use	Parking for the 2 proposed outdoor patio uses shall not be required

The proposed variances for the reduced building setbacks are considered to be minor in nature, as these variances will facilitate buildings located closer to the street, which is desirable from an urban design and streetscape perspective. Permitting two patios within the landscape strip abutting Vellore Woods Boulevard is also considered acceptable, adding to a more pedestrian friendly, urban environment. The exceptions to facilitate a permitted Day Nursery use can be supported as this use serves the community, and is located in a safe location on the property.

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The Owner has submitted a Parking and Site Circulation Study prepared by Cole Engineering, supporting 119 parking spaces on the site. Through the review of the site plan, the Development Planning Department has removed a parking space and is satisfied that the proposed 118 spaces is appropriate for the site.

#### Vaughan Development/Transportation Engineering Department

The final site servicing and grading plan must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.

The Transportation Engineering Section has requested a comprehensive traffic impact study to address the following issues:

- review of existing traffic operations and examine potential future deficiencies (5 year planning horizon) and possible improvements to the surrounding road network (e.g. requirement of dedicated right turn/left turn lane at the Proposed Access/Vellore Woods Blvd);
- determine if possible all-way stop controls meet the Provincial all-way stop warrant at Vellore Woods Boulevard/ Hawkview Boulevard;
- cut-through traffic survey and impact on adjacent residential community due to potential traffic delay at signalized intersection;
- complete analysis to quantify the operational impact on existing intersections (signalized and non-signalized intersections) due to additional traffic of the proposed development;
- vehicles queuing analysis at Vellore Woods Boulevard/ Rutherford Road; and,
- a Travel Demand Management program should also be included in the report; the number of single occupancy vehicles can be reduced with the TDM strategies.

The applicant is required to submit this traffic impact study to be approved by the Vaughan Development/Transportation Engineering Department, prior to the execution of the Site Plan Letter of Undertaking. The recommendations contained in the final approved document shall be implemented by the applicant. A condition to this effect has been included in the recommendation of this report

#### Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that cash-in-lieu of parkland dedication has been paid in accordance with Section 42 of the Planning Act and the City's "Cash-in-Lieu of Parkland Policy".

#### 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 Region of York has reviewed the applications and has no objections to its approval.

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**Conclusion**

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.11.011 to remove the Holding Symbol “(H)” on the subject lands, and Site Development File DA.11.032, in accordance with the policies of the Official Plan, Zoning By-law 1-88, and comments from City Departments, and the area context. The Development Planning Department is generally satisfied with the two proposed multi-unit commercial buildings and one Day Nursery building with outdoor play area, subject to minor red-lined revisions. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application to remove the “H” Holding provision and the Site Development Application, subject to the conditions in this report.

**Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - Building “A”
6. Red-Lined Elevations - Building “B” & Proposed Pylon Sign
7. Red-Lined Elevations - Building “C”

**Report prepared by:**

Margaret Holyday, Planner, ext. 8216  
Carmela Marrelli, Senior Planner, ext. 8791  
Mauro Peverini, Manager of Development Planning, ext. 8407

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



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**Regional Implications**

N/A

**Conclusion**

Zoning By-law Amendment File Z.11.001 was approved by Vaughan Council on June 7, 2011. The implementing Zoning By-law can be enacted at the Special Council meeting on July 6, 2011, to implement Council's decision.

**Attachments**

1. Context Location Map
2. Location Map
3. Council Approved Zoning (June 7, 2011)

**Report prepared by:**

Stephen Lue, Planner, ext. 8210  
Christina Napoli, Senior Planner, ext. 88483  
Mauro Peverini, Manager of Development Planning, ext. 8407

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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**EXTRACT FROM COUNCIL MEETING MINUTES OF JULY 6, 2011**

Item 6, Report No. 36, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on July 6, 2011.

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**ZONING BY-LAW AMENDMENT FILE Z.10.033  
2077117 ONTARIO INC.  
WARD 4**

**The Special Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated July 6, 2011:**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.10.033 (2077117 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the C1 Restricted Commercial Zone respecting site-specific Exception 9(1245) to permit a Business or Professional Office (not including the Office of a Regulated Health Professional) as an additional permitted use on the subject lands within the existing 1,354.5m<sup>2</sup> (not including the basement) 3-storey building and a site parking requirement of 38 parking spaces.

**Contribution to Sustainability**

The Owner is proposing to permit an additional use within an existing building on the subject lands. No changes are being proposed to the existing site layout or building.

**Economic Impact**

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

**Communications Plan**

On March 18, 2011, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. No comments were received through the notice of circulation by the Vaughan Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of April 12, 2011, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 18, 2011.

**Purpose**

The Owner has submitted Zoning By-law Amendment File Z.10.033 on the subject lands shown on Attachments #1 and #2 to amend Zoning By-law 1-88, specifically the C1 Restricted Commercial Zone respecting site-specific Exception 9(1245) to permit a Business or Professional Office (not including the Office of a Regulated Health Professional) as an additional permitted use on the subject lands within the existing 3-storey building and utilizing the existing 38 parking spaces as shown on Attachment #3, whereas Exception 9(1245) currently restricts the permitted use on the subject lands to a Day Nursery only.

