

Committee of the Whole (2) Report

DATE: Tuesday, September 20, 2022

WARD: 5

TITLE: 1150 CENTRE STREET GP INC.
ZONING BY-LAW AMENDMENT FILE Z.21.028
1150 CENTRE STREET
VICINITY OF CENTRE STREET AND VAUGHAN BOULEVARD

FROM:

Haiping Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole of the Recommendations contained in this report for Zoning By-law Amendment File Z.21.028 (1150 Centre Street GP Inc.), which has been appealed to the Ontario Land Tribunal, to permit a 12-storey mixed-use apartment building containing 387 dwelling units with 765.60 m² of at grade commercial uses, and one stacked back-to-back townhouse block containing 28 units (total 415 residential units), and having a Floor Space Index of 4.2 times the area of the lot, as shown on Attachment 3 to 6.

Report Highlights

- The Owner proposes to permit a 12-storey mixed-use building, at grade commercial uses, one stacked back-to-back townhouse block (total 415 residential units) with a Floor Space Index of 4.2 times the area of the lot.
- The subject lands are designated “Mid-Rise Mixed-Use “A” and “Low-Rise Residential” by VOP 2010, Volume 1, Area Specific Policy 12.9 Centre Street Corridor, as approved by the Ontario Land Tribunal Decision, June 3, 2021, (File PL111184), which permits the mixed-use apartment building and back-to-back townhouses.
- The Development Planning Department supports the approval of the proposed amendment, as it is consistent with and conforms to Provincial Policy, conforms to the York Region Official Plan 2010, the Vaughan Official Plan 2010 the Ontario Land Tribunal Decision PL111184, and is compatible with the surrounding area context.

Recommendations

THAT the Ontario Land Tribunal ('OLT') be advised that Vaughan Council ENDORSES the following Recommendations:

1. THAT Zoning By-law Amendment File Z.21.028 BE APPROVED, to amend Zoning By-law 1-88 and rezone the Subject Lands from "C1 Restricted Commercial Zone" subject to site-specific Exceptions 9(776) and 9(826) to "RA3(H) Apartment Residential Zone" with a Holding Symbol "(H)", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report;
2. THAT the Holding Symbol "(H)" shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
 - a) The Owner has successfully obtained approval of a Site Development Application, to the satisfaction of the City;
 - b) Vaughan Council has identified and allocated water supply and sewage capacity to the Subject Lands;
 - c) The Owner has provided Environmental Site Assessment Reports pursuant to Ontario Reg 153/04, including a Phase Two Environmental Site Assessment to the City of Vaughan for review and approval to the satisfaction of the Development Engineering Department including a Remedial Action Plan if required;
 - d) The Owner must undertake any required Soil Remediation on the Subject Lands, or lands to be conveyed to the City, as required by the applicable regulations;
 - e) The Owner must submit a Letter of Reliance issued by the Qualified Person and a Ministry of the Environment, Conservation and Parks ('MECP') Record of Site Condition ('RSC'); and
 - f) The Owner has obtained Council approval of the MECP Class 4 noise designation on the Subject Lands;
3. THAT the implementing Zoning By-law Amendment include the following provisions:
 - a) Site-specific parking requirements for Residential Parking shall be 0.7 spaces/unit;
 - b) Site-specific parking requirements for Visitor Parking shall be 0.2 spaces/unit;
 - c) Site-specific parking requirements for commercial uses shall be 3 spaces/100 m² GFA;
 - d) The minimum driveway width shall be 7.5 m; and

- e) Eating establishments within the commercial area, cannot be greater than 20% of the commercial GFA;
- 4. 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;
- 5. THAT should the Ontario Land Tribunal ('OLT') approve Zoning By-law Amendment File Z.21.028, either in whole or in part, that the OLT withhold its final Order on until such a time that:
 - a) The implementing Zoning By-law Amendment is prepared to the satisfaction of the City; and
 - b) the Owner has submitted a revised Urban Transportation Consideration report to the satisfaction of the City of Vaughan Development Engineering Department; and
- 6. THAT City of Vaughan Staff be directed to attend the OLT proceedings in support of the Recommendations contained in this report for Zoning By-law Amendment File Z.21.028.

Background

The subject lands ('Subject Lands') shown on Attachment 1 are municipally known as 1150 Centre Street and are located on the northeast corner of Centre Street and Vaughan Boulevard. The Subject Lands are approximately 0.81 ha in area and are currently vacant.

