

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, May 3, 2022

WARD(S): 3

**TITLE: KINGSMOOR DEVELOPMENTS INC.
OFFICIAL PLAN AMENDMENT FILE OP.21.026
ZONING BY-LAW AMENDMENT FILE Z.21.055
177 WHITMORE ROAD
VICINITY OF HIGHWAY 7 AND WHITMORE ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to redesignate the subject lands from “Mid-Rise Mixed-Use” to “High-Rise Mixed-Use” and rezone the subject lands from the “C1 Restricted Commercial Zone” subject to site-specific Exception 9(477D), to “RA3 Residential Apartment Zone”, under Zoning By-law 1-88, together with the site-specific exceptions identified on Attachment 7, and rezone the subject lands from “GMU General Mixed-Use Zone” subject to site-specific Exception 14.278, to “High-Rise Mixed-Use Zone” under Zoning By-law 001-2021, together with the site-specific exceptions identified on Attachment 8. The Owner seeks approval to permit a development consisting of three mixed-use towers ranging in height from 32, 35 and 38 storeys, with 1,154 apartment units, and 91,980 m² of residential Gross Floor Area (‘GFA’), 2 to 7-storey podiums containing 1,520 m² of at grade commercial GFA and 18 townhouse units, for a total of 1,172 residential units and a maximum floor space index of 10.5 times the area of the lot, as shown on Attachments 2 to 5.

Report Highlights

- To receive comments from the public and the Committee of the Whole on the proposed amendments to facilitate the development of three mixed-use towers with heights ranging from 32, 35 and 38-storeys and at-grade commercial uses
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.

Report Highlights continued

- The development is located within the Weston Road and Highway 7 Secondary Plan Area. The applications shall not be brought forward for Council consideration prior to the adoption of the Weston Road and Highway 7 Secondary Plan.
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting.

Recommendations

1. THAT to be consistent with previous Council resolutions for planning applications within the Weston Road and Highway 7 Secondary Plan area, dated September 28, 2020 and June 22, 2021, the applications do not proceed in advance of the Weston Road and Highway 7 Secondary Plan being considered by Council;
2. THAT Staff be directed to continue to process Official Plan and Zoning By-law Amendment Files OP.21.026 and Z.21.055 (Kingsmoor Developments Inc.) and receive technical comments; and
3. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.21.026 and Z.21.055 (Kingsmoor Developments Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 177 Whitmore Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: January 15, 2021

Date applications were deemed complete: March 25, 2022

The Subject Lands are located within an area identified as the Weston Road and Highway 7 Secondary Plan Area

Schedule 14A - Areas Subject to Secondary Plans in Vaughan Official Plan 2010 ('VOP 2010'), identifies the Subject Lands as being located within the Weston Road and Highway 7 Secondary Plan Area ('Weston 7 Secondary Plan'). The Weston 7 Secondary Plan is comprised of a 129 ha area surrounding the Weston Road and Highway 7 intersection, bounded by Fieldstone Drive and Chrislea Road/Portage Parkway to the north, the Highway 400 corridor to the east, the Highway 407 corridor to the south, and Ansley Grove Road/Whitmore Road to the west, as shown on Attachment 1. The study area is located west of the Vaughan Metropolitan Centre

(‘VMC’), the City’s planned downtown, primary growth node and Urban Growth Centre as identified in A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019, as amended (‘Growth Plan’).

Vaughan Council on June 12, 2019, received the Weston 7 Secondary Plan Phase 1 final report and directed Staff to proceed with the request for proposal for Phases 2 and 3 based on the findings of the Phase 1 Report. The objective of Phase 1 of the Weston 7 Secondary Plan Study included the development of a long-term vision, a draft of three conceptual emerging land use scenarios showing how the character and function of the area can develop in the future and a set of guiding principles including the following:

- policies in the Weston 7 Secondary Plan will consider the plan area’s relationship with the VMC, and with other Primary Centres within the City to ensure the City’s urban hierarchy, as shown on Schedule 1 - Urban Structure of VOP 2010, is maintained
- a clearly defined role for the Weston 7 Secondary Plan within the City of Vaughan in order to ensure it complements other Primary Centres and the VMC, rather than competing with them
- while most of the Weston 7 Secondary Plan area will be planned as a mixed-use community, policies should build on the current strengths of the area, as a commercial, cultural and entertainment destination

The City in May 2020, initiated Phases 2 and 3 of the Weston 7 Secondary Plan. Through Phase 2, the preferred land use plan, including heights and densities, and the supporting transportation network, parks and open spaces, and servicing will be established to support the anticipated growth and create a complete community. Through Phase 3, a draft of the Weston 7 Secondary Plan will proceed to Council for adoption. A Transportation Master Plan (‘TMP’) is being undertaken concurrently with the Weston 7 Secondary Plan to develop the transportation infrastructure that supports the forecasted growth.