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#### Background - Analysis and Options

##### Location

The subject lands shown on Attachments #1 and #2 are located at 941 Rutherford Road, between Bathurst Street and Thornhill Woods Drive, City of Vaughan. The surrounding land uses are shown on Attachment #2.

##### Previous Applications

i) Zoning By-law Amendment File Z.03.062 and Site Development File DA.03.052

The Owner previously submitted Zoning By-law Amendment and Site Development Applications (Files Z.03.062 and DA.03.052) on the subject lands to facilitate the development of a 3-storey, 1,368.15 m<sup>2</sup> building with the following uses:

- Day Nursery;
- Business or Professional Office; and,
- Private Technical School.

On June 27, 2005, Vaughan Council approved Zoning By-law Amendment File Z.03.062 to rezone the subject lands from RR Rural Residential Zone to C1 Restricted Commercial Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) in order to permit a Day Nursery use (20 employees) located on the first and second floors, and that the offices of a regulated health professional, real estate office, accountant and/or private technical school (music school) be permitted on the third floor of the building. On June 27, 2005, Vaughan Council enacted Zoning By-law 247-2005 to implement Council's decision. On this date, Council also approved Site Development File DA.03.052.

By-law 247-2005 was appealed to the Ontario Municipal Board (OMB) by a neighbouring Place of Worship. The OMB subsequently ordered that the Zoning By-law Amendment be approved subject to the permitted use on the subject lands being limited to a Day Nursery with a maximum of 115 children and a maximum of 606 m<sup>2</sup> devoted to classroom space (not based on the gross floor area of the two floors being 919.5m<sup>2</sup>). At the time, it was anticipated that the third floor would be used for space accessory to the Day Nursery.

The Day Nursery use currently occupies 10 classrooms on the first and second floors of the existing building, and the third floor is vacant.

ii) Minor Variance Application

On February 27, 2008, the Vaughan Committee of Adjustment approved Minor Variance Application A371/07 being a variance to Exception 9(1245) to permit an increase in the maximum number of children permitted in the day nursery operation at any one time from 115 to 160 children.

##### Official Plan

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600. The "Medium Density Residential/Commercial" designation permits residential uses as well as a variety of commercial, retail, and office uses. The "Medium Density Residential/Commercial" designation permits the proposed Business or Professional Office use.



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The subject lands are designated “Low-Rise Mixed-Use” by the new City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7, 2010, and is pending final approval from the Region of York. The proposed Business or Professional Office use is permitted in the “Low-Rise Mixed-Use” designation.

Zoning

The property is zoned C1 Restricted Commercial Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) by Zoning By-law 1-88, subject to site-specific Exception 9(1245), which permits only a Day Nursery use on the C1 lands, subject to the following:

- the number of classrooms shall not exceed 10;
- the total gross floor area for the classrooms shall not exceed 606 m<sup>2</sup> (not based on the total gross floor area of the first and second floors being 919.5 m<sup>2</sup>);
- the basement shall not be used for classrooms; and,
- the maximum number of children served shall not exceed 115 at any one time (this provision was amended by Minor Variance File A371/07 to increase the number of children permitted to 160).

An Amendment to Zoning By-law 1-88 is required to permit the proposed Business or Professional Office use within the existing 3-storey building on the property.

The following amendments are required to the C1 Restricted Commercial Zone respecting Exception 9(1245) to permit the proposed Business or Professional Office (excluding the Office of a Regulated Health Professional) on the subject lands:

By-law Standard	By-law 1-88 Requirement (C1 Restricted Commercial Zone, Exception 9(1245))	Proposed Exception to By-law 1-88 (C1 Restricted Commercial Zone, Exception 9(1245))
Permitted Use	Day Nursery Use Only	Business or Professional Office (not including the Office of a Regulated Health Professional) as an additional permitted use
Required Parking	<p>38 parking spaces for permitted Day Nursery</p> <p>However, with proposed additional Business or Professional Office use, the required parking is:</p> <p><u>Minimum</u> All 3 floors occupied by Day Nursery and a maximum of 25 employees: 1.5 spaces/employee = 38 spaces</p> <p><u>Maximum</u> All 3 floors occupied entirely by a Business or Professional Office: 1,354.5m<sup>2</sup> @ 3.5 spaces/100m<sup>2</sup> = 48 spaces</p>	38 spaces (reflects existing situation)

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The subject lands are currently developed with a 3-storey building having a total gross floor area of 1354.5m<sup>2</sup>, and a total of 38 parking spaces, being the equivalent of 2.75 spaces/100m<sup>2</sup> of GFA.

The first and second floors of the existing 3-storey office building have a combined GFA of 919.0m<sup>2</sup> and are currently occupied with a Day Nursery use, and the intention is to use the third storey with a GFA of 435.5m<sup>2</sup> for Business or Professional Office uses.

