

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Item 3, Report No. 9, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on March 22, 2022, as follows:

By approving the recommendation contained in the report Deputy City Manager, Planning and Growth Management, dated March 1, 2022, subject to approving the following in accordance with Communication C289, memorandum from the Deputy City Manager, Planning and Growth Management and the Deputy City Manager, Infrastructure Development, dated March 18, 2022, as follows:

1. ***That the Recommendation 1. b) of the Committee of the Whole Report dated March 1, 2022, be deleted and replaced in its entirety with the following:***

“1. b) permit a maximum of 750 residential units within two buildings;”

2. ***That the following additional recommendation be added as Recommendation 1. e) to the Committee of the Whole Report dated March 1, 2022:***

“1. e) As a condition of development for the Subject Lands, a cost sharing agreement be required to be entered into by the landowners of the Promenade Centre Secondary Plan Area to the satisfaction of the City and shall be regarding, but not limited to, all cost sharing for the provision of roads and municipal services within the Promenade Secondary Plan Area.”

3. ***That the following additional recommendation be added as Recommendation 1. f) to the Committee of the Whole Report dated March 1, 2022:***

“1. f) approval of an Official Plan Amendment instrument in substantially the same form and content as the draft attached hereto as Attachment 4, subject to minor revisions to the satisfaction of the Deputy City Manager Planning and Growth Management” and

By receiving Communication C291 from Joe Hoffman, Goodmans LLP, Bay Street, Toronto, dated March 21, 2022.

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3. **1529749 ONTARIO INC. (TORGAN GROUP) PHASE 1: OFFICIAL PLAN AMENDMENT FILE OP.16.006 - 7700 BATHURST STREET, VICINITY OF BATHURST STREET AND CENTRE STREET**

The Committee of the Whole recommends:

- 1) **That consideration of this matter be deferred to the Council meeting of March 22, 2022;**

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- 2) That comments from the following speakers be received:
 1. Mr. Mario G. Racco, Brownridge Ratepayers Association, Checker Court, Thornhill; and
 2. Ms. Mary Flynn-Guglietti, McMillan LLP, Bay Street, Toronto; and
- 3) That the following Communications be received:
 - C2. Mr. Joe Hoffman, Goodmans LLP, Bay Street, Toronto dated February 27, 2022;
 - C3. Memorandum from the Deputy City Manager, Planning and Growth Management dated February 28, 2022; and
 - C7. Ms. Mary Flynn-Guglietti, McMillan LLP, Bay Street, Toronto dated March 1, 2022.

Recommendations

1. That the Ontario Land Tribunal be advised that the City of Vaughan Council ENDORSES Official Plan Amendment File OP.16.006 (1529749 ONTARIO INC.) to amend Vaughan Official Plan 2010, Volume 1, for the subject lands shown on Attachment 1 as follows:
 - a. amend Schedule 13 – Land Use, to permit a 30-storey mixed-use building and a 28-storey residential apartment building and a maximum FSI of 5.5 times the area of the Subject Lands, whereas neither are prescribed by VOP 2010;
 - b. permit a maximum of 680 residential units within two buildings;
 - c. permit residential uses at grade along an arterial Street (Centre Street);
 - d. permit site-specific amendments to Urban Design policy 9.2.3.6 of VOP 2010; and
2. That City staff be directed to attend the Ontario Land Tribunal in support of Recommendation 1, if required.

Committee of the Whole (1) Report

DATE: Tuesday, March 1, 2022

WARD: 5

TITLE: 1529749 ONTARIO INC. (TORGAN GROUP) PHASE 1
OFFICIAL PLAN AMENDMENT FILE OP.16.006
7700 BATHURST STREET
VICINITY OF BATHURST STREET AND CENTRE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole for Official Plan Amendment File OP.16.006 for the subject lands shown on Attachment 1, which has been appealed to the Ontario Land Tribunal. The Owner proposes to amend Vaughan Official Plan 2010 to establish a maximum height and floor space index within the “High-Rise Mixed-Use” designation, together with site-specific Official Plan amendments to permit a 30-storey mixed-use apartment building with commercial at grade, and a 28-storey residential apartment building with a floor space index (FSI) of 5.5 times the area of the lot, a privately-owned public space and underground parking, as shown on Attachments 2 and 3.

Report Highlights

- The Owner proposes to amend Vaughan Official Plan 2010 to establish a maximum height and floor space index within the “High-Rise Mixed-Use” designation to permit the development of a 30-storey mixed-use apartment building with commercial at-grade, a 28-storey residential apartment building, with a floor space index of 5.5 times the area of the lot, a privately-owned public space and underground parking.
- A Zoning By-law Amendment File Z.20.019 has been submitted to the City of Vaughan and is currently under review.
- The Development Planning Department supports the approval of the Official Plan Amendment application as it is consistent with the Provincial Policy Statement, 2020, conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. That the Ontario Land Tribunal be advised that the City of Vaughan Council ENDORSES Official Plan Amendment File OP.16.006 (1529749 ONTARIO INC.) to amend Vaughan Official Plan 2010, Volume 1, for the subject lands shown on Attachment 1 as follows:
 - a) amend Schedule 13 – Land Use, to permit a 30-storey mixed-use building and a 28-storey residential apartment building and a maximum FSI of 5.5 times the area of the Subject Lands, whereas neither are prescribed by VOP 2010;
 - b) permit a maximum of 680 residential units within two buildings;
 - c) permit residential uses at grade along an arterial Street (Centre Street);
 - d) permit site-specific amendments to Urban Design policy 9.2.3.6 of VOP 2010; and
2. That City staff be directed to attend the Ontario Land Tribunal in support of Recommendation 1, if required.

