

# Committee of the Whole (1) Report

---

**DATE:** Tuesday, December 6, 2022

**WARD:** 5

**TITLE:** 1529749 ONTARIO INC. (TORGAN GROUP) PHASE 1  
ZONING BY-LAW AMENDMENT FILE Z.20.019  
7700 BATHURST STREET  
VICINITY OF BATHURST STREET AND CENTRE STREET

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

---

**Purpose**

To seek endorsement from the Committee of the Whole for Zoning By-law Amendment File Z.20.019 for the Phase 1 subject lands shown on Attachment 1. The Owner proposes to permit a 30-storey mixed-use apartment building with commercial at-grade, and a 28-storey residential apartment building with a floor space index (FSI) of 5.38 times the area of the lot, a privately-owned public space and underground parking, as shown on Attachments 2 to 5.

**Report Highlights**

- The Owner proposes to amend Zoning By-law 1-88 to permit the development of a 30-storey mixed-use apartment building with commercial at-grade, a 28-storey residential apartment building, with a floor space index of 5.38 times the area of the lot, a privately-owned public space and underground parking.
- A Zoning By-Law Amendment is required to permit the development
- The Development Planning Department supports the approval of the Zoning By-law Amendment application as it is consistent with the Provincial Policy Statement, 2020, conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the York Region Official Plan 2