A Zoning By-law Amendment Application has been submitted to permit the proposed development

1150 Centre Street GP inc. (the 'Owner') has submitted the following application (the 'Application') for the Subject Lands to permit a 12-storey mixed use building consisting of 387 dwelling units with 765.60 m² of ground floor commercial uses, one stacked back-to-back townhouse block containing 28 units (total 415 units), and having a Floor Space Index ('FSI') of 4.2 times the area of the lot (the 'Development'), as shown on Attachments 3 to 6:

1. Zoning By-law Amendment File Z.21.028 to rezone the Subject Lands from "C1 Restricted Commercial Zone" subject to site-specific Exceptions 9(776) and 9(826), as shown on Attachment 1, to "RA3(H) Apartment Residential Zone" with the Holding Symbol "(H)" in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

The Owner has appealed the Zoning By-Amendment Application to the Ontario Land Tribunal ('OLT')

The Owner, on November 29, 2021, appealed the Application to the OLT (File No. OLT-21-001), pursuant to Sections 34 (11) of the *Planning Act* for Vaughan Council's failure to make a decision on the Application within 120 days of the City deeming the Applications complete.

A prehearing conference was held on June 10, 2022. A second prehearing conference has been scheduled for December 5, 2022. Subsequently, a two-week hearing has been scheduled commencing May 1, 2023 to May 12, 2023.

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

The City, on September 10, 2021, circulated a Notice of Public Meeting (the "Notice") to all property owners within the extended polling area shown on Attachment 2 and to the Beverley Glen and Brownridge Ratepayers Associations. A copy of the Notice was also posted on the City's website at www.vaughan.ca and two notice signs were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on October 20, 2021, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of October 5, 2021, and to forward a comprehensive 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:

Speakers and Written Submissions

- Peter Milczyn, PM Strategies Inc., Mill Road, Toronto, representing MCC Properties Inc. (1200 Centre Street), and communication dated October 4, 2021
- Barry Crystal, Mac Arthur Drive, Thornhill, and communication dated September 18, 2021
- Evgeniya Bakshy, Vaughan Boulevard, Thornhill, and communication dated September 28, 2021
- Yarik Zakrevsky, Vaughan Boulevard, Thornhill and communication dated September 27, 2021
- Mario Racco, Brownridge Ratepayers Association, on behalf of Rudy and Gilda Buccioli, Lawrie Road, Thornhill, and communication dated October 5, 2021
- Brian Leibtog, MacArthur Drive, Thornhill

Written Submissions

- Petition from Marina Nezhinsky on behalf of Thornhill community residents – Vaughan Boulevard, Lawrie Road and King High Drive – 51 signatures

- Ronaldo and Susan Dela Rosa, Parsons Place, Thornhill, dated September 22, 2021
- Neal Brooks, dated September 29, 2021
- Mario Merocchi and Mary O'Connell, Vaughan Blvd., Thornhill, dated October 3, 2021
- Tsimmerman Family, Thornhill, dated October 2, 2021
- Arnold and Shelly Averbuch, Vaughan Blvd., Thornhill, dated October 2, 2021
- Ryan Fisch, 10968681 Ontario Inc. dated October 4, 2021
- Bryan Gerber, MacArthur Drive, Thornhill, dated October 3, 2021
- Bruno Colucci, Lawrie Road, Vaughan, dated October 5, 2021
- Virginia Argyrides, Thornhill, dated October 8, 2021

The following is a summary of the comments provided by the speakers and the written submissions at the Public Meeting of October 5, 2021, and written submissions received by the Development Planning Department:

Traffic, Access and Parking

- Access from Vaughan Boulevard may cause traffic congestion for other commercial uses and residents in the area
- Access should be restricted to Centre Street
- Sidewalks are needed on Vaughan Boulevard, King High Drive, Concord Road, and Lawrie Road to separate pedestrians and vehicle traffic
- Traffic may also impact Beverley Glen Boulevard which is experiencing capacity issues
- Vaughan Boulevard and King High Drive are designated quiet streets
- A reduced parking rate may result in illegal parking on City streets and in other commercial lots in the area
- Need surface parking for deliveries
- The dedicated bus lanes on Centre Street create more traffic congestion, this development will add to that

Height, Density and Privacy Concerns

- Building height and proposed density is too high as this is a low density residential area
- This development will decrease property values
- Concerned about location of underground parking exhaust, loading area, and proposed metal fencing does not provide for privacy
- There will be overlook into the existing residential yards
- There is no school capacity to support this development, public schools are over 1 km away, high school is at capacity
- Reduced amenity space is not adequate for the proposed number of units
- Additional residential dwellings will impact hospitals, water, and sewer capacity, and storm water management

Proposed Uses

- Eating establishments should not be permitted as this use generates increased parking demand

Construction Impacts

- Dust and noise due to construction activity will impact existing residents both inside and outside their homes
- Vibrations caused during construction may damage existing homes, therefore, increasing maintenance costs
- Increased traffic and parking on City streets due to construction activity

Community Consultation

- Consultation with the community is required in order to improve the development and incorporate the community's input

Good Development

- Supportive of the pedestrian friendly and aesthetically pleasing development

Previous Reports/Authority

Previous report(s) related to the Application are available at the following web link:

[1150 Centre Street GP Inc. File Z.211.028 - Committee of the Whole \(Public Meeting\) Report October 5, 2021](#)

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 ('PPS'). The PPS provided 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 of and management of resources and protecting public health and safety. The Planning Act requires the Council's planning decisions be consistent with the PPS.