Background

The subject lands are located south of Centre Street, west of Bathurst Street, municipally known as 7700 Bathurst Street ('Subject Lands'). The Owner proposes to develop Phase 1 of the Subject Lands ('Phase 1'), as shown on Attachment 1. The Subject Lands are currently developed with a one-storey commercial building with at-grade parking spaces.

Vaughan Official Plan 2010 and Official Plan Amendment File OP.16.006 were appealed to the Ontario Land Tribunal

1529749 Ontario Inc. (Torgan Group) (the 'Owner') on October 18, 2012, appealed Vaughan Official Plan 2010 ('VOP 2010') to the then Ontario Municipal Board ('OMB'), now the Ontario Land Tribunal ('OLT') for non-decision of the Plan with regards to the "High-Rise Mixed-Use" designation for the Subject Lands. The Owner, on April 1, 2016, submitted Official Plan Amendment File OP.16.006 to amend VOP 2010 for the entirety of the Subject Lands.

The Owner, on November 23, 2017, appealed Official Plan Amendment File OP.16.006 to the then Local Planning Appeal Tribunal (File No. 171353), now the OLT. The LPAT, on April 28, 2020, issued an Order to allow a Phase 1 of the Subject Lands, as shown in Attachment 1, to proceed in advance of the Promenade Secondary Plan and identified that the Phase 1 lands would be subject to the general policies of VOP 2010. The Order also removed the Subject Lands from area specific-policy 12.11 Bathurst and Centre

Street: Thornhill Town Centre. As such, Official Plan Amendment File OP.16.006 has been amended to permit a mixed-use development on Phase 1 of the Subject Lands.

A Revised Official Plan Amendment Application has been submitted to permit the development

The Owner has submitted a revised Official Plan Amendment Application (the 'Application') to amend VOP 2010 for Phase 1 of the Subject Lands as identified on Attachment 1. The Owner proposes to amend VOP 2010 to permit the development of a 30-storey mixed-use apartment building with commercial uses at-grade, a 28-storey residential apartment building, a privately-owned public space and underground parking (the 'Development') as follows:

- a) permit a maximum building height of 30 and 28-storeys and a maximum density of 5.5 FSI for the Phase 1 of the Subject Lands, whereas neither are prescribed by VOP 2010;
- b) permit 680 residential units within the two buildings;
- c) permit residential uses at grade along an arterial Street (Centre Street); and
- d) permit site-specific amendments to Urban Design policy 9.2.3.6.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

On September 11, 2020, the City circulated a Notice of Public Hearing (the 'Notice') relating to the Application and Zoning By-law Amendment File Z.20.019 to all property owners within 500 m of the Subject Lands, to the Brownridge Ratepayer's Association, the Beverly Glen Ratepayer's Association, the Springfarm Ratepayer's Association, and to anyone on file with the Office of the City Clerk. A copy of the Notice was also posted on the City's website at www.vaughan.ca and notice signs were installed on the Subject Lands (Centre Street, North Promenade and Promenade Circle) in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on October 21, 2020, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of October 6, 2020, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following deputations and written submissions were received by the Development Planning Department and at the Public Hearing:

Written Submissions:

- B. Lapidus, email dated September 4, 2021, and September 17, 2021.
- G. Gorelik, Promenade Circle, email dated September 9, 2021.
- H. Binder, Campbell Avenue, email dated September 22, 2020.
- M. Racco, President of the Brownridge Ratepayer's Association, email dated September 29, 2020.
- M. Noskiewicz, Goodmans LLP, representing Promenade Limited Partnership, Letter dated October 2, 2020.
- Weston Consulting, Millway Avenue, Presentation Material dated October 6, 2020.

Deputations:

- Ryan Guetter, Weston Consulting, Millway Avenue, representing the Owner.
- Dev Mehta, BDP Quadrangle, King Street West, representing the Owner.
- Mario Racco, Brownridge Ratepayer's Association.

The following is a summary of the comments provided in the deputations and written submissions at the Public Hearing of February 4, 2020, and written submissions received by the Development Planning Department:

Height, Density, Built Form and Building Design

- The Development is too high and the floor space index is too high.
- The built form is not inviting, especially to pedestrians.
- The Development needs to be integrated with the existing and planned development in this area.

Pedestrian Walkability

- There needs to be safe pedestrian connections and sidewalks throughout the Development that connect from the existing development to future developments to the south and to the north of the Subject Lands.

Road Network and Traffic

- The Development should be accessed from a public roadway instead of a private roadway (Promenade Circle).
- The road network in this area is already highly strained.
- Existing traffic congestion in the area will increase with the Development.

Promenade Secondary Plan

- This Development should not be going in advance of the Promenade Secondary Plan.
- This Development needs to consider the Promenade Secondary Plan, including but not limited to, roads, accessibility, parks and servicing infrastructure.

Parks and Amenity Space

- Need to ensure there is sufficient parks and amenity space to support the development.
- The privately-owned public space is too small.

Servicing

- The Development should not rely on private services owned by Promenade Limited Partnership to service the Development without necessary easements or cost sharing agreements with Promenade Limited Partnership.

Construction Disturbances

- Construction disturbances should be limited/eliminated to the existing residents.

The comments are addressed throughout this report and will be addressed in the future comprehensive technical report for Zoning By-law Amendment File Z.20.019.

A courtesy notice of this Committee of the Whole meeting was sent to interested parties, although this Application is before the Ontario Land Tribunal. A future notice will be circulated to interested parties and those who made a deputation or submitted written correspondence to the City regarding the development as it relates to the Zoning By-law Amendment File Z.20.019.

Previous Reports/Authority

[October 6, 2020, Committee of the Whole Public Meeting \(Report No. 45, Item 4\)](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement, 2020

Section 3 of the Planning Act requires that all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy, and a clean and healthy environment.