The Policy Planning and Special Projects Department (‘PPSP’) has retained a consultant team led by The Planning Partnership for the Weston 7 Secondary Plan Study and Infrastructure Planning and Corporate Asset Management (‘IPCAM’) has retained WSP to lead the TMP.

Council has directed that no applications proceed in advance of the completion of the Weston 7 Secondary Plan

Council previously considered Public Meeting reports for the following applications within the Weston 7 Secondary Plan:

- Wedgewood Columbus Limited Files OP.19.015 and Z.19.039 located at 7887 Weston Road – September 29, 2020
- Calloway REIT (400 and 7) Inc. Files OP.19.012 and Z.19.036 located at 137 Chrislea Road, 57 and 101 Northview Boulevard – September 29, 2020
- 2371933 Ontario Inc. Files OP.21.006 and Z.21.009 located at 7520, 7540 and 7560 Weston Road – June 22, 2021

Council adopted the following resolution regarding these applications:

“That Council does not approve the applications proceeding in advance of the Weston 7 Secondary Plan being considered by Council.”

The Owner is not requesting that the Applications proceed in advance of the Weston 7 Secondary Plan, and they are participants in the Weston 7 Secondary Plan Study. The Applications will be processed concurrently with the Weston 7 Secondary Plan Study, and no technical report shall be brought forward in advance of the Weston 7 Secondary Plan being considered by Council.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the proposed development

Kingsmoor Developments Inc. (the ‘Owner’) has submitted the following applications (the ‘Applications’) for the Subject Lands to permit the proposed development consisting of three mixed-use towers ranging in height from 32, 35 and 38-storeys, 1,154 apartment units, and 91,980 m² of residential Gross Floor Area (‘GFA’) with 2 to 7-storey podiums containing 1,520 m² of at grade commercial GFA and 18 townhouse units, for a total of 1,172 residential units and a maximum floor space index (‘FSI’) of 10.5 times the area of the lot (the ‘Development’), as shown on Attachments 2 to 5:

1. Official Plan Amendment File OP.21.026 to redesignate the Subject Lands from “Mid-Rise Mixed-Use”, with no maximum prescribed height or density, to “High-Rise Mixed-Use” with a maximum permitted building height of 38-storeys and a FSI of 10.5 times the area of the lot. The proposed Official Plan Amendment containing the policies and schedules submitted by the Owner is shown on Attachment 6.
2. Zoning By-law Amendment File Z.21.055 to:
 - a) Rezone the Subject Lands from “C1 Restricted Commercial Zone” (‘C1 Zone’), subject to site-specific Exception 9(477D), by Zoning By-law 1-88 to “RA3 Residential Apartment Zone” (‘RA3 Zone’), together with the site-specific exceptions identified in the Draft Zoning By-law Amendment shown on Attachment 7; and,

- b) Rezone the Subject Lands from “GMU General Mixed-Use Zone” (‘GMU Zone’), subject to site-specific Exception 14.278, By Zoning By-law 001-2021 to “HMU High-Rise Mixed-Use Zone” (‘HMU Zone’), together with the site-specific exceptions identified in the Draft Zoning By-law Amendment shown on Attachment 8.

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

- a) Date the Notice of Public Meeting was circulated: April 8, 2022

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and one Notice Sign was installed along each street frontage being Highway 7, Whitmore Road and Wings Road (three total) in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: An expanded notification area within 1000 m of the Subject Lands, as shown on Attachment 1, to the Weston Downs Ratepayers association and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received as of April 12, 2022 by the Development Planning Department.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following is the link to the Weston 7 Secondary Plan Study (Phase 1) report: [June 19, 2019 Council Weston Road and Highway 7 Secondary Plan Study - Phase 1 Status Update \(Item 1, Report No. 23\)](#)

Analysis and Options

Amendments to VOP 2010 are required to permit the Development

Official Plan Designation:

- “Primary Centres” by Schedule 1 - Urban Structure in VOP 2010
- “Mid-Rise Mixed-Use” with no prescribed maximum building height or density (which are to be established through the Weston 7 Secondary Plan Study) by Schedule 13 - Land Use in VOP 2010
- This designation permits a range of uses including residential units, mid-rise, public, and private institutional building types, home occupations, community facilities, cultural uses, retail uses, office uses, parking garages, hotels, and gas stations
- The Owner proposes to redesignate the Subject Lands to the “High-Rise Mixed-Use” designation, with a maximum permitted building height of 38-storeys and a maximum permitted FSI of 10.5 times the area of the lot to facilitate the Development

