

## Committee of the Whole (2) Report

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**DATE:** Tuesday, September 20, 2022

**WARD:** 2

**TITLE:** 27 DEVELOPMENTS INC.  
OFFICIAL PLAN AMENDMENT FILE OP.18.011  
ZONING BY-LAW AMENDMENT FILE Z.18.018  
8440 HIGHWAY 27  
VICINITY OF HIGHWAY 27 AND LANGSTAFF ROAD

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment Applications for the subject lands shown on Attachment 1, to permit a mixed-use development consisting of a 14-storey hotel including 2 floors for business and professional office uses, eating establishments, accessory uses, and a two-storey link containing office uses connecting to the existing two-storey banquet hall and conference centre (Chateau Le Jardin), as shown on Attachments 2 to 6.

**Report Highlights**

- The Owner proposes to develop the Subject Lands with a 14-storey hotel with ancillary uses, and maintain the existing banquet hall (Chateau Le Jardin).
- Official Plan and Zoning By-law Amendment Applications are required to permit the proposed development.
- The Development Planning Department supports the approval of the applications as they are 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 Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

## **Recommendations**

1. THAT Official Plan Amendment File OP.18.011 (27 Developments Inc.) BE APPROVED, to amend Vaughan Official Plan 2010 to permit a hotel with ancillary uses on the Subject Lands designated “Employment Commercial Mixed-Use” that are not located within an intensification Area and to increase the maximum permitted height from 10-storeys to 14-storeys as identified in Table 1;
2. THAT Zoning By-law Amendment File Z.18.018 (27 Developments Inc.) BE APPROVED, to amend the “C6 Highway Commercial Zone” subject to site-specific exception 9(409) in Zoning By-law 1-88, as shown on Attachment 1, to permit a hotel with ancillary uses together with the site-specific zoning exceptions identified in Table 2;
3. THAT the Hotel and ancillary uses proposed for the Subject Lands be designated as a Class 4 area pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that an amendment to the City’s Noise By-law Schedule 4 include the Subject Lands, conditional upon approval of the related Site Development Application (File No. DA.18.088) by Vaughan Council;
4. THAT the implementing Zoning By-law Amendment include the Holding Symbol “(H)” which shall not be removed from the Subject Lands, or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
  - i. The Owner implements an accepted Remedial Action Plan (“RAP”), including a Risk Assessment (“RA”) as defined under O. Reg. 153/04, and provides the City with a copy of a Ministry of the Environment, Conservation and Parks (“MECP”) Record of Site Condition filed on the Environmental Site Registry; and
  - ii. That a Site Development Application for the proposed hotel and ancillary uses be approved.
5. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning By-law.

## **Background**

The Subject Lands shown on Attachment 1 are known municipally as 8440 Highway 27, and are located southwest of the intersection of Langstaff Road and Highway 27 ('Subject Lands'). The Subject Lands abut Highway 27 to the east and Innovation Drove to the west. Surrounding land uses are shown on Attachment 1. Currently, the Subject Lands are developed with a banquet hall and conference centre known as the Chateau Le Jardin.

### ***Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the development***

27 Developments Inc. (the 'Owner'), formerly known as Parentela Holdings Inc., has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit the development (the 'Development') shown on Attachments 2 to 6 consisting of the following:

- A 14-storey, approximately 18,243 m<sup>2</sup> hotel with 254 rooms. This includes: 2 floors of approximately 2,329 m<sup>2</sup> for business and professional offices, eating establishments - some of which have outdoor patios, ancillary spa and amenity spaces ('hotel with associated ancillary uses').
  - Maintain the existing two-storey banquet hall and conference centre (Chateau Le Jardin).
  - A two-storey link, containing approximately 1,268 m<sup>2</sup> of office space, connecting the proposed hotel and associated ancillary uses to Chateau Le Jardin.
  - A total of 730 parking spaces, with 495 parking spaces at grade and 235 spaces in two levels of underground parking; and
  - Portions of the two underground levels are also proposed to contain portions of the hotel use and the associated ancillary uses.
1. Official Plan Amendment File OP.18.011 to amend VOP 2010 as follows:
    - a) permit a hotel, including 2 floors for business and professional offices, with eating establishments, some with outdoor patios, ancillary spa and amenity spaces on the Subject Lands designated "Employment Commercial Mixed-Use" that are not located within an Intensification Area; and
    - b) increase the maximum permitted building height from 10-storeys to 14-storeys.
  2. Zoning By-law Amendment File Z.18.018 to amend Zoning By-law 1-88, to permit a hotel, business and professional offices, eating establishments - some with outdoor patios, ancillary spa, and amenity space, and, together with site-specific

zoning exceptions to the “C6 Highway Commercial Zone” identified in Table 2 of this report.

***Revisions to the Applications have been made since the original submission***

The Applications were deemed complete on May 30, 2018. The Committee of the Whole, at a Public Meeting held on September 17, 2018, considered Files OP.18.011 and Z.18.018. The original application proposed a 12 storey hotel building with 2 professional office floors connected to the Chateau Le Jardin via a 2 storey office link. The building as presented at that time included a mezzanine above the main floor and rooftop containing two modest service rooms with the balance being patio. Site Development File DA.18.088 was deemed complete that same day.