The PPS policies state in part:

- a) Section 1.1, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, requires “*development to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs and promotes cost effective development patterns and standards to minimize land consumption and servicing costs.*”
- b) Section 1.1.3, Settlement Areas, “*shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*”
- c) Section 1.4.3, Housing, “*shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by (in part):*
 - b) *permitting and facilitating:*
 - i. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - ii. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*

The Development is consistent with the policies of the PPS identified above. The Development shown on Attachments 2 and 3 is for 28 and 30-storey buildings with a range of uses including residential and commercial. The Subject Lands are located within a settlement area and the Development would add to the range and mix of housing types in the community, and efficiently utilize the Subject Lands. The Development is proposed in an area where appropriate levels of infrastructure and public service facilities exist, are under construction, or are planned. The proposed density more efficiently uses the Subject Lands, resources, infrastructure and public service facilities in a compact development form. On this basis, the Development is consistent with the PPS.

The Application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (‘Growth Plan’), as amended, guides decision making on a wide range of issues, including economic development, land-use planning, urban form, and housing. Council’s planning decisions are required by the Planning Act to conform, or not conflict with, the Growth Plan.

- a) *“1.2.1 Guiding Principles (in part)*
 - *Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.*
 - *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
 - *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.”*
- b) *“2.2 Policies for Where and How to Grow (in part)*

2.2.1.4 Managing Growth

Applying the policies of this Plan will support the achievement of complete communities that:

- a) *Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- c) *Provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and*
- e) *Provide for a more compact built form and a vibrant public realm, including public open spaces.*

2.2.2 Delineated Built-up Areas

- 1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
 - a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area.*

2.2.6 Housing

- 1. *Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
 - a) *Support housing choice through the achievement of the minimum intensification and density targets in the Plan, as well as the other policies of the Plan by:*
 - i. *Identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and*
 - ii. *Establishing targets for affordable ownership housing and rental housing.”*
- 2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
 - c) *Considering a range and mix of housing options and densities of the existing housing stock;*

- d) *Planning to diversify their overall housing stock across the municipality;”*
- c) *“3.2.3 Moving People (in part)*
 - 1 *Public transit will be the first priority for transportation infrastructure planning and major transportation investments.*
 - 2. *All decisions on transit planning and investment will be made according to the following criteria:*
 - a) *aligning with, and supporting, the priorities identified in Schedule 5 - Moving People - Transit;*
 - b) *prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;*
 - c) *increasing the capacity of the existing transit system to support strategic growth areas; and*
 - g) *contributing toward the provincial greenhouse gas emissions reduction targets.”*

The Subject Lands are located within a settlement area and a delineated built-up area. The Development adds a range and mix of housing units, a higher density and a compact built form. The Growth Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit and seeks to align transit with growth by directing growth to Major Transit Station Areas ('MTSA') and other strategic growth areas, including urban growth centres. In addition, it promotes transit investments in these areas with minimum density targets (Policy 2.2.4 Transit Corridors and Station Areas). Schedule 5 of the Growth Plan identifies Centre Street and Bathurst Street as a Priority Transit Corridor. MTSA's are generally defined as the area within an approximate 500 m to 800 m radius of a transit station, representing a 10-minute walk.

To optimize public investments in higher order transit, the Growth Plan identifies priority transit corridors with the expectation that municipalities complete detailed planning for MTSA's on these corridors to support planned service levels. The Disera Road and Promenade area has been identified as a future MTSA with a planned Bus Rapid Transit Station area which forms part of the York Region Municipal Comprehensive Review. The VIVA Next Regional Road 7 Corridor is a rapid bus transit corridor which is currently operational in the Bathurst Street and Centre Street area and connects east into Richmond Hill. This east-west high order transit corridor has two (2) bus stops (Dufferin Street and Taiga Drive) along Centre Street and one bus stop along Bathurst Street (Promenade Shopping Centre and Disera Drive). It connects to the broader YRT

system and to the existing subway in the VMC, as well as the planned Yonge Street subway extension, which would serve the future residents of this Development.

The Development will accommodate approximately 1,292 persons (@ 1.9 people/unit), in addition to approximately 20 retail and commercial jobs, which will exceed the minimum target of 160 residents and jobs per hectare (total site area for Phase 1 is 0.94 ha) in the Growth Plan for development in proximity to a MTSA.

The Development is consistent with the policy framework of the Growth Plan by directing growth to a built-up area where there is opportunity to accommodate population growth, promote a transit-supportive density and a mix of residential and commercial land uses. The Development will ensure opportunities for safe pedestrian linkages, pedestrian-built form at grade, new and enhanced pedestrian linkages to the shopping centre and will also provide an appropriate transition to the adjacent community areas.

The Application conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 - Regional Structure by the YROP which permits a range of residential, industrial, commercial, and institutional uses. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region". Section 5.3 of the YROP encourages intensification within built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use.

Section 3.5 of the YROP, Housing our Residents, provides housing objectives which include and promote an integrated community structure and design that ensures a broad mix and range of lot sizes, unit sizes, housing forms and types and tenures that will satisfy the needs of the Region's residents and workers.

The York Region Community Planning and Development Services Department encourages the Development to include an integrated and innovative approach to water management, be water efficient, and minimize stormwater volumes and contaminant loads and maximize infiltration through an integrated treatment approach. Furthermore, York Region recommends the Development be designed to achieve energy efficiency levels that exceed/achieve 10% greater water efficiency than the Ontario Building Code, be designed to maximize solar gains, be constructed in a manner that facilitates future solar installations and incorporates green building standards such as Leadership in Energy and Environmental Design (LEED), Energy Star or other emerging technologies. These detailed design matters will be considered at the Site Plan approval stage, should the Application be approved.