- VOP 2010 includes the following policies regarding the consideration of a development application where a Secondary Plan has not been completed or commenced by the City:
 - Policy 10.1.1.6 states: “That where it has been determined that a Secondary Plan is required but not yet completed, no amendments to this Plan or the zoning by-law will be permitted without prior or concurrent adoption of the Secondary Plan for that area.”;
 - Policy 10.1.1.13 states: “That upon direction by Council to staff to proceed with the processing of a development application in advance of the Secondary Plan, it will be required that the Owner attend a pre-application consultation meeting with appropriate staff at which meeting the requirements for various studies will be established, to the satisfaction of the City, to be undertaken as part of a complete application.”; and
 - Policy 10.1.1.9 of VOP 2010 also enables the City to request additional studies in support of a development application by stating (in part) “That in addition to the studies listed in Policy 10.1.3.3, the City may require the preparation of additional studies...as determined through the Pre-Consultation Meeting.”

Amendments to Zoning By-law 1-88 are required to permit the Development Zoning (By-law 1-88):

- C1 Zone, subject to site-specific Exception 9(477D), by Zoning By-law 1-88
- This Zone and site-specific Exception permits a range of commercial, and employment uses including, but not limited to, various types of automobile related uses, banks and financial institutions, business and professional offices, clubs or health centres, eating establishments, personal service uses, limited retail uses and pharmacies
- This Zone does not permit residential uses
- The Owner proposes to rezone the Subject Lands to the RA3 Zone as shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 7 to permit the Development

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law ('By-law 001-2021'). A notice of its passing was circulated on October 25, 2021 in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal ('OLT') in respect of By-law 001-2021 was November 15, 2021. By law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1 88, as amended. Until such time as By-law 001-2021 is in

force, the Owner will be required to demonstrate compliance with both By-law 001-2021 and Zoning By-law 1-88, as amended.

Amendments to Zoning By-law 001-2021 are required to permit the Development Zoning (By-law 001-2021)

- GMU Zone, subject to site-specific Exception 14.278, by By-law 001-2021
- The GMU Zone permits a mix of commercial, office and institutional uses, but does not permit residential uses
- The Owner proposes to rezone the Subject Lands to the HMU Zone as shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 8 to permit the Development

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the ‘PPS’), the Growth Plan, and the policies of the York Region Official Plan, 2010 (‘YROP’), Weston 7 Secondary Plan and VOP 2010
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-laws 1-88 and 001-2021	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the Weston 7 Secondary Plan Area, which is not approved at this time ▪ Should Council approve the Recommendations in this report, staff will continue to process the Applications and receive comments ▪ The Applications will be reviewed in consideration of the required deliverables of the Weston 7 Secondary Plan, including, but not limited to, the draft Land Use Plan in relation to Vaughan’s City-Wide Urban Design Guidelines, analysis of parkland and affordable housing requirements in intensification areas, and the TMP ▪ The Applications will be reviewed in consideration of any emerging policies from the Secondary Plan study and the VOP 2010 policies, including but not limited to the following:

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - High-Rise Mixed-Use designation policies - High-Rise Buildings - Intensification Areas - Primary Centres - Regional Intensification Corridors - Major Retail Uses - Secondary Plan Policies - Appropriateness of the proposed building heights and density, road and pedestrian network, and land use - Transportation network assessment - Affordable Housing Policies - Park and Open Space and Recreation Policies <ul style="list-style-type: none"> ▪ The appropriateness of the proposed rezoning of the Subject Lands and the site-specific exceptions identified on Attachments 7 and 8 required to implement the Development will be reviewed in consideration of the existing, planned surrounding land uses
c.	The proposed Master Plan Demonstrates Competing Building Heights and Densities with the VMC	<ul style="list-style-type: none"> ▪ The VMC is intended to contain the tallest buildings and greatest densities as planned through VOP 2010 (Section 2.2.5 Intensification Areas) and is the only Regional Centre in the City of Vaughan. The VMC is also designated in the Growth Plan as an Urban Growth Centre ('UGC'). The UGCs are intended to become: focal areas for commercial, recreational, cultural and entertainment uses; accommodate and support the transit network at the regional scale; and accommodate significant population and employment growth ▪ When the VMC Secondary Plan was approved, the lands west of Highway 400, within the former Vaughan Corporate Centre, identified the Weston 7 Secondary Plan as separate and distinct from the VMC ▪ The proposed building height and density of the Development exceeds some of the approved and in-progress applications in the VMC, the City's downtown. The Subject Lands are separated from the VMC by Highway 400 and are within a Primary Centre as identified in Schedule 1 - Urban Structure of VOP 2010. In consideration of the fundamental principle outlined in Phase 1 of the Weston 7 Secondary Plan vision statement and the Urban Structure established in VOP 2010, the Weston 7 Secondary Plan Area should not