#### Parking

Exception 9(1245) permits a Day Nursery with 10 classrooms on the subject lands. This approval was based on the Day Nursery use having 20 employees, which would result in a parking requirement of 30 spaces (1.5 spaces/employee). Thirty-eight parking spaces are currently available on the site. If the Day Nursery were expanded to occupy the entire building, a maximum of 25 employees could be accommodated based on Zoning By-law 1-88, which requires 1.5 spaces per employee (38 spaces/1.5 spaces/employee = 25 employees). However, if the building is occupied entirely by a Business or Professional Office use (excluding the basement area), the minimum parking requirement under Zoning By-law 1-88 is:

$$1354.5 \text{ m}^2 @ 3.5 \text{ spaces}/100 \text{ m}^2 = 48 \text{ spaces}$$

Therefore, the range in the parking required to accommodate the building being used entirely for one use as discussed above or a combination of the two uses under Zoning By-law 1-88 is 38-48 spaces.

A parking report titled "Traffic and Parking Study for 941 Rutherford Road City of Vaughan" dated May 2011, prepared by Mark Engineering was submitted by the Owner and reviewed by the Vaughan Development/Transportation Engineering Department. The report outlined 4 development scenarios for the site:

- i) Scenario 1 - Existing Day Nursery Use on all three floors;
- ii) Scenario 2 - Existing Day Nursery use on the 1<sup>st</sup> and 2<sup>nd</sup> floors and Business or Professional Office uses (not including the Office of a Regulated Health Professional) on the 3<sup>rd</sup> floor;
- iii) Scenario 3 - A Day Nursery use on the ground floor and Business or Professional Office uses (not including the Office of a Regulated Health Professional) on the 2<sup>nd</sup> and 3<sup>rd</sup> floors; and,
- iv) Scenario 4 - All three floors occupied by Business or Professional Office uses (not including the Office of a Regulated Health Professional).

The basement area was not considered in any of the 4 scenarios, and therefore, will remain strictly for storage, maintenance and amenity purposes. Day Nursery and Business or Professional Office uses will not be permitted in the basement.

The study considered the current parking supply, parking demand, parking requirements, drop-off and pick-up durations, and included the results of a parking survey. The final recommendations in the report deemed the parking supply to be sufficient to serve all four development scenarios. The study was reviewed by the Vaughan Development/Transportation Engineering Department, and the following comments were provided:

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JULY 6, 2011

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“The Parking Study report concludes that the proposed parking supply of 38 spaces would be sufficient for the development’s specific requirements. The on-site and proposed parking supply figure appears to be adequate based on supporting review and analysis provided in the consultant’s report. We have no issues with the conclusions of the report, and therefore support the parking supply reduction as recommended in the report.”

#### Planning Considerations

Exception 9(1245) restricts the use of the subject lands to a Day Nursery use. This use restriction is the result of an Ontario Municipal Board decision. The Owner has proposed to permit a Business or Professional Office (not including the Office of a Regulated Health Professional) on the property. Zoning By-law 1-88 permits a Business or Professional Office use (including the Office of a Regulated Health Professional) and a Day Nursery use as-of-right in a C1 Restricted Commercial Zone as these uses are considered compatible. No changes to the exterior of the building or the site plan are proposed to accommodate the proposed additional use. Furthermore, the Owner has submitted a parking study in support of the application, which has been reviewed and approved by the Vaughan Development/Transportation Engineering Department.

Accordingly, the addition of the proposed use is considered appropriate for the subject lands and is supported by the Development Planning Department.

#### 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 Region of York has no comment respecting the Zoning By-law Amendment Application.

#### Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.10.033 in accordance with the policies of OPA #600, the requirements of Zoning By-law 1-88, comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to permit a Business or Professional Office use (not including the Office of a Regulated Health Professional) is appropriate and compatible with the existing Day Nursery use on the property and the surrounding land uses. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

#### Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan

#### Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JULY 6, 2011**

Item 7, Report No. 36, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on July 6, 2011.

**7**

**OTHER MATTERS CONSIDERED BY THE COMMITTEE**

**7.1 RESOLUTIONS INTO CLOSED SESSION**

The Special Committee of the Whole passed the following resolution to resolve into Closed Session for the purpose of discussing the following

**CONFIDENTIAL PROPERTY MATTER  
VAUGHAN METROPOLITAN CENTRE  
YORK REGION TRANSIT BUS TERMINAL  
WARD 4**

**Item 2, Special Committee of the Whole, Report No. 36**

(property matter)

**CONTRIBUTION AGREEMENT BETWEEN THE  
CITY OF VAUGHAN AND THE VAUGHAN HEALTH CAMPUS OF CARE  
LEGAL ADVICE SUBJECT TO SOLICITOR/CLIENT PRIVILEGE  
Item 1, Special Committee of the Whole (Closed Session), Report No. 37**

(advice that is subject to solicitor-client privilege)