Since the Owner has appealed the Official Plan Amendment Application to the OLT, York Region is not the approval authority. York Region has advised that the Application

conforms to the YROP, however, they reserve the right to provide further detailed technical comments and conditions at the site plan stage.

Amendments are required to VOP 2010 to permit the Development. The Development Planning Department supports the proposed amendments

The Subject Lands are located in an area designated for growth and a mix of land uses

VOP 2010 identifies Primary Centres as the location for the accommodation of growth and the greatest mix of uses and densities. The Subject Lands are located within an Intensification Area - "Primary Centre" by Schedule 1 - Urban Structure of VOP 2010, Volume 1, with access to and frontage on a "Regional Rapid Transit Corridor" along Centre Street and onto a "Regional Transit Priority Network Corridor and Special Study Area" along Bathurst Street.

VOP 2010 provides that Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use, high and mid-rise buildings, developed at an intensity supportive of transit. These areas are identified in VOP 2010 as Intensification Areas, which are the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities. The policies related to Intensification Areas shall be consistent with policies for such areas as contained in the PPS, the Growth Plan and the YROP.

In addition to the Vaughan Metropolitan Centre, VOP 2010 establishes an urban structure identifying the main locations where transformation will occur in Vaughan. Primary Centres will evolve as distinct places of major activity around planned subway stations and existing regional shopping destinations. Vaughan Mills, Bathurst Street and Centre Street (Subject Lands), and Weston Road and Regional Road 7 are each shopping destinations of regional significance, which have potential for residential intensification and the introduction of additional uses through development of surface parking areas, out-parcels and eventual redevelopment or intensification of the Promenade Shopping Centre.

Section 2.2.5.6 of VOP 2010 states that "Primary Centers" be planned to:

- a. include a mix of housing types and tenures, including housing suitable for seniors, families with children and affordable housing;
- b. include a mix of non-residential uses including retail, office, institutional, community facilities, and human services to serve both the local population and the City, and attract activity throughout the day;
- c. develop at densities supportive of planned public transit;
- d. have a fine grain network of streets suitable for pedestrians and cyclists, with appropriate internal links to the surrounding community areas by way of streets, walkways or greenways;
- e. include well-designed public open spaces that are either landscaped parks or public plazas or both in a manner that is appropriate to the local context;

- f. encourage a pedestrian-friendly built form by locating active uses at grade; and
- g. be designed and developed to implement appropriate transition of intensity and use to surrounding Community Areas, and/or separation from adjacent Employment Areas.

The Development as proposed will ensure a range of housing options, support transit-oriented development, introduce additional retail uses onto the Subject Lands, provide an attractive pedestrian friendly built form by locating active uses at grade and achieve an appropriate transition of intensity to uses in the surrounding community. The proposed Development is compatible with the surrounding land uses and conforms to the Primary Centres and Regional Intensification Corridor use policies of VOP 2010.

The Official Plan already allows for “High-Rise Mixed-Use” on the Subject Lands

The Subject Lands are designated “High-Rise Mixed-Use” with no prescribed maximum building height or density (FSI) by VOP 2010, Volume 1, Schedule 13. This designation is in effect on the Subject Lands and permits a range and mix of residential, retail, office, hotel, community and institutional uses.

Lands designated “High-Rise Mixed-Use” are located in Intensification Areas and provide for a mix of residential, retail, community and institutional uses. These areas will be carefully designed with a high standard of architecture and public realm, and be well integrated with adjacent areas. The “High-Rise Mixed-Use” designation permits residential units, home occupations, community facilities, cultural uses, including commercial galleries and theatres, retail uses, office uses up to a maximum of 12,500 m² in non-intensification areas, parking garages, hotels; and gas stations. In areas designated “High-Rise Mixed-Use” the ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street. When located in Intensification Areas retail uses shall not exceed 50% of the total gross floor area of all uses on the lot.

The Owner proposes to amend VOP 2010 to establish heights of 28 and 30-storeys, a maximum density of 5.5 FSI and up to 680 units on the Subject Lands, whereas neither a maximum building height or FSI is prescribed by VOP 2010.

The proposed mixed-use and residential apartment buildings and commercial uses conform to the policies of the High-Rise Mixed-Use Designation. The proposed commercial uses (800 m²) will not exceed 50% of the total floor area of the proposed uses on the lot (50,577 m²). Residential apartment Building 2, shown on Attachment 3, includes residential units on the ground floor fronting Centre Street, inconsistent with policy 9.2.2.6 c) of VOP 2010 to animate arterial streets with at-grade retail uses. However, given the sloped grading of the northern boundary of the Subject Lands along Centre Street, the retail uses would not animate the street as they are not entirely visible. As such, the Development Planning Department supports residential uses on the ground floor of Building 2.

The Official Plan permits high-rise buildings on the site

A high-rise building type is permitted in the “High-Rise Mixed-Use” designation. VOP 2010 identifies a high-rise building as a building generally over 12-storeys in height, with a maximum height prescribed by Schedule 13 – Land Use and designed with a pedestrian-scaled podium between 3 to 6-storeys in height, having slender towers with a floorplate no greater than 850 m². Where more than one high-rise building is located on the same lot, the separation distance between any portions of the high-rise buildings above 12-storeys should be at least 30 m. All high-rise buildings are required to accommodate a minimum amount of parking within the high-rise structure. All surface parking areas must provide a high level of landscape treatment and pedestrian pathways. The rooftop of high-rise buildings should include landscaped green space and private outdoor amenity space.