After the initial Public Meeting, the Owner revised the Applications by excluding lands on the west side of Innovation Drive and deleting the related request to permit an off-site parking lot on those excluded lands.

After the initial Public Meeting, the Owner submitted a Draft Plan of Subdivision and Draft Plan of Condominium Files 19T-20V009 and 19CDM-20V010, which were deemed complete March 9, 2021.

A second Public Meeting was held on May 4, 2021, to consider the Draft Plan of Subdivision application. In accordance with Vaughan Official Plan 2010 ('VOP 2010'), more than two years had passed since Council received the initial Public Meeting report for the Applications. The Draft Plan of Subdivision, Draft Plan of Condominium, and Site Development Applications will be considered in a future technical report.

The 12 storey hotel building as presented at that time included a mezzanine above the main floor and rooftop containing two modest service rooms with the balance being patio. The original proposal did not factor the mezzanine and rooftop into the storey calculation. The mezzanine was always depicted and became classified as a storey through further zoning review by the Building Standards Department. The Applications were later revised to add a retractable roof over a rooftop patio that would only span the middle of the roof and additional rooms were added to the north and south to cover the balance of the roof. The revisions cause the rooftop to be considered a storey.

The mezzanine and roof features bring the total number of storeys to 14 as defined by Zoning By-law 1-88. Classifying the enclosed roof as a storey raises the height from 43.73 metres to 48.5 metres. Development Planning Staff consider the height increase a minor deviation to the original proposal of 12 storeys.

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

On April 9, 2021, a Notice of Public Meeting was circulated to all property owners within 150 m and to the West Woodbridge Homeowners Association and on-line on the City's website at [www.vaughan.ca](http://www.vaughan.ca).

Two Notice Signs were installed on the Subject Lands in accordance with the City's Notice Signs and Procedures and Protocols. One was posted along lands fronting Highway 27 and the other along lands fronting Innovation Drive.

A written and oral submission was received for the Applications from Goodmans LLP, representing Costco Wholesale Canada (90-111 Line Drive, formerly 8682 Highway 27). The written submission is dated January 26, 2018, and the oral submission was provided at the September 17, 2018, Public Meeting. Goodmans LLP provided comments respecting implications for Costco to maintain its Ministry of the Environment, Conservation and Parks ('MECP') noise approval as a result of the Development.

The comments provided in-person and in writing at the Public meeting are addressed in the Development Engineering section of this report.

The Development Planning Department, on September 13, 2022, emailed a non-statutory courtesy notice of this Committee of the Whole meeting to all individuals who made a deputation at the Committee or submitted written submissions to the City regarding the applications submitted for the Subject Lands.

**Previous Reports/Authority**

The following are links to the previous reports regarding the Subject Lands:

[September 17, 2018, Committee of the Whole Public Meeting \(Item 6, Report No. 28\)](#)

[May 4, 2021, Committee of the Whole Public Meeting \(Item 2, Report No. 24\)](#)

**Analysis and Options**

***The Development is consistent with the Provincial Policy Statement, 2020***

In accordance with Section 3 of the *Planning Act*, 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. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. The *Planning Act* requires Vaughan Council's planning decisions to be consistent with the PPS. The Subject Lands are located within an Employment Area by VOP 2010 and are located within a "Settlement Area", as defined by the PPS. The following policies of the PPS are applicable to the Subject Lands:

- Section 1.1.1(a) – "promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term"
- Section 1.1.1(e) – "promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs"
- Section 1.1.3.2(a) – "Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources"
- Section 1.2.1(b) – "providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses"
- Section 1.3.1(d) – "encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities"
- Section 1.3.2.2 – "Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas"
- Section 1.3.2.3 – "Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas"
- Section 1.6.6.2 – "Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services"

The Applications are consistent with the policies of the PPS for the following reasons:

- The Applications maintain the "Employment Commercial Mixed-Use" designation in VOP 2010 for the Subject Lands which protects and preserves the employment area and its permitted uses for current and future generations.

- The appropriate infrastructure including roads and municipal servicing is available to service the Subject Lands.
- The Subject Lands are identified as an “Employment Area” in VOP 2010, which will allow for future employment uses on the lands.
- The Subject Lands abut existing and planned employment uses to the north, west, and south. Residential uses are located east of Highway 27, which acts as a divide between residential and employment uses.
- The Subject Lands have frontage on Highway 27 and are in proximity to Highway 427. Arterial roads and highways are considered major goods and people movement facilities and corridors in the PPS.
- The Development makes efficient use of the Subject Lands by proposing intensification of the under-utilized site by establishing complimentary employment commercial uses to the existing banquet hall and conference centre use. This minimizes land consumption and contributes to the range and mix of employment commercial uses in the area.
- Highway 27 and Langstaff Road are identified as major arterial regional roads on Schedule 9 – Future Transportation Network of VOP 2010. Highway 27 up to Major Mackenzie Drive West is identified as a Regional Transit Priority Network on Schedule 10 - Major Transit Network of VOP 2010. The Subject Lands are served by bus services on Major Mackenzie Drive West and Weston Road.

In consideration of the above, the Development proposal is consistent with the policies of the PPS.