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>compete with the planned function of the VMC, but should become a complete community supportive of transit and mixed-use development appropriate for a Primary Centre</p> <ul style="list-style-type: none"> ▪ The urban structure of the VMC Secondary Plan includes an intentional transition in heights, densities and land uses towards the boundaries of the downtown, including the frontage along Highway 400 which is designated with an east-west employment precinct and neighbourhood precinct permitting a maximum range of building heights from 10 to 25-storeys, and a maximum FSI range from 3.5 to 4 north of Highway 7. Analysis of the contextual relationship, transition and scale should be considered carefully through the review of the Applications ▪ The VMC Secondary Plan Update has been initiated and will include collaboration between the VMC and Weston 7 Secondary Plan consultant teams
d.	Comprehensive Review	<ul style="list-style-type: none"> ▪ The Applications will be considered comprehensively with the existing and proposed development in the south-west quadrant of the Weston 7 Secondary Plan ▪ Transportation studies must investigate both site-specific and wider area transportation impacts while ensuring that potential improvements satisfy any future concerns and/or upgrades needed to the Weston 7 Secondary Plan area. The Development may need to be modified to protect for and not preclude the transportation network(s) and infrastructure improvements implemented through the completed Weston 7 Secondary Plan and TMP ▪ The studies submitted in support of the Applications will be reviewed to ensure they comprehensively address matters related to land use, built form, transportation, phasing, servicing, open space, and community uses ▪ The studies must satisfy all requirements of the Ministry of Transportation Ontario, York Region, and the City

	MATTERS TO BE REVIEWED	COMMENT(S)
e.	Road Widening and Access	<ul style="list-style-type: none"> ▪ York Region must confirm the final planned road right-of-way width for Weston Road. In addition, driveway access locations, design, and road improvements, if required
f.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including Crime Prevention Through Environmental Design ('CPTED'), Leadership in Energy and Environmental Design ('LEED'), permeable pavers, bio swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan review process, if the Applications are approved ▪ In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score
g.	NavCanada and Bombardier Review	<ul style="list-style-type: none"> ▪ The Subject Lands are located within regulatory flight paths under the jurisdiction of NavCanada and Bombardier Aerospace. The Owner will be required to satisfy all conditions of NavCanada and Bombardier
h.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
i.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council
j.	Urban Design Guidelines and Public Art	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City-Wide Public Art Program, the City-Wide Streetscape Implementation Manual and City-wide Urban Design Guidelines

	MATTERS TO BE REVIEWED	COMMENT(S)
k.	Site Development File DA.22.007 and Draft Plan of Condominium Application	<ul style="list-style-type: none"> ▪ The Owner has submitted related Site Development Application DA.22.007 to be reviewed with the Applications in a future technical report ▪ A Draft Plan of Condominium Applications will be required, if the Applications are approved, to establish the future ownership tenure(s) for the buildings
l.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> ▪ The DRP must review the Applications prior to proceeding to the Committee of the Whole
m.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region and external public agencies and utilities, and the Public, Separate, and French School Boards
n.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
o.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> ▪ The Applications will be subject to and reviewed in consideration of the City's bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits ▪ As of the date of this report, the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act, 2020</i>; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act, 2020</i> propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land ▪ Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for

	MATTERS TO BE REVIEWED	COMMENT(S)
		the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)
p.	Affordable Housing	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of Provincial, Regional and City polices to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues identified will be addressed when the technical report is considered. The Owner has requested exemption of Regional Approval for Official Plan Amendment File OP.21.026. At the time of the preparation of this report, York Region has not confirmed exemption from York Region approval of the Official Plan amendment application.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Chris Cosentino, Senior Planner, Development Planning Department, ext. 8215.

Attachments

1. Context & Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations – North and West
5. Building Elevations – South and East
6. Draft Official Plan Amendment
7. Draft Zoning By-law Amendment (By-law 1-88)
8. Draft Zoning By-law Amendment (By-law 001-2021)

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