The Development includes a mixed-use building and a residential apartment building with 6-storey podiums. These buildings are slender in design, with maximum floor plates of 785 m². Building 1 would have a setback ranging between 4 m and 10 m for the portions above 12-storeys and Building 2 would have a setback ranging between 4 m and 10 m for the portions above 12-storeys to the property line. The distance between Buildings 1 and 2 is 23 m. The Development does not meet the minimum required setbacks or separation distances in VOP 2010 for high-rise building types in accordance with policy 9.2.3.6. Policy 10.2.1.7 of VOP 2010 states that where policies contain numerical standards, minor variations from those standards may be permitted without an amendment, with the exception of any variations to floor space index, height, or environmental standards set out in Chapter 3, provided that such variations respond to unique conditions or context of a site and are supported by a Planning Justification report or Urban Design Brief. The Owner has submitted an Urban Design Brief to address the reduced setbacks and separation distances.

The Development Planning Department is satisfied that the reduced setbacks and separation distances would facilitate an appropriate built form that frames the public realm and achieves transit supportive intensification along a Regional Rapid Corridor. The design of the high-rise building still achieves adequate privacy and sunlight for the residential units. The Development conforms to the High-Rise Building typology and design criteria of VOP 2010.

Overall, the Development Planning Department supports the site-specific amendments to VOP 2010.

Promenade Centre Secondary Plan Study – Land Use

The Promenade Centre Secondary Plan Study (‘PCSP’) is a City-initiated Study intended to establish the appropriate land use designations and policy framework for the lands currently occupied by the Promenade Mall and surrounding uses. The primary outcome of the Study is a Secondary Plan that will guide future development in Promenade Centre, ensuring this area evolves as a complete community.

The LPAT on April 28, 2020, issued an Order to allow Phase 1 of the Subject Lands, as shown in Attachment 1, to proceed in advance of the Promenade Secondary Plan and identified that the Phase 1 Lands would be subject to the general policies of VOP 2010.

A draft of the PCSP was heard at the Committee of the Whole Public Meeting on November 30, 2021. The Subject Lands are proposed to be designated high-rise mixed-use with a maximum height of 35-storeys and maximum FSI of 7.0 times the area of the lot. Although the PCSP is currently under review and not approved, the Development aligns with the proposed land use policies for these lands.

A Zoning By-Law Amendment Application (Z.20.019) has been submitted and is still under review

The Subject Lands are zoned “C2 General Commercial Zone,” subject to site-specific Exception 9(480) by Zoning By-law 1-88. The C2 Zone does not permit the Development. The Owner proposes to amend Zoning By-law 1-88, to rezone the Subject Lands to “RA3 Apartment Residential Zone” together with the following site-specific zoning exceptions to Zoning By-law 1-88 to permit the Development. The Zoning By-law Amendment File Z.20.019 is still under review and a comprehensive technical report will be brought forward to a future Committee of the Whole meeting.

A Future Site Development Application and Draft Plan of Condominium Application are required to permit the Development

Should the Application and the Zoning By-law Amendment File Z.20.019 be approved, a future Site Development Application will be required in accordance with the City’s Site Plan Control By-Law 123-2013. The Site Development Application will be reviewed in consideration of, but not limited to:

- appropriate building design and materials.
- site design, massing, scale, height and building/unit orientation and upgraded flankage building elevation designs, bird friendly design.
- interface with the existing and planned surrounding development.
- the provision of appropriate on-site amenity and landscape areas.
- pedestrian and barrier free accessibility and on-site vehicular access and circulation.
- environmental sustainability.
- servicing, grading, stormwater management.
- appropriate provisions for waste management and snow storage areas.
- shade conditions created by the Development on the immediate surrounding area.

The Owner will also be required to submit a future Draft Plan of Condominium to establish the condominium tenure should the Application and Zoning By-law Amendment File Z.20.019 be approved. The future Site Development Application and Draft Plan of Condominium Application will be subject to a technical report for consideration at a future Committee of the Whole meeting.

The Vaughan Design Review Panel Supports the Development

The Design Review Panel ('DRP') considered development proposals for the Subject Lands on two occasions. The first occasion on August 25, 2016, for the entirety of the Subject Lands; and the second occasion on February 25, 2021, for Phase 1 of the Subject Lands and provided the following comments:

1st DRP – August 25, 2016

The DRP considered a development proposal for the entirety of the Subject Lands on August 25, 2016, through Official Plan Amendment File OP.16.006. The DRP expressed concern regarding incremental planning at the proposed scale without a comprehensive plan and provided the following recommendations:

- Refine the circulation network and pedestrian connections.
- Define the hierarchy, scale, and massing of the built form.
- Outline a phasing strategy that considers adequate public space within each development phase.
- Provide a better connection from 7700 Bathurst Street into the broader planned future condition.
- Articulate the blocks and circulation systems to include public infrastructure and provide better permeability.
- Refine the monolithic approach of the design by introducing additional built form and open space typologies to enhance the distribution of the density.
- Continue the program and land use of Disera Drive south onto North Promenade.

The applicant responded to 1st round of DRP comments by:

- Revising the Development applications to only go forward with Phase 1 at this time to better coordinate with the planned future conditions.
- Incorporating a POPS to accommodate for public open spaces in Phase 1 of the development and future connection to the envisioned open space network within the context.
- Introducing commercial uses as an extension of the land use of Disera Drive along North Promenade.

2nd DRP – February 25, 2021

Official Plan Amendment File OP.16.006 was revised to only consider Phase 1 of the Subject Lands. Zoning By-Law Amendment File Z.20.019 was also submitted to facilitate the development of Phase 1. Both DRP re-considered the proposal through the revised Official Plan and Zoning By-law Amendment applications on February 25, 2021.