***The Development 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” (the ‘Growth Plan’) is intended to guide the development of the land; encourage a compact built form; transit-supportive communities; diverse land uses; a range of housing types; and, direct growth to settlement areas that offer municipal and water and wastewater systems. The Growth Plan states that a focus on transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types. The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the Urban Boundary.

The following policies of the Growth Plan are applicable to the Development:

- Section 2.2.5.1 – “Economic development and competitiveness in the Greater Golden Horseshoe will be promoted by:
  - a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
  - b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan”
- Section 2.2.5.5 – “Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities”
- Section 2.2.5.6 – “...municipalities...will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term”
- Section 2.2.5.7 – “Municipalities will plan for all employment areas within settlement areas by:
  - c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility”

The Applications conform to the policies of the Growth Plan in the following ways:

- The Subject Lands are identified as an “Employment Area” by Schedule 1 of VOP 2010 and are designated “Employment Commercial Mixed-Use” by VOP 2010. The Owner proposes to maintain the employment designation for the Subject Lands which protects employment uses on the Subject lands over the long-term.
- The Subject Lands are bordered by existing and planned employment uses to the north, south, and west, and identified as “Employment Area” within VOP 2010, which will accommodate future employment uses.
- The Applications would intensify the employment commercial uses within an existing employment area that will create jobs and foster economic development by proposing additional uses beside the existing banquet hall and conference centre. The built form will utilize the Subject Lands, a portion of which are currently vacant, more efficiently.
- The Subject Lands have frontage on and/or are in proximity to major goods movement facilities and corridors, including Highway 27 and Highway 427.



- The lands to the east of the Subject Lands are designated “Community Area” by Schedule 1 of VOP 2010 and “Low Rise Residential” by Schedule 13 of VOP 2010. Highway 27 divides the “Employment Area” from the “Low Rise Residential” designation to the east. The Development proposes uses that are an appropriate interface and transition between more intensive employment uses and non-employment uses.
- The Growth Plan promotes redevelopment through intensification generally throughout the built-up area and specifically recognizes the need for more efficient utilization of lands and existing infrastructure.
- The Development contributes to the achievement of a complete community by supporting a range and mix of employment uses within an employment area.
- The Development is compatible with the existing built form in the surrounding community, while also making efficient use of available infrastructure.

In consideration of the above, the Development conforms to the Growth Plan.

***The Development 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, of the YROP, which permits a range of residential, industrial, commercial, and institutional uses.

Section 4.3 of the YROP provides policies for employment lands. The Applications conform to the employment policies of the YROP, as follows:

- the Applications protect the long-term viability of the Subject Lands for employment uses by maintaining the “Employment Commercial Mixed-Use” designation for the Subject Lands.
- the Subject Lands are located on employment lands that are fully serviced, compact and contribute towards achieving a minimum density of 40 jobs per hectare in the developable area in accordance with Section 4.3.16 of the YROP.
- the Subject lands are proposed to have a condominium road and built form positioned in such a way as to allow for future employment intensification in accordance with Section 4.3.18.

Policy 5.3.13 of the YROP encourages brownfield sites redevelopment to revitalize lands that may be underutilized. The Subject Lands contain a banquet hall and conference centre with a lot coverage of approximately 13.7%. The lands are under-utilized and have the ability to accommodate additional land uses.

The York Region Community Planning and Development Services Department has reviewed the revised Applications and reiterated their exemption of the Official Plan Amendment File OP.18.011 from Regional approval on July 28, 2021, as the matter is of local significance and does not adversely affect Regional planning policies or interests. In consideration of the above, the Applications conform to the YROP.

***An amendment to the Vaughan Official Plan 2010 is required to permit the Development***

**Official Plan Designation:**

- “Employment Area” on Schedule 1 – Urban Structure by VOP 2010” and “Employment Commercial Mixed-Use” on Schedule 13 – Land Use by VOP 2010. This designation permits a maximum building height of 10-storeys and a maximum Floor Space Index (‘FSI’) of 3 times the area of the lot
- A hotel with associated ancillary uses is not a permitted use within the “Employment Commercial Mixed-Use” designation, as the Subject Lands are located outside of an Intensification Area
- The following amendments to VOP 2010 are required to permit the Development:

**Table 1:**

<b>Item</b>	<b>VOP 2010 Policy, Standard or Schedule</b>	<b>VOP 2010 Requirement</b>	<b>Proposed Amendment to the VOP 2010 Requirement</b>
a.	Maximum Permitted Building Height (Schedule 13)	Ten (10) storeys	Fourteen (14) storeys
b.	Section 9.2.2.7.c Permitted Uses	A hotel within a Non-Intensification Area is not permitted	Permit a hotel and the following ancillary uses on the Subject Lands, which are located within a Non-Intensification Area: <ul style="list-style-type: none"> <li>• 2 floors for business and professional offices</li> <li>• eating establishments, some with outdoor patio</li> <li>• spa, and</li> <li>• amenity spaces</li> </ul>

The amendments identified in the table above have been reviewed by the Development Planning Department and can be supported based on the following comments:

- The Applications are subject to the “Employment Areas” (Section 2.2.4) policies of VOP 2010. “Employment Areas” support economic activity in Vaughan by supplying land for a range of industrial, manufacturing, warehousing and where appropriate, some office uses. In accordance with VOP 2010, “Employment Areas” shall be protected from encroaching non-employment uses that would serve to destabilize their planned function. The Development conforms to these policies by proposing to expand upon the employment commercial uses established by the Chateau Le Jardin upon employment lands on the fringe of an employment area, and act as a transitional space between employment and more sensitive residential uses. As the Subject Lands have frontage along a Regional Corridor (Highway 27) and are located within proximity to an interchange of a major transportation corridor (Highway 427 at Langstaff Road), the Subject Lands are appropriately located to accommodate the proposed uses.
- Section 9.2.2.7 of VOP 2010 recognizes that there are lands within Employment Areas with predominately commercial uses and identifies them as suitable sites for non-residential intensification in order for the City to meet its intensification objectives.
- While the Subject Lands are not within an Intensification Area as defined by VOP 2010, it is part of a cluster of lands at the northeastern corner of an Employment Area with a permitted maximum building height of 10 storeys and a Floor Space Index (‘FSI’) of 3 times the area of the lot, as identified on Schedule 13 of VOP 2010. The cluster borders two major regional arterial roads: Langstaff Road and Highway 27. The same designation, height, and FSI requirements within the same contiguous Employment Area are found along Highway 7 to the south. The lands along Highway 7 are identified as an Intensification Area (‘Highway 7 Intensification Area’).
- As the cluster and the Subjects Lands within it contains the same designation, height, and FSI as the Highway 7 Intensification Area, together with some employment commercial intensification, VOP 2010 establishes that some intensification will occur within this northeastern cluster. Increasing the building height on the Subject Lands from 10 to 14-storeys does not substantially deviate from the anticipated density of the area, and the proposed hotel use is located

sufficiently close to regional and provincial transportation routes to facilitate ease of client access.

- The Development Planning Department recommends that the City's Noise By-law be amended to classify the Subject Lands as a Class 4 Noise Designation. The designation is to address any current and future potential operational impacts or impacts to building expansions for nearby employment uses.

The Development Planning Department is of the opinion that the hotel with ancillary uses is a suitable site-specific amendment to the "Employment Commercial Mixed-Use" designation of VOP 2010, as the Development proposes a mix of employment uses on the Subject Lands including offices which are permitted by the land use designation and compatible with the existing and planned employment uses surrounding the Subject Lands.

The Development Planning Department supports the approval of Official Plan Amendment File OP.18.011 as employment commercial uses on the Subject Lands are being maintained for the long-term in accordance with the PPS, Growth Plan and YROP 2010. The Development Planning Department has reviewed the Applications and considers the proposed hotel with ancillary uses, appropriate and compatible given the existing and planned surrounding area context.

***Amendments to Zoning By-law 1-88 are required to permit the Development***

**Zoning:**

- "C6 Highway Commercial Zone" subject to site-specific Exception 9(409), which only permits a Banquet Hall
- This Zone does not permit the proposed hotel with associated ancillary uses
- The following amendments to Zoning By-law 1-88 are required to permit the Development:

**Table 2:**

<b>Item</b>	<b>Zoning By-law 1-88 Standard</b>	<b>C6 Highway Commercial Zone, Exception 9(409) Requirements</b>	<b>Proposed Amendments to the C6 Highway Commercial Zone, Exception 9(409) Requirements</b>
a.	Permitted Uses	One (1) Banquet Hall, provided the total gross floor area (GFA) shall not exceed 4,855 m <sup>2</sup> .	Permit the following uses in addition to the Banquet Hall:

		Minor Variance File A121/08 increased the maximum permitted GFA to 6,916 m <sup>2</sup> .	<ul style="list-style-type: none"> <li>• Hotel with ancillary spa and amenity spaces</li> <li>• Eating Establishment</li> <li>• Eating Establishment accessory to the hotel with Outdoor Patio</li> <li>• Business or Professional Office</li> </ul> provided the total gross floor area of the buildings devoted to such uses shall not exceed 28,000 m <sup>2</sup> .
b.	Definition of Lot	Means a parcel of land fronting on a streetscape from any abutting land to the extent that a consent contemplated by Section 50 of the Planning Act, R.S.O. 1990, c. P. 13. would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	The Subject Lands shall be deemed as a single lot for the purposes of zoning conformity.
c.	Maximum Building Height	11 m	48.5 m (Hotel Building)
d.	Minimum Number of Parking Spaces	Existing Banquet Hall - 11 spaces / 100 m <sup>2</sup> = 435 spaces as identified by Exception 9(409)  Hotel - 254 rooms @ 1 space / room	Parking Proposed = 730 spaces (including 495 surface parking spaces and 235 spaces in an underground parking garage.)

