

DATE: September 27, 2022

TO: Mayor and Members of Council

FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management

RE: COMMUNICATION – Council – September 28, 2022

BY-LAW NUMBER 224-2022
(Council, June 28, 2022, Item 20, Committee of the Whole, Report No. 30)

Promenade Centre Secondary Plan File No. 26.7 Vicinity – Southwest
Corner of Centre Street and Bathurst Street

Recommendations

The Deputy City Manager, Planning and Growth Management recommends:

That the Promenade Centre Secondary Plan File No.26.7 (By-law Number 224-2022) be amended as follows:

1. THAT Section 3.0 High-Rise Mixed-Use be modified to include a new policy, inserted as policy 3.2.5, as follows:

“To achieve greater variation in built form, additional building height than the maximums identified on Schedule D may be permitted in the High-Rise Mixed-Use designation, on a site-specific basis subject to the City’s review and approval. A one-time transfer of a maximum of five *storeys* may be permitted from one proposed building to another building within a specific *development* block, provided that the average density across the block is not exceeded as shown on Schedule D. *Development* Applications that request building height variation must demonstrate that the average maximum density on the subject block is maintained and that the proposed *development* has acceptable impacts on surrounding land uses. The submission of a Zoning By-law Amendment will be required to address the variation in building height within the subject *development* block. An Official Plan Amendment will not be required for such transfers of five *storeys* within a specific *development* block in accordance with the provisions of this section.”

2. THAT policy 11.4.4 of Section 4.0 Phasing be modified (**shown in bold**) as follows:

“The publicly accessible private linkages identified on Schedule F as NS-2B, NS-

2C and NS-2D shall be constructed as per the requirements set out for a Local Street in policy 5.2.b.iii so as to protect and not preclude the City securing and establishing them as **an unencumbered** public Local Street(s). **No underground parking and path connections are permitted thereon, notwithstanding policy 11.7.4.** The timing of their securement, conveyance and establishment as a public Local Street(s) may occur incrementally and shall coincide with the *development* of block(s) and or phase(s) thereof through a *development* application approved by Council. **The City at its discretion and satisfaction, through the *development* application process, may consider an underground encumbrance(s) and strata title(s) to the Local Street(s) right-of-way permitting parking including access to parking under NS-2B, NS-2C and NS-2D, subject to enactment of a Holding Symbol “H” in the By-law setting out conditions including the required strata agreement to be registered on title, prior to lifting the Holding Symbol “H”.**

Background

The June 21, 2022, Committee of the Whole recommendations, as ratified by Council June 28, 2022, included several requested modifications to the Promenade Centre Secondary Plan. The recommended modifications, including administrative and minor technical modifications, are reflected in the current Secondary Plan (OPA #90 - By-law 224-2022) before Council. Additional modifications, as noted in the recommendations above, have also been included in the Secondary Plan.

The introduction of policy 3.2.5 in the High-Rise Mixed-Use designation provides for greater flexibility with respect to maximum building heights identified on Schedule D of the Secondary Plan. The intent of this policy is to provide for limited height transfers within a specific development block to assist in achieving a varied skyline, a significant urban design objective outlined in policy 4.2.a. Development Applications that request greater flexibility in building height must demonstrate minimal impacts on adjacent development and maintain the overall maximum density assigned to a specific development block. City Staff are supportive of the inclusion of this policy given the alignment with urban design objectives and the overall population and jobs numbers on a Plan-wide basis.

Policy 11.4.4. has been modified to include and further clarify the implementing framework setting out the City’s consideration of an underground encumbrance(s) and strata title(s) to the local streets right of way permitting parking, including access to parking, specific to NS-2B, NS-2C and NS-2D, as identified on Schedule F (consistent with policy 11.7.4). Consideration of underground encumbrance(s) and strata title(s) are subject to enactment of a Holding By-Law “H” setting out conditions including the required strata agreement to be registered on title, prior to lifting the Holding Symbol “H”.

Conclusion

City Staff are supportive of the above noted modifications and will forward the Promenade Centre Secondary Plan and associated documentation comprising the Municipal Record to York Region for approval, upon passing of this By-law by Vaughan Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Haiqing Xu', with a stylized, flowing script.

Haiqing Xu
Deputy City Manager, Planning and Growth Management