The DRP acknowledged that the revised Phase 1 siting considered best practices and the alignment of the buildings is sensible in its framing Centre Street and one of the main entrances of the Promenade Mall. Furthermore, the DRP recommended the following:

- The Development be mindful of the location and character of the north south road to the east of Phase 1, to determine the arrangement of the built form and open space, and the overall orientation of the project.

- The Development be cognizant that the vehicular organization of the overall masterplan may fundamentally change when the opportunity in the north-south connection is considered through the site. The panel noted that by integrating the north-south road into the design may create continuity of open spaces, and a stronger relationship between the POPS, by hosting some of the services and parking.
- The programming of the open space be revised to create an active park to serve the residents better. Considering that the north-south road at the east will be cutting through the park, attention to the streetscape design is necessary to create continuity between the future western portion of the park and the proposed, through visual cues and materiality.
- The treatment of the surface parking should be more urban, either as lay-by or moved below grade to allow for greater surface area to be dedicated to active uses.
- The transparency of the ground level façade should be enhanced to ensure comfortable and safe pedestrian connectivity along the active frontages, especially where the change in grade is negotiated between the street and the POPS.

The Development Planning Department is satisfied that the Owner has addressed the comments of the DRP. The Owner continues to work closely with staff to further improve the Development through Zoning By-law Amendment File Z.20.019 and a future Site Development Application.

The Development Engineering Department supports the Development subject to the comments in this report

Integrated Urban Water Master Plan (IUW-MP)

The City has initiated its city-wide Integrated Urban Water Master Plan (IUW-MP) Class Environmental Assessment (EA) Study. The Study will assess the existing and planned municipal servicing systems (water, wastewater, stormwater) to support the City's Official Plan Review. A Functional Servicing Strategy Report (FSSR) for the Disera-Promenade Secondary Plan/Major Transit Station Area (MTSA) areas will be produced through the on-going master plan update. Accordingly, external servicing requirements and/or improvements shall conform to the conclusions and recommendations of the City's ongoing Integrated Urban Water Master Plan and associated FSSR.

The Owner will be required to contribute its share of the total cost of infrastructure works and/or undertake the necessary improvements associated with implementing the ultimate build-out of the Disera-Promenade Secondary Plan/MTSA service area based on the recommendations of the on-going Integrated Urban Water Master Plan EA and associated FSSR to the satisfaction of the City.

Sanitary Servicing

The Functional Servicing Report ('FSR') contemplates the construction of a new 450 mm diameter sanitary sewer along Centre Street flowing towards the east and connecting to an existing 600 mm diameter sanitary sewer located at Centre Street and

Atkinson Avenue, which discharges into existing 675 mm Brooke Street sanitary sewer. This method is subject to resolution of existing surcharging conditions along the Brooke Street sanitary sewer system and the vicinity areas; necessary upgrade of existing sanitary infrastructure will be required in support of the proposed Development.

Additional plans and details will be required to evaluate potential surcharging in several sewer segments along Brooke Street, Thornridge Drive and Arnold Avenue. Upon receiving the necessary reports, plans and details, the City will provide appropriate comments and conditions accordingly through the Zoning By-law Amendment File Z.20.019. Until such time as the sanitary servicing connections are resolved, the lands may be zoned with a Holding Symbol ('H') should the Application and Zoning By-law Amendment File Z.20.019 be approved.

Storm Sewer

The proposed storm servicing of the Development will be connected to an existing 450 mm private storm sewer on Promenade Circle. The proposed storm connection will be subject to an easement agreement between the neighboring landowners and may require Environmental Compliance Approval if applicable.

The Subject lands shall conform to the City-Wide Storm Water Management Master Plan (2014) for the Promenade Mall re-development area:

- minimum quantity storage requirement (for a 100-year design storm event) shall be 255 m³ per hectare of re-development; and
- maximum unit release rate shall be 163L/s per hectare of re-development.

The Owner shall submit revised plans and details to the satisfaction of the Development Engineering Department through the Zoning By-law Amendment File Z.20.019. Until such time as the pending stormwater management concerns are resolved, the lands may be zoned with a Holding Symbol ('H'), should the Application and Zoning By-law Amendment File Z.20.019 be approved.

Sewage and Water Allocation

Servicing demands of the Development is being tracked at this time. Availability of servicing capacity and allocation resolution will be assessed at the Site Development Application stage.

Water Supply

The Subject Lands are located within the City of Vaughan Pressure District 6 (PD6). There are municipal watermains adjacent to the site on Bathurst Street and Centre.

Environmental Noise Feasibility Assessment

The Owner submitted an Environmental Noise Review prepared by SLR Consulting (Canada) Ltd. dated September 21, 2021 and a Noise Study prepared by Novus Environmental Inc. (SLR-Novus) dated May 21, 2020. The Development Engineering Department has no further comment on the noise evaluation at this time.

Future revisions to the noise study will be required to provide detailed noise assessment, recommendations on proposed rooftop mechanical systems, façade requirements and warning clauses in compliance with the Ministry of the Environment, Conservation, and Parks (MECP) NPC-300 Environmental Noise Guideline (NPC-300) during the Site Development Application stage.

Environmental Site Assessment

The Owner submitted Site Screening Questionnaire and Environmental Certification and Phase One Environmental Site Assessment (ESA) report which were reviewed by the Development Engineering Department. It is noted that a Reliance Letter, an updated ESA report meeting O. Reg. 153/04 standards and an MECP Record of Site Condition will be required due to the change to a more sensitive land use. Until such time Environmental matters are resolved to the satisfaction of the Development Engineering Department, the Subject Lands may be zoned with a Holding Symbol ('H'), should the Application and Zoning By-law Amendment File Z.20.019 be approved.