		<p>= 254 spaces</p> <p>Office – 2,329 m<sup>2</sup> GFA @ 3.5 spaces / 100m<sup>2</sup> = 82 spaces</p> <p>Eating Establishments, some with Outdoor Patio – 2,133.7 m<sup>2</sup> @ 16 spaces / 100 m<sup>2</sup> = 342 spaces</p> <p>Spa – 613 m<sup>2</sup> GFA @ 6 spaces / 100 m<sup>2</sup> = 37 spaces</p> <p><b>Total Parking Required</b> = 1,150 spaces</p>	This is inclusive of 20 barrier-free spaces.
e.	Minimum Loading Space Length	9.0 m	8.2 m
f.	Minimum Parking Aisle Width	5.4 m	4.0 m
g.	Minimum Front Yard Setback (Highway 27)	15 m	9.9 m
h.	Minimum Interior Side Yard Setback (South)	9.4 m (Banquet Hall – Conference Centre permitted to be 2.84 m by variance file A035/12)	2.84 m (Banquet Hall-Conference Centre Building, Office Link and Floors 1-2 of Hotel Building)
i.	Maximum Lot Coverage	30%	35%
j.	Minimum Landscape Strip Width	6 m	2.5 m along a lot line abutting Highway 27
k.	Maximum Front Yard Encroachment (Highway 27) for and Uncovered Patio and Stairs	1.8 m	3.2 m

The Development Planning Department supports the above noted site-specific zoning exceptions for the following reasons:

- The Owner submitted a Parking Justification Study ('Parking Study') prepared by Crozier Consulting dated April 2018, updated September 2020, a Traffic Impact Study ('TIS') by Crozier Consulting dated April 2018 and updated September 2020, and a Traffic Demand Management Plan ('TDM') by Crozier Consulting dated April 2018, updated September 2020 in support of the Applications. The Development Engineering Department has conducted a review of the proposed parking supply and is satisfied that it is sufficient to accommodate employees and visitors on the Subject Lands. It has also reviewed the traffic studies and is satisfied that the road network/entrances can accommodate the additional traffic from the proposed uses.
- Schedule 13 of VOP 2010 anticipates multi-storey buildings on the Subject Lands and surrounding properties within the "Employment Commercial Mixed Use" Designation.
- The proposed exception to the minimum front yard setback recognizes the future widening of Highway 27.
- The proposed exception to the minimum south side yard setback recognizes the setback established by the two-storey banquet hall and conference centre. The office link proposes to maintain the setback at the same height as the banquet hall and conference centre. The first two floors of the hotel propose a setback of 4 metres, which will step back further for all additional floors.
- The exceptions in Table 2 would facilitate a development that is compatible with the planned development of the cluster of properties within the "Employment Commercial Mixed Use" designation.
- A Holding "H" Symbol is proposed to address on-site soil impacts before the proposed Development proceeds. The "H" Symbol will be specific to the newly proposed uses; the banquet hall and conference centre use will continue to be permitted.
- The Subject Lands will receive a Class 4 Designation under the City's Noise By-law, as discussed below.

The Owner proposes to add cooking facilities to some of the hotel rooms. The Development Planning Department is not supportive of this request as there are servicing and tenure implications. In addition, the definition of hotel does not permit individual private cooking facilities within rooms designed for temporary sleeping accommodation. On this basis, should the Applications be approved, additional wording may be considered in the implementing zoning by-law a to further clarify what features are permitted within hotel rooms without them being considered cooking facilities.

The Applications also propose a wine club an underground level of the hotel building. Further zoning review has determined that the wine club use will be considered an eating establishment as the Applicant has advised that food will be offered within the establishment. As such, the permission sought for the wine club use is addressed through permissions already sought to permit other eating establishment uses.

***The Applications are transitioned under Zoning By-law 001-2021***

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law ('Zoning By-law 001-2021'). A notice of the 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 Zoning By-law 001-2021 was November 15, 2021. Zoning 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 Zoning By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under Zoning By-law 001-2021 applies.

The Development qualifies under transition provision 1.6 of Zoning By-law 001-2021 as the Applications were filed and deemed complete prior to October 20, 2021. Therefore, the Development is not required to demonstrate compliance with Zoning By-law 001-2021.

***A Class 4 Noise Designation is recommended for the Subject Lands***

Uncertainty was raised by Costco, who retained Valcoustics, who owns lands at 90-111 Line Drive, formerly 8682 Highway 27 (identified as 'Costco Lands' on Attachment 1), around whether the Development is considered a sensitive use under NCP-300. A solution to eliminate the uncertainty is to designate the Subject Lands as a Class 4 acoustical area ('Class 4 Designation'). A meeting was held on December 11, 2019 between the City, and representatives of the Owner and Costco to discuss and request a Class 4 designation.

The City retained SLR to undertake a peer review of the Noise Reports and provide their opinion on the merits of a Class 4 Designation. A copy was provided to the Owner and to Costco. The findings are included in the Development Engineering section of this report. As a result of those findings, the Development Planning Department recommends that the Noise By-law be amended to provide a Class 4 designation for the Subject Lands, should the Applications be approved.



The Owner is required to satisfy the following Class 4 noise conditions through Site Development File DA.18.088 and prior to the execution of the Site Plan Agreement, should the Applications be approved:

- i. Submission of a detailed noise impact assessment or update, if required, and provision of any recommended noise control measures;
- ii. Implementation of recommended design and mitigation measures as identified in the detailed noise impact assessment and the submission of a noise certification letter, prepared by a noise consultant, confirming the construction and implementation of the noise mitigation measures as identified in the accepted detailed noise impact assessment;
- iii. The submission of a copy of the executed agreement with applicable stationary source owner registered on title, addressing the noise mitigation measures as identified in the accepted detailed noise impact assessment
- iv. The Owner registering a warning clause (and restrictive covenant) on title indicating that the Owner of the lands shall ensure that all non-operable windows, ventilation measures, and any other noise mitigation measures identified in the accepted detailed noise impact assessment will not be modified or will meet the same level of noise specifications or better; and
- v. The submission of a copy of the registered plan of survey (i.e. R-Plan) showing the boundaries of the lands used for the designation of the Class 4 acoustical area.