The Development is consistent with the PPS, specifically the following:

- Section 1.0 – Building Strong Healthy Communities
- Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. This Section of the PPS requires that land use planning is cost effective, efficiently uses infrastructure, minimizes land consumption and is transit supportive.
- Section 1.1.3.2 – states in part: Land use patterns within settlement areas shall be based on densities and a mix of land uses which are transit-supportive, where transit is planned, exists or may be developed

- Section 1.1.3.3 states in part: Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment
- Section 1.4 Housing includes policies such as 1.4.3, in part: Planning authorities 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
- Section 1.6 Infrastructure and Public Service Facilities, specifically Section – 1.6.7.4 states: A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation

The mid-rise residential development shown on Attachments 3 to 6 is located along a Regional Intensification Corridor, Centre Street, and within the Centre Street Area Specific Plan, which supports a mid-rise mixed-use development. The Development would facilitate residential intensification in proximity to existing transit facilities such as the existing Bus Rapid Transit Route located on Centre Street ('Centre Street BRT').

Consistent with Sections 1.1, 1.1.3.3, 1.4 and 1.6, the Development would provide apartment and back-to-back townhouse units that:

- efficiently uses infrastructure, minimizes land consumption and is transit supportive
- provides for a range of housing types and unit sizes through intensification
- promotes an opportunity for transit-supportive development
- minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation

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

The Provincial Growth Plan: A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) as amended, is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: direction for where and how to grow; the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation.

Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density supportive of the Growth Plan objectives, specifically:

- Section 1.2.1 – Guiding Principals
- Section 2.2.1.4 (a), (d) and (e), in part, - 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;
- b. expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
- e. provide for a more compact built form and a vibrant public realm, including public open spaces;
 - Section 2.2.4 – Transit corridors and station areas, [specifically Sections 2.2.4.2 and 2.2.4.10]
 - Section 2.2.4.10 – Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities
 - Section 2.2.6 – Housing, which included, in part, to identify a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents

The Development is in proximity to an existing transit facility (Section 2.2.4), the Taiga BRT Station, and within a York Region Council approved Major Transit Station Area (MTSA). Under the Growth Plan, MTSA's are generally defined as areas within an approximate 500 to 800 metre radius surrounding an existing or planned high-order transit stop or station. MTSA's are areas intended to accommodate a substantial portion of a municipality's future residential and employment growth in order to encourage transit usage. The current Growth Plan requires York Region and the City to delineate the boundaries of MTSA's on priority transit corridors or subway lines. York Region Council has approved an MTSA at the intersection of Centre Street and Taiga Drive (Taiga BRT Station), as shown on Attachment 1.

In consideration of the Growth Plan policies, the Owner seeks to permit a mid-rise mixed-use development in a built up area where there is existing vacant land to accommodate population growth, as well as providing a variety of housing units (apartment and townhouse). In addition, allowing for a more intensified land use supports and promotes transit-supportive densities which are considered to be appropriate.

The Development would be required to provide travel demand management and active transportation measures to support alternative modes of transportation. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

York Region Official Plan 2010 (YROP 2010) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 – Regional Structure of YROP 2010 and are located along a Regional Corridor also shown on Map 1 – "Regional Structure".

Under the draft York Region Official Plan (2022), the Subject Lands are also within a proposed Major Transit Station Area, MTSA 67 Taiga BRT Station and has an overall planned target density of 160 persons and jobs per hectare.

The Development is consistent with the policy framework of the YROP 2010 as the proposed density and built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide a range and mix of housing.

Regional staff do not have any comments on the rezoning applications, however provided technical comments on the conceptual site plan regarding Travel Demand Management ('TDM') measures and proposed works within the Centre Street Regional right-of-way . The Region also confirms that the Subject Lands are not within any Source Water Protection vulnerable areas.

The Development conforms to VOP 2010, specifically the Ontario Land Tribunal Approved Centre Street Corridor Area Specific Plan

In June 2021, the OLT approved modifications to the Centre Street Corridor Area Specific Plan designating the northern portion of the Subject lands "Low-Rise Residential" with a maximum building height of 3-storeys and the southern portion as "Mid-Rise Mixed Use 'A'" with a maximum building height of 12-storeys. The overall density for the Subject Lands is 4.2 FSI.