Road Network and Access (Interim Condition)

The Subject Lands are surrounded by Centre Street to the north, and existing private roads to the south and west that are Promenade Circle and North Promenade respectively. Under the interim condition, the Development will have primary access through Promenade Circle.

Road Network and Access (Ultimate Condition) and Future Promenade Centre Secondary Plan Considerations

Ultimate access to the Phase 1 of the Subject Lands will be subject to the Promenade Centre Secondary Plan. The Owner should be aware that the transportation network beyond Phase 1 of the Development may be modified to the satisfaction of the City and that potential modifications are subject to the findings and conclusions of a comprehensive transportation study in support of the Promenade Shopping Centre Secondary Plan Study. The future road network being determined by a comprehensive transportation study should be protected for and the dedication of the lands should be conveyed to the City free of any costs and encumbrances for any future phases.

Cost sharing may also be considered with the other parties within the Promenade Centre Secondary Plan Area to deliver the future roads, shared use paths and other active transportation facilities.

Transit and Active Transportation Networks

The Subject Lands is well served by a network of sidewalks as well as cycling facilities that are currently located along Centre Street and Bathurst Street. The Subject Lands are in proximity to multiple transit services provided by York Region Transit (YRT) including the BRT route and Toronto Transit Commission (TTC), and Promenade Terminal that is next to the Development.

Traffic Impacts and Improvements

The DE Department has advised that traffic impacts are generally acceptable. However, certain movements at area intersections are expected to operate near or at capacity in particular, at Bathurst Street / Centre Street intersection as a result of future developments in this area. The Transportation Impact Study ('TIS'), prepared by LEA Consulting Limited, dated September 21, 2021, recommends signal timing optimization at signalized intersections to mitigate the capacity constraints and Transportation Demand Management in order to further reduce the auto mode of transportation. The TIS is being reviewed as part of the Zoning By-law Amendment File Z.20.019 and is subject to further review and comment by the DE Department.

The Parks Infrastructure Planning and Development Department has no objection to the Application subject to the comments of this report

The Parks Infrastructure Planning and Development Department has no objections to the approval of the Application with the understanding that a parkland dedication agreement for Phase 1 of the Subject Lands is to be executed prior to execution of the Site Plan Agreement, should the Application and Zoning By-law Amendment File Z.20.019 be approved.

The Development Concept for Phase 1 currently includes a proposed 0.15 ha POPs located at the southeast corner of the Subject Lands. However, the proposed 0.15 ha does not meet the minimum requirement for public parkland and is not consistent with the criteria of a Public Square in VOP 2010 including minimum sizing and adequate public road frontage. Accordingly, the Owner and staff have discussed that an agreement for Phase 1 parkland dedication will be required to be executed prior to Site Plan approval. The agreement will secure the minimum amount of parkland dedication associated with the future development phase(s), measuring approximately 0.56 ha in size, with the final size, configuration and location of parkland to be determined through the Secondary Plan process and/or the Parkland Agreement. The agreement will also determine a parkland credit, determine the provisions for payment-in-lieu of parkland dedication for the balance of Phase 1, timing of parkland conveyance, consideration of strata parkland, and park development costs.

Cultural Heritage has no objection to the Application

Cultural Heritage staff have advised that they have no objection to the Application.

The School Boards have no objection to the to the Application

The York Region District School Board, the York Catholic School Board and the French School board have no objections to the Application and advise that no school site is required as part of the Application.

Financial Impact

There are no financial impacts associated with this report.

Broader Regional Impacts/Considerations

The Official Plan Amendment Application has been appealed to the OLT, therefore York Region is not the approval authority for the Application.

York Region has advised that the requirements for a revised Transportation Impact Study shall be deferred to the Site Development Application stage. York Region has advised that the proposed Development shall be consistent and protect for the PCSP road network and transportation improvements.

Conclusion

Official Plan Amendment File OP.16.006 has been reviewed in consideration of the policies of the PPS, Growth Plan, the YROP 2010, VOP 2010, comments from City Departments, external public agencies, and the area context. The Development Planning Department is satisfied that the proposed amendments to VOP 2010 to permit the development of a 30-storey mixed-use building and a 28-storey residential apartment building is consistent with the Provincial Policy Statement, conforms with the Growth Plan and the YROP, and is appropriate for the development of the Subject Lands. The proposed residential and commercial uses are permitted as-of-right by VOP 2010. The proposed mixed-use development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can support approval of the Application, subject to the Recommendations in this report.

For more information, please contact: Daniela DeGasperis, Planner, Development Planning, Extension 8382.