In addition, the Site Plan Agreement will include clauses to ensure the implementation of recommended design and mitigation measures, as identified in the detailed noise impact assessment, and the submission of a noise certification letter, prepared by a noise consultant, confirming the construction and implementation of the noise mitigation measures.

***A Holding Symbol “(H)” is recommended for the Subject Lands***

The Holding Symbol “(H)” is recommended for the proposed Hotel and ancillary uses, which shall not be removed from the Subject Lands, or any portion thereof, until the following conditions are addressed to the satisfaction of the City:

- The Owner implements an accepted Remedial Action Plan (“RAP”), including a Risk Assessment (“RA”) as defined under O. Reg. 153/04, and provides the City with a copy of a Ministry of the Environment, Conservation and Parks (“MECP”) Record of Site Condition filed on the Environmental Site Registry.

- Approval of a Site Development Application (File DA.18.088) for the proposed Hotel and ancillary uses, to ensure the Class 4 noise conditions are met to the satisfaction of the City.

Conditions to this effect are included in the Recommendation section of this report. The Holding Symbol “(H)” will be specific to the newly proposed uses; the existing banquet hall and conference centre use will continue to be permitted.

***The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect***

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The Planning Act also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning Bylaw Amendment File Z.18.018, the Development Planning Department has included a Recommendation to permit the Owner to apply for Minor Variance application(s), if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

***The Cultural Heritage Division of the Development Planning Department supports the Development***

The Subject Lands are not identified as having archaeological potential, nor does it contain elements identified as Cultural Heritage resources. The Cultural Heritage Division of the Development Planning Department has no objection to the Applications, subject to the standard clauses being included in the Subdivision and Site Development Agreements for the Subject Lands, should the Applications be approved.

***The Development Engineering Department has no objection to the Applications, subject to conditions***

The Development Engineering (‘DE’) Department has provided the following comments on the Applications:

Municipal Servicing

The Development is proposed to be serviced by extending services from the existing service connections on Innovation Drive. These services are shown to extend into the Subject Lands crossing future development blocks and are not within the common

element as described. Easements will be required for the operation and maintenance of the shared services crossing development blocks, and will be secured through the Draft Plan of Subdivision and Condominium Applications, should the Applications be approved. Confirmation that cost sharing agreements are in place for the operation and maintenance of these services between the Owner or future owners is required.

The Subject Lands are located within Pressure District 5 ('PD5'). The existing building connects to a municipal water network east of Highway 27. An additional water service connection to the Subject Lands has been provided as part of SRF Vaughan Subdivision (File No. 19T-08V03). One bulk water meter will be required within a City Standard W-106 meter and backflow chamber near the property line adjacent to Innovation Drive. The individual blocks within the Development may have their own privately owned water metering system.

The existing banquet hall building is proposed to retain its existing sanitary service connection to Highway 27. A new sanitary service connection to Innovation Drive is proposed for the proposed new uses. The existing building connects to a municipal sewer network east of Highway 27. The additional sanitary service connection has been provided as part of SRF Vaughan Subdivision (file no. 19T-08V03).

The Focus Area Core Wastewater Servicing Strategy Study for the Vaughan West Employment Area is complete. The Study has identified the necessary upgrades required to facilitate development of Employment Lands. The proposed upgrades envision a temporary sanitary pumping station on the west of Highway 27 just south of Milani Boulevard. The temporary pumping station will capture flows from Block 59 (Employment Block north of Langstaff Road) and south through Innovation Drive and Milani Boulevard. There are portions of sanitary sewer already constructed and oversized to accommodate development of future employment lands. Also, there are sections that must be constructed as development proceeds. Ultimately, the sanitary pumping station will be decommissioned and connected to York Region's 3000mm-dia. trunk sewer underneath Highway 27. The Region's sanitary sewer trunk is anticipated to be constructed by the end of 2028.

The Owner shall be responsible to finance and implement and/or contribute to sanitary system improvements in the Vaughan West Employment Area based on the conclusions and recommendations of the City's Focus Area Core Wastewater Servicing Strategy Study – Area A to the satisfaction of the City of Vaughan. A condition to this effect will be included at the Draft Plan of Subdivision, Draft Plan of Condominium, and Site Development Agreement stages, should the Applications be approved.

### Stormwater Management

The Subject Lands currently outlet to two primary locations, with existing stormwater runoff directed into the internal site catch basins or is conveyed uncontrolled overland to Highway 27. The stormwater that is not flowing uncontrolled to Highway 27 is captured by an internal site catchbasin, conveyed to the existing Innovation Drive municipal infrastructure, and then ultimately conveyed to the Innovation Drive Pond.

Proposed drainage patterns will remain as per existing conditions. Storm flows generated by the existing building and portion of the Subject Lands will be controlled and discharged into an existing municipal storm sewer located on a City easement within the property south of the Subject Lands, as well as through an additional storm service connection from Innovation Drive, which has been provided as part of SRF Vaughan subdivision (File No.19T-08V03).

In order to improve the existing drainage conditions to the Highway 27 right-of-way, stormwater is proposed to be collected by internal catchbasins and controlled to predevelopment flow rates by an underground storage chamber and orifice tube, before that portion of the site outlet to the Highway 27 storm sewer through a new proposed connection on the east side of the site to the storm sewer within the Highway 27 right of way.

Quality control for the west portion of the Subject Lands is proposed to be provided by the Innovation Drive pond. A gravity-based treatment unit (oil and grit separator) is proposed to provide quality control for the east side of the Subject Lands, in addition to the existing stormwater management pond to achieve the water quality targets.

### Erosion and Sediment Control

Although a variety of erosion control best management practice manuals are available, the Erosion & Sediment Control Guidelines for Urban Construction (December 2006) guideline was created as a consolidated document that best suits jurisdictions within the Greater Golden Horseshoe Area for common usage in land development, construction and water management. Erosion and sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the aforementioned document and the erosion control drawings for the subject site.

### Environmental Services

As described in the Hydrogeological Investigation prepared by Crozier dated June 2021, the estimated long term groundwater dewatering rate is 35,090 L/day (0.41 L/s); therefore, a long-term discharge approval permit is required to be obtained from

Environmental Services prior to final Site Plan Approval, should the Applications be approved.

#### Environmental Site Assessment (ESA)

The following ESA reports were submitted:

- Site Screening Questionnaire and Environmental Certification dated September 2, 2020;
- Chung & Vander Doelen Engineering Ltd. (CVD) report entitled "*Phase I Environmental Site Assessment, 8440 Highway #27, Vaughan, Ontario*" dated October 22, 2012;
- CVD report entitled "*Phase II Environmental Site Assessment, 8440 Highway #27, Vaughan, Ontario*" dated December 6, 2012.

The CVD Phase II ESA identified impacts in soil for metals, Petroleum Hydrocarbon Compounds (PHCs), and Polycyclic Aromatic Hydrocarbons (PAHs).

Given that impacts were identified on the Subject Lands requiring remediation, the Holding Symbol "H" shall be applied to the amending zoning by-law application with removal conditional upon the submission of a Ministry of the Environment, Conservation, and Parks (MECP) Record of Site Condition (RSC) filed on the Environmental Site Registry. The Owner shall also submit all the associated ESA reports relied upon for the RSC including reliance to the City from the consultant.

#### Transportation and Access

The proposed parking supply of 730 spaces is found adequate based on the supporting analysis provided in Crozier's Parking Study. The DE Department agrees with the conclusions reached in the Parking Study and have no objection with the proposed parking supply.

The Development is expected to generate 285 two-way trips (162 inbound and 80 outbound trips) during the weekday a.m. peak period, 285 two-way trips (143 inbound and 142 outbound trips) during the weekday p.m. peak period and 332 two-way trips (165 inbound & 167 outbound) trips during Saturday peak periods. The consultant utilized ITE Trip Generation Guide to estimate the number of trips that would be generated by the proposed development (an internationally accepted trip calculation guide).

Existing level of service conditions have been estimated for the study area utilizing existing traffic volumes, existing signal timings and Synchro traffic ware software. The analysis indicates that under existing conditions, all study area intersections are operating at an acceptable level of service.

Future level of service condition was determined for the study area intersections utilizing future background traffic volumes plus proposed development for the planning horizon of 2024. The Synchro analysis indicates that under future total traffic conditions, all signalized and un-signalized intersections within the study area would operate at an acceptable level of service.

The existing full moves site access to Highway 27 will be re-designed to allow ingress but restrict access to a right-in/right-out only. The Development's access on Highway 27 requires review and approval by the Region of York. Confirmation of approval from the Region is required prior to final site plan approval.

A proposed full moves driveway at Innovation Drive is proposed. The sight distance assessment as presented in the report indicates that the proposed driveway on Innovation Drive meets/exceeds the sightline criteria as identified in the City's Design Criteria/TAC manual.

#### Noise Assessment

The following noise documentation (Noise Studies/Peer Reviews) were completed for the Subject Lands:

- J. E. Coulter Associates Limited (JEC) draft report entitled "Noise Impact Study, Le Jardin/Tribute 12-Storey Hotel, 8440 Highway 27, Vaughan, Ontario" dated March 5, 2018,
- Valcoustics Canada Ltd. (Valcoustics) letter report entitled "Peer Review, Draft Noise Impact Study, Le Jardin/Tribute 12-Storey Hotel, 8440 Highway 27, Vaughan, Ontario" dated March 16, 2018,
- JEC report entitled "Noise Impact Feasibility Study, Le Jardin/Tribute 12-Storey Hotel, 8440 Highway 27, Vaughan, Ontario" dated April 17, 2018,
- JEC letter entitled "Response to Peer Review, Valcoustics Canada Ltd., 8440 Highway 27, Vaughan, Ontario" dated April 17, 2018;
- Valcoustics letter report entitled "Costco Vaughan Distribution Centre, Comments on J. E. Coulter Noise Impact Feasibility Study, Le Jardin/Tribute 12-Storey Hotel" dated June 28, 2018,

- SLR Consulting (Canada) Ltd. (SLR) letter entitled “Le Jardin/Tribute 12-Storey Hotel – 8440 Highway 27, Vaughan, Ontario, Peer Review of Noise Assessments and Class 4 Designation Request” dated February 25, 2020; and
- JEC report entitled “Noise Impact Feasibility Study (Revised), Le Jardin/Tribute 12-Storey Hotel, 8440 Highway 27, Vaughan, Ontario: dated August 26, 2022.

The Noise Peer Reviews were a result of the uncertainty raised by Costco (i.e., Valcoustics) around the use of inoperable windows as an acceptable receptor-based noise control measure and whether a hotel is considered a sensitive use under NCP-300, thereby potentially impacting surrounding industrial Environmental Compliance Approvals (ECAs). A solution to eliminate the uncertainty is to designate the Subject Lands as a Class 4 acoustical area. A meeting was held on December 11, 2019 between the City and representatives of both the Owner and Costco to discuss and request a Class 4 designation. The City retained SLR to undertake a peer review of the reports and provide their opinion on the merits of a Class 4 designation. A copy was provided to the Owner and to Costco.

Based on the City’s review of the Owner’s noise report and the recommendation of the City’s noise peer reviewer, it has been confirmed that the use of a Class 4 designation for the Subject Lands can be considered appropriate and feasible to ensure a suitable acoustical environment for occupants of the Development, while also ensuring stationary sources remain complaint to their Environmental Compliance Approvals.

Costco should be made aware that their operation will not be added to Schedule 5 of the noise by-law (i.e., Exempted Employment Area) as the Le Jardin Hotel is not considered a residential area or quiet zone as defined in the noise by-law and potential noise complaints related to Schedule 2 of the noise by-law would not be applicable. In addition, Costco must still be accountable to the provisions of the City’s noise by-law as it pertains to the existing adjacent residential land uses.

#### Sewage and Water Allocation

As there is no residential component to the Applications, formal allocation of servicing is not required as per York Region’s Servicing Capacity Allocation Policy.

#### ***The Toronto and Region Conservation Authority (TRCA) has no objection to the Applications***

The TRCA has reviewed the Applications and has no objection to their approval.

***Cash-in-Lieu of the dedication of parkland is required***

The Owner shall dedicate land and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Dedication policy.

The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect will be included at the Draft Plan of Subdivision, Draft Plan of Condominium, and Site Development Agreement stages, should the Applications be approved.

***The Forestry Operations Division has no objections to the Applications***

The Forestry Operations Division has no objections to the Applications, subject to the appropriate tree protection measures and replacement trees being incorporated at the Site Development Application stage, should the Applications be approved.

Based on the City's Tree Replacement Requirements, a total of 13 trees are being removed and 11 trees are required to be replanted on the Subject Lands. Replacement trees are to be a minimum of 50 mm (in.) caliper for deciduous trees and 200 cm (6.5ft) tall for coniferous trees. A Tree Protection Agreement will be required as a condition of Draft Plan of Subdivision, should the Application be approved.

***The Policy Planning and Special Programs Department has no objection to the Applications***

The Policy Planning and Special Programs Department has no objection to the Applications as the Subject Lands do not contain any natural heritage features. Should the Applications be approved, the Sustainability Metrics for the Development will be evaluated by the appropriate staff at the Site Development Application stage, should the Applications be approved.

***Development Charges are Applicable to the Development***

The owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. A condition to this effect will be included at the Draft Plan of Subdivision, Draft Plan of Condominium, and Site Development Agreement stages, should the Applications be approved.



***Canada Post has no objection to the Development***

Canada Post has advised that mail will continue to be sent via counter delivery.

***Other external agencies and various utilities have no objection to the Development***

The Owner is required to satisfy all requirements of Alectra Utilities, Enbridge Gas, Bell Canada, and Hydro One for the Development at the Draft Plan of Subdivision Application and Site Development Application stage, should the Applications be approved.

**Financial Impact**

There are no 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. The York Region Community Planning and Development Services Department, on July 28, 2021, exempted Official Plan Amendment File OP.18.011 from Regional approval as the matter is of local significance and does not adversely affect Regional planning policies or interests. York Region has no objection to the Applications, provided their conditions are incorporated into the Draft Plan of Subdivision, Draft Plan of Condominium, and Site Development Applications as it relates to road widening and access. The Owner shall satisfy all requirements of York Region prior to the registration of the Draft Plans and execution of the Site Development Agreement, should the Applications be approved.

**Conclusion**

The Applications have been reviewed in consideration of the policies of the PPS, Growth Plan, YROP 2010, VOP 2010, the requirements of the Zoning By-law 1-88, comments from City Department, external public agencies, and the area context. The Development Planning Department is satisfied that the Applications are consistent with the PPS, conforms to the Growth Plan, YROP 2010, and VOP 2010, and is appropriate for the development of the Subject Lands. In consideration of the above, the Development Planning Department can support the approval of the Applications.

**For more information**, please contact: David Harding, Senior Planner, Development Planning Department, extension 8409.

## **Attachments**

1. Context and Location Map.
2. Conceptual Site Plan.
3. Conceptual Landscape Plan.
4. Conceptual Building Elevations – East and North.
5. Conceptual Building Elevations – West and South.
6. Conceptual Perspective Renderings.

## **Prepared by**

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## **Approved by**



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Planning and Growth Management

## **Reviewed by**



Nick Spensieri, City Manager