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

The Subject lands are zoned "C1 Restricted Commercial Zone" by Zoning By-law 1-88, subject to site-specific Exceptions 9(776) and 9(828). This zone and site-specific exceptions permit a range of commercial, institutional, and recreational uses.

The Owner proposes to rezone the Subject Lands from "C1 Restricted Commercial Zone", as shown on Attachment 1, to "RA3 Apartment Residential Zone" in the manner shown on Attachment 3, together with the following site-specific exceptions:

Table 1

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
a.	Minimum Front Yard (Vaughan Boulevard)	7.5 m	3.6 m at the ground floor 1.0 m for all other floors
b.	Minimum Exterior Side Yard (Centre Street)	7.5 m	3.5 m
c.	Minimum Interior Side Yard	20.5 m (half the height of the mid-rise building)	7.5 m

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
d.	Minimum Rear Yard	7.5 m	5.7 m for the 12-storey building 4.0 m for the townhouse units
e.	Definition of a "Lot"	Means a parcel of land fronting on a street	Means a parcel of land deemed to be one lot, regardless of the number of buildings and units, and the creation of any new lot by plans of subdivision, plans of condominium, part lot control consent and any easements or registrations that are given
f.	Definition of "Amenity Area"	Means a space outside a dwelling unit within or outside the building designed for the passive enjoyment of active recreational needs of the residents	Means an indoor or outdoor shared communal space designed and maintained for active or passive recreational uses for residents of a dwelling or residential development, but shall not include any exclusive area that is only accessible by an individual unit.
g.	Definition of "Stacked back-to-back townhouse dwelling"	No definition	Means a townhouse dwelling consisting of at least four dwelling units, where individual dwelling units are separated both vertically and horizontally from other attached dwelling units and have a common vertical wall and a common rear wall
h.	Permitted Uses	Apartment Dwelling Day Nursery	Permit the following additional uses with no outdoor display or storage: - Stacked back-to-back townhouse dwelling - Bank or Financial Institution - Brewers Retail Outlet - Business or Professional Office - Club or Health Centre

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
			- Eating Establishment* - Eating Establishment, Convenience* - Eating Establishment, Takeout* <i>*(all Eating Establishment Uses shall be limited to a maximum of 20% of the total commercial GFA)</i> - Laboratory - L.C.B.O. Outlet - Multi-unit Building - Office Building - Personal Service Shop - Pet Grooming Establishment, to be contained within a wholly enclosed building - Pharmacy - Photography Studio - Place of Amusement - Place of Entertainment - Retail Nursery - Retail Store - Service or Repair Shop - Studio - Technical of Commercial School - Veterinary Clinic Prohibit the following uses: - Video Store - Hotel - Motel
i.	Minimum Required Parking	<u>Residential</u> 1.5 spaces/unit x 415 units = 623 spaces <u>Visitor</u> 0.25 spaces/unit x 415 units = 104 spaces <u>Retail</u>	<u>Residential</u> 0.7 spaces/unit x 415 units = 292 spaces <u>Visitor</u> 0.14 spaces/unit x 415 units = 59 spaces

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
		3 spaces/100 m² GFA x 756.6 m² = 23 spaces Total Required = 750 spaces	<i>*The parking ratio shall be revised to 0.2 spaces/unit x 415 units = 83 spaces</i> <u>Retail</u> 0 spaces /100 m² of GFA = 0 spaces <i>*The parking ratio shall be revised to 3 spaces/100 m² of commercial GFA x 765.6 m² = 23 spaces</i> Total Provided = 356 spaces <i>*The total number of required spaces shall be revised to 398 spaces</i>
j.	Minimum Amenity Area	4 Bachelor Units x 15 m²/unit = 60 m² 210 One Bedroom Units x 20 m² /unit = 4,200 m² 154 Two Bedroom Units x 55 m²/unit = 8, 470 m² 19 Three Bedroom Units x 90 m² /unit = 1,710 m² 28 Townhouse Units x 55 m²/unit = 1,540 m² (townhouse units estimated as 2 bedroom units as Owner can not confirmed bedroom information at this time)	6.0 m²/unit x 415 units Total proposed amenity area = 2,075.0 m²

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
		Total required amenity area = 15,980 m ²	
k.	Minimum Parking Space Size	2.7 m x 6 m 3.4 m x 6 m (Accessible Type A) 2.4 m x 6 m (Accessible Type B)	2.7 m x 5.7 m 3.4 m x 5.7 m (Accessible Type A) 2.4 m x 5.7 m (Accessible Type B)
l.	Minimum Driveway Width	7.5 m	6.0 m <i>*Minimum Driveway Width at the property line shall be revised to 7.5 m</i>
m.	Minimum Accessible Aisle Length	6 m	5.7 m
n.	Minimum Landscape Strip Abutting a Street	6 m	0.4 m (Vaughan Boulevard) 3.5 m (Centre Street)
o.	Minimum Lot Area	67 m ² x 415 units = 27,805 m ²	20.1 m ² x 415 units = 8,341.5 m ²
p.	Portions of Building Below Grade Setback	1.8 m (Vaughan Boulevard and Centre Street)	1.5 m

The Owner Shall Amended Parking Ratio Calculations

The parking exceptions proposed by the Owner for visitor parking is a ratio of 0.14 spaces/unit, and for commercial GFA is a ratio of 0 spaces per 100 m² of GFA. The Transportation Engineering Department does not support the Owner's proposed parking ratios. The Development Planning requests that the proposed parking ratios be amended to a minimum of 3 spaces per 100 m² of commercial GFA and 0.2 spaces per unit for residential visitor parking. Eating Establishments are limited to a maximum 20% of the total commercial GFA. Recommendations to this effect are included in the Recommendation Section of this report.

The Development Planning Department does not support the following proposed uses for the RA3 Residential Apartment Zone

The following proposed uses are not supported:

- Hotel
- Motel
- Video Store
- Eating Establishments can be permitted up to a maximum 20% of the total commercial GFA.

A Hotel, and Motel as defined by Zoning By-law 1-88 would not be appropriate uses for this mixed-used development. A Hotel and Motel would require additional parking requirements that are provided for with the current parking rate reduction of 0.7 spaces per unit for residential and 0.2 spaces per unit for visitors. A Motel as defined by Zoning By-law 1-88 is no more than 2-storeys in building height.

Eating Establishments must be limited to a maximum of 20% of the total commercial GFA based on the parking rate of 3 spaces per 100 square meters of GFA.

A Video Store as defined by Zoning By-law 1-88 is no longer an applicable use in today's market.

In consideration of the above, the Development Planning Department supports the proposed "RA3 ('H') Residential Apartment Zone with the Holding Symbol 'H'", as the proposed uses, building types, building height, and density conforms to the "Low-Rise Residential" and Mid-Rise Mixed-Use designations of VOP 2010 – Centre Street Corridor Area Specific Plan, subject to the exceptions identified in Table 1 and the Recommendations in this report.

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 an 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 two year of the passing of the zoning by-law amendment.

Should Council endorse the Recommendations in this report for Zoning By-law Amendment File Z.21.028, 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 through the Site Development approval process.

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 ('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 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.

The Application is transitioned under Section 1.6 of zoning By-law 001-2021, as the Application was filed and deemed complete on August 13, 2021, prior to the enactment of Zoning By-law 001-2021.

The Development Planning Department has no objection to the Application, subject to the conditions in this report

Site Layout

Townhouse units may have frontage onto private streets, laneways, or pedestrian mews, in accordance with the policies of the Centre Street Secondary Plan section 12.9.3.4 i). The proposed townhouse units located in the northeastern portion of the Subject Lands do not face a private street, laneway or a mews. A minimum 4.0 m setback from the curb of the proposed fire route, with an enhancement of the quality of the space, is required to achieve a pedestrian mews character. A provision has been added to the proposed site-specific zoning by-law to ensure that the 4.0 m setback is provided. The removal of the proposed fencing along the eastern property boundary will be a condition of site plan approval should this Application be approved.

A continuous 1.5 m pedestrian walkway and associated landscape buffer connecting Centre Street to the proposed east-west multi-use path/mews is required. Private ground floor patios on the east side of the 12-storey building need to be removed to accommodate this continuous pedestrian walkway. The required landscape buffer will provide privacy for the east side ground floor units that face the adjacent parking lot to the east.

The shared private driveway on the east side of the Subject Lands should be designed as a complete street, accommodating for all modes of travel, and lined with street trees.

Should this Application receive approval, the following comments will need to be incorporated into the future site plan:

- Entrances to the most southern townhouse units should be rotated towards the east-west public mews to animate the area and provide for Crime Prevention Through Environmental Design provisions;
- Relocate the underground parking air shaft from the pedestrian path of travel at the northwest corner of the Subject Lands to provide an unobstructed pedestrian path which connects directly to the proposed sidewalk;
- Relocate the proposed private hydrant closer to the building to provide for a clear front yard setback;
- A minimum 1 m setback will be required from the property line, free of any projection, for the upper floor units of the 12-storey building. The proposed site-specific zoning exceptions have included this provision;
- Further landscape enhancements will be required for the proposed east-west mews along the north property line. Special paving treatment should be considered to visually enhance the roadway for pedestrian use and to calm traffic;

- A landscape plan will be required that demonstrates the interim condition related to the shared driveway. A pedestrian pathway connecting Centre Street to the east-west public mews is required. The 2 m high wood fence should be removed and replaced with raised planters to provide privacy for the ground floor units;
- Enhanced landscape treatments are required for the townhouse units that face the shared driveway to the east so that this area is perceived as a public mews;
- An ultimate landscape plan will be required that includes low ornamental fencing to ensure that the townhouse units are visually connected to the street;
- A minimum of 1.2 m soil volume is required over the structural slab of the proposed underground parking structure for the planting area of the proposed trees along Centre Street;
- An arborist report will be required that inventories and assesses all trees within the Subject Lands or within 6 m of any construction regardless of the trees size, and must identify ownership of the tree;
- The Owner will be required to enter into a Tree Protection Agreement with the City of Vaughan Development Planning Department to protect public and private trees through the development review processes as indicated in the city of Vaughan Tree Protection Protocol;
- The Landscape Plan along Centre Street and Vaughan Boulevard needs to be coordinated with the Centre Street Streetscape Plan
- Consider including architectural material and elements that are more compatible with the residential character of the Vaughan Boulevard for the grade related residential and podium;
- Further architectural articulation and details may be requested, such as but not limited to, mitigative measures to reduce the impact of the proposed elevated private amenities on the neighbouring property's privacy.

Should this Application receive approval, the future Site Development Application will be required to be presented at the Vaughan Design Review Panel.

Policy Planning and Special Programs ('PPSP') Department has no objection to the approval of the Development

The Subject Lands are not located in the vicinity of any natural features, therefore, the Policy Planning and Special Programs Department have no comments on the Development. It should be noted that the Owner is required to abide by the *Endangered Species Act and the Migratory Birds Convention Act*.

The Development Engineering Department has no objection to the Development, subject to conditions and the Recommendations in this report

The Development Engineering Department ('DE') has reviewed the Application and provided the following comments.

Transportation and Parking

In order to serve the transportation needs of the Development, 351 vehicle parking spaces in a two-level underground parking garage are proposed, as well as 4 pick-

up/drop-off spaces, 1 car share space, 426 bicycle parking spaces, and two loading spaces (1 Type B space and 1 Type D space).

Vehicular access is provided by a single unsignalized driveway to Vaughan Boulevard. The fire route for the townhouse units is proposed from the 1136 Centre Street access which is partially built within the subject site through an existing easement.

The proposed minimum parking supply requirements for the Development deviates from Zoning By-law 1-88, Comprehensive Zoning By-law 001-2021, and the IBI Draft report (Review of Parking Standards Contained with the City of Vaughan's Comprehensive Zoning By-law, March 2010) requirements.

Car parking supply rates including the count of carshare parking, as well as bicycle parking provision should be included in the site-specific zoning by-law. Pick-up drop-off spaces should not be counted as parking supply towards parking requirements. DE has no objection regarding the proposed typical parking space dimensions.

The DE Department can support minimum parking rates as follows:

- Residential parking 0.7 spaces per unit
- Residential visitor parking 0.2 spaces per unit
- Commercial parking 3 spaces per 100 square meters of GFA

The above rates are acceptable under the following conditions:

1. Eating establishments with the commercial area cannot be greater than 20% of the commercial GFA. Otherwise, the parking supply rates must be calculated based on Zoning By-law 1-88 or the IBI report rates for eating establishments.
2. Requested bicycle facilities and TDM measures must be provided to the satisfaction of the City of Vaughan Transportation Engineering. The Owner is required to complete and submit the City of Vaughan TDM toolkit. According to the Comprehensive Zoning By-law 001-2021, car-share spaces can contribute to a parking reduction. The Owner can provide additional car-share spaces if required.
3. No shared-parking opportunity exists between the residential visitors and retail component of the site as their peak demands overlap with each other.

Proxy surveys should be conducted at comparable locations, preferably in the City of Vaughan. A minimum of two proxy sites are required for parking reduction justification according to the Vaughan's Parking Study Guidelines April 2020. The Location and time of the proxy survey is to be confirm with the City prior to the execution of the work.

In accordance with the City's Waste Collection Design Standards a vertical clearance of 7.5 m through-out the loading area should be provided.

The site access pavement width must be 7.5 m at the property line according to Zoning By-law 1-88 requirements. The truck maneuvering diagram provided in support of the Application indicates that trucks will interfere with the opposing southbound traffic on Vaughan Boulevard. As such, the curb radii should be revised to follow Ontario Provincial Standard Drawing ('OPSD') as a minimum requirement (the City's standard is 7.6 m for curb radii), and the access should be widened to 7.5 m at the property line.

In order to address the comments above, Table 1 of this report has included the required exceptions to the RA3 Apartment Residential Zone to implement the Development.

The Responses to Comments (Transportation Engineering), dated June 30, 2022 prepared by BA Group has been reviewed by DE and the following comments are provided:

- Development traffic should be reassigned to King High Drive and Lawrie Road to examine the potential infiltration impacts at these intersections.
- The intersections of Vaughan Boulevard at King High Drive and Lawrie Road are included in the traffic analysis, however, no site trips have been assigned to either of these local roads. The existing traffic analysis shows 120 a.m. and 105 p.m. northbound left turn trips at the King High Drive/Vaughan Boulevard intersection, which shows that some infiltration traffic might occur under the existing condition. A scenario of reassigning vehicles travelling to/from Dufferin Street (12% inbound and 8% outbound according to the April 2021 TIS distribution) via the local road network should be provided to examine the potential infiltration impacts to the local road network.
- Staff accept the joint vehicular access with the existing plaza to the east be dedicated as a fire route only for the Subject Lands in order to minimize the potential traffic infiltration to the local road network from adjacent future developments.
- The synchro analysis results included in the appendices do not match the summary table in the report. The appendices remain the same as the April 2021 submission. The synchro analysis results with the updated lost time adjustment factors should be provided. Electronic Synchro files should be provided.

The Owner is required to provide a revised Urban Transportation Considerations report, prepared by BA Group, to address the comments above, to the satisfaction of the DE Department, prior to enactment of the By-law. A recommendation to this effect has been included in the Recommendation Section of this report.

Should this Application receive approval, detailed comments will be provided at the Site Plan stage. Development Engineering have provided the following comments to assist with the refinement of the site plan:

- The access curb radii must be consistent with OPSD requirements and waste management design guidelines. (City standard is 7.6 m for curb radii). If a greater radius is required, then the driveway should be shifted further south to meet the standards.
- A scale should be provided on all site plan drawings
- The daylight triangle should be confirmed with York Region

Water Servicing

The subject lands are located within Pressure District 6 (PD6). Water servicing for the site is proposed via a 250 mm diameter connection to the existing 300 mm diameter municipal water main on Centre Street. The Owner shall complete a hydrant flow and pressure test to evaluate the available system flow and pressure for the Development at the site plan stage. The proposed water servicing shall conform to the conclusions and recommendations of the Integrated Urban Water Master Plan Environmental Assessment.

Sanitary Servicing

The Development will be serviced by a new sanitary serving connection, i.e. 250 mm diameter at 2.0% slope discharging into an existing 300 mm diameter municipal sanitary sewer on Centre Street. The proposed sanitary servicing shall conform to the conclusions and recommendations of the Integrated Urban Water Master Plan Environmental Assessment.

Water and Wastewater Servicing Allocation

Availability of water and wastewater servicing capacity will be assessed at the site plan approval stage. To this effect, a corresponding Holding Symbol ('H') provision shall apply to the zoning by-law should this Application receive approval. A recommendation to this effect has been included in the Recommendation section of this report.

Stormwater Management and Storm Sewer Network

The Development will be serviced by a new storm connection discharging into an existing 1200 mm diameter municipal storm sewer on Vaughan Boulevard. The 100 year peak flow will be controlled to the maximum allowable rate of 56.7 L/s. Overall post-development discharge includes 0.63 L/s of long-term ground water discharge, 32 L/s of uncontrolled overland flow and 23 L/s of controlled peak flow. Proposed on-site underground storage tank in combination with an orifice control will be provided to control peak flow. Enhanced level treatment (80% TSS Removal) quality control will be provided. Water balance will be achieved by retaining 5 mm of rainwater for on-site reuse. Further design details will be provided at the Site Plan application stage. The proposed storm servicing shall conform to the conclusions and recommendations of the Integrated Urban Water Master Plan Environmental Assessment.

Hydrogeological Assessment

Based on a Hydrogeological Assessment completed by Toronto Inspection Limited, short-term (construction) and long-term groundwater can be managed on site in accordance with the applicable regulations and that there are no potential impacts to local groundwater system. Treatment of groundwater flows for biological oxygen demand ('BOD') and total manganese prior to discharged to the storm sewer will be required. The long-term ground water discharge rate will be 0.63 L/s. Further design details shall be provided at the site plan stage.

Noise Feasibility Study

The Environmental Noise Feasibility Study, prepared by Valcoustics Canada Ltd., dated June 16, 2021, (the "Noise Report") in support of the application has determined that it is infeasible to meet the typically applied Class 1 sound level limits due to proximity of the proposed development to an existing commercial plaza, located east of the Subject Lands. The Owner intends to request that the City of Vaughan designate the subject site as a Class 4 area. The Noise Report concluded that the Development can meet applicable MECP noise guidelines subject to implementation of mitigation requirements and warning clauses stipulated in the report and the potential Class 4 noise designation being approved for the Subject Lands. The City shall retain a professional noise consultant to peer review the detailed noise report and justify the requested Class 4 noise designation. To this effect, a corresponding Holding Symbol ('H') has been added in the recommendation section of the report. An MECP Class 4 noise designation for the Subject Lands must be approved by Council.

At the Site Plan stage, a detailed Environmental Noise and Vibration Report will be required to specify suitable mitigation measures for the Development including more specific recommendations and warning clauses.

Environmental Site Assessment

A Phase One Environmental Site Assessment ('ESA') has been provided. The Phase One ESA identified areas of potential environmental concern ('APECs') and recommended a Phase Two ESA. The Owner is required to undertake a Phase Two ESA and provide a copy for the City's review and approval.

Subject to the findings of the Phase Two ESA, if contamination is identified which requires remediation, a Remedial Action Plan ('RAP') shall be provided to the satisfaction of the City. If remediation is required the Owner shall file and submit a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition ('RSC'). The Owner shall provide the City with a Letter of Reliance issued by a Qualified Person so that the City can rely on all submitted statements opinions, ESA documents and reports. A Holding Symbol ('H') has been placed on the Subject Lands with the removal condition that the Owner provide the City with a copy of the ESA reports, Reliance Letter and MECP RSC that meets O. Reg. 153/04 standards.

In summary, the Phase Two ESA, Letter of Reliance, and the RSC have not been provided. To this effect, a corresponding Holding Symbol ('H') shall apply to the zoning by-law amendment until the Owner has provided the City with a copy of the ESA reports, Reliance Letter and MECP RSC meeting Ontario Reg. 153/04 standards. A recommendation to this effect has been included in the Recommendation section of this report.

City of Vaughan Integrated Urban Water Master Plan (IUW MP) Class Environmental Assessment Study

The City has initiated a City-Wide Servicing Master Plan update (Integrated Urban Water Master Plan EA). 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 Weston Road and Highway 7 Secondary Plan and adjacent Highway 7 Intensification Corridor will be established through this on-going master plan update. The site lies within the study area boundary, therefore, site servicing shall conform to the conclusions and recommendations of the Integrated Urban Water Master Plan EA.

Environmental Services have no comments on the Application

The Environmental Services Department will provide detailed comments at the Site Plan stage. The following will be required when the Site Development application is submitted:

- All drawings must show a minimum 7.5 m vertical clearance throughout the loading area. Loading spaces must be 6.0 m wide.
- Townhouse waste disposal details are required
- A waste storage room for the retail uses must be provided
- A three-stream waste chute system must be shown

The Financial Planning and Development Finance Department have no comments on the Application

The Financial Planning and Development Finance Department ('FPDFD') have no comments on the Application. Comments will be provided by FPDFD at the Site Plan stage.

The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the approval of the Development

The PIPD Department has no objection to the Development subject to meeting cash-in-lieu of Parkland dedication requirements under the *Planning Act*, the VOP 2010 Section 7.3.3 – Parkland Dedication and By-law 139-90, as amended by By-law 205-2012, to be provided to the satisfaction of the Real Estate Department.

Cash-in-lieu of the Dedication of Parkland will be required

The Owner shall pay by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's cash-in-lieu Policy.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Application

At the Pre-Application Consultation meeting the TRCA advised that the Subject Lands are not located within TRCA's Regulated Area, therefore, any site alteration or development of the Subject Lands would not require a permit from the TRCA. The property is not located within the Well Head Protection Area for quantity control (WHAP-Q2) of the Source Protection Plan, therefore, there is no requirement for a water balance assessment.

The utility providers have no objection to the Application

The utility providers including Hydro One, Bell Canada, Rogers Communications Inc., Enbridge Gas Distribution and Alectra Utilities Corporation have no objection to the Development, subject to the Owner provide any easements for the Development at no cost to the utility provider, if required, at the Site Plan stage.

Canada Post has no objection to the Development, subject to conditions

Canada Post has no objection to the Development, subject to the Owner satisfying their requirements their requirements for mail delivery at the Site Plan stage

The School Board has no objection to the Development

The York Region District School Board does not require a public elementary school.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has advised that the application is a matter of local significance and has no comments.

Should the Application receive approval, the related Site Development Application will be circulated to York Region for further review and comment.

Conclusion

The Development Planning Department has reviewed the Zoning By-law Amendment File Z.21.028 in consideration of the applicable policies of the Provincial Policy Statement, 2020, The Growth Plan 2019, the YROP, Vaughan Official Plan 2010, the OLT Approved Centre Street Corridor Area Specific Policy, Zoning By-law -88, comments from the public, City Departments, and external public agencies, and the surrounding existing and planned land use context.

The proposed rezoning of the Subject Lands would facilitate future development that is consistent with the PPS and conforms to the Growth Plan, the York Region Official Plan and VOP 2010, specifically the OLT Approved Centre Street Corridor Area Specific Policy. Development Planning can support the approval of the Application, subject to the Recommendations in this report.

For more information, please contact: Carol Birch, Planner, extension 8485.

Attachments

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

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