Attachments

1. Context and Location Map.
2. Proposed Height and Density – File OP.16.006.
3. Development Concept Plan.

Prepared by

Daniela DeGasperis, Planner, ext. 8382

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

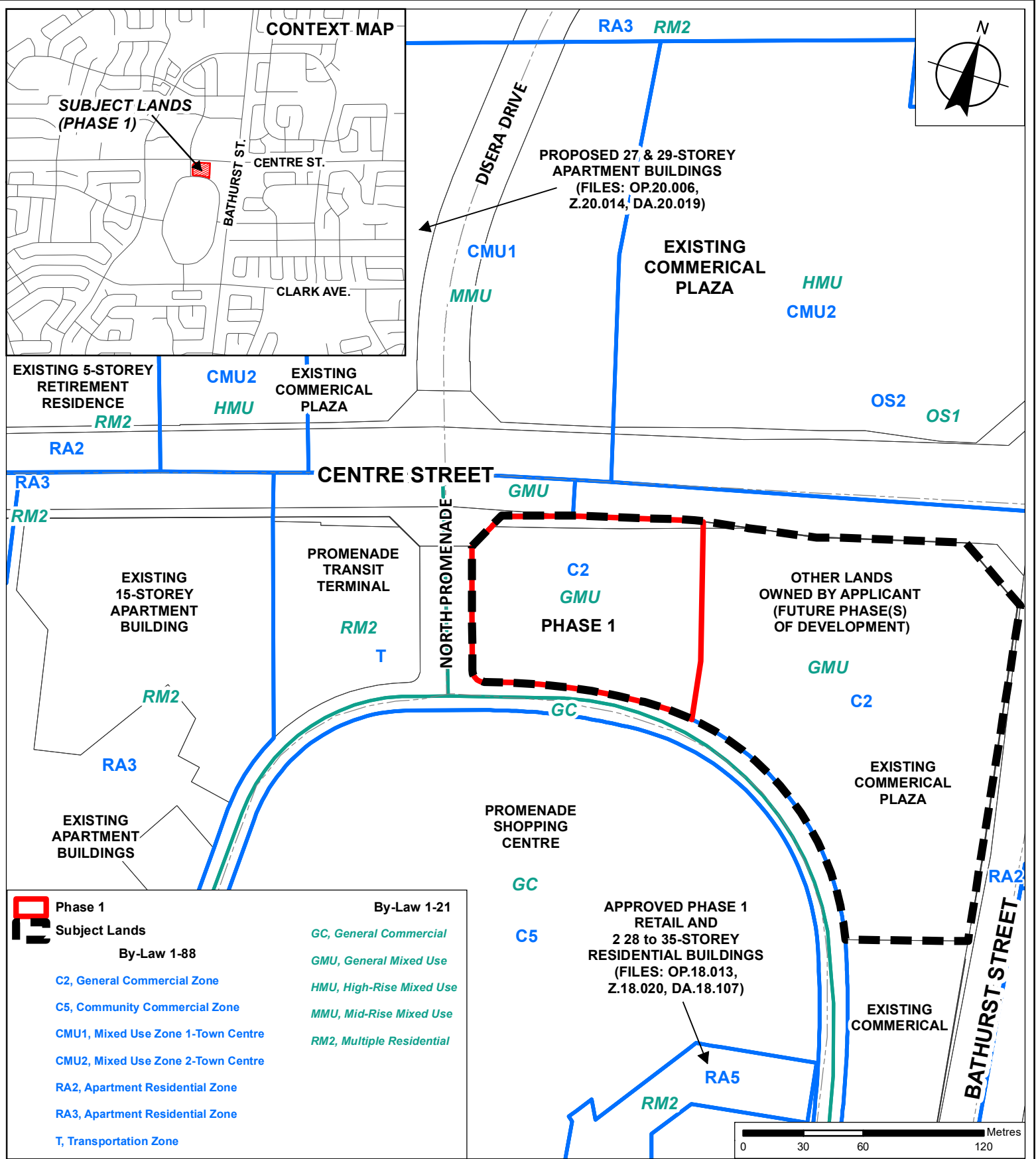


Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager



	Phase 1	By-Law 1-21
	Subject Lands	GC, General Commercial
	By-Law 1-88	GMU, General Mixed Use
	C2, General Commercial Zone	HMU, High-Rise Mixed Use
	C5, Community Commercial Zone	MMU, Mid-Rise Mixed Use
	CMU1, Mixed Use Zone 1-Town Centre	RM2, Multiple Residential
	CMU2, Mixed Use Zone 2-Town Centre	
	RA2, Apartment Residential Zone	
	RA3, Apartment Residential Zone	
	T, Transportation Zone	

Context and Location Map

LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1

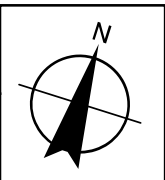
APPLICANT:
1529749 Ontario Inc.



Attachment

FILE: OP.16.006
RELATED FILE:
Z.20.019
DATE:
March 1, 2022

1



H 2-4
D 2.0

DISERA DRIVE

H 1
D 2

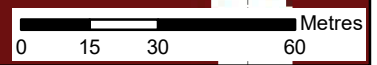
CENTRE STREET

NORTH PROMENADE

H 30
D 5.5

PROMENADE CIRCLE

	Mid-Rise Mixed-Use
	High-Rise Mixed-Use
	Subject Lands



Proposed Height and Density - File OP.16.006

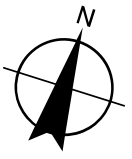
LOCATION:
Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.



Attachment

FILE: OP.16.006
RELATED FILE:
Z.20.019
DATE:
March 1, 2022

2



CENTRE STREET

ULTIMATE ACCESS TO PROPOSED DEVELOPMENT

NORTH PROMENADE

BUILDING 1:
30-STOREY
MIXED-USE
BUILDING

PRIVATELY OWNED PUBLIC SPACE
(736.75 sq.m.)

BUILDING 2:
28-STOREY
RESIDENTIAL
APARTMENT
BUILDING

UNDERGROUND
RESIDENTIAL
PARKING
ENTRANCE

OTHER LANDS
OWNED BY
APPLICANT
(FUTURE
PHASE(S)
OF
DEVELOPMENT)

COMMERCIAL
USES

PRIVATELY-OWNED
PUBLIC SPACE
(1478.46 sq.m.)

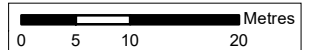
INTERIM ACCESS
TO THE PROPOSED
DEVELOPMENT

PROMENADE CIRCLE

GENERAL LOCATION OF
FUTURE ROAD SUBJECT
TO THE PROMENADE
CENTRE SECONDARY PLAN



Subject Lands - Phase 1



Development Concept Plan

LOCATION: Part of Lot 5,
Concession 2;
7700 Bathurst Street - Phase 1

APPLICANT:
1529749
Ontario Inc.



Attachment

FILE: OP.16.006
RELATED FILE:
Z.20.019

DATE: March 1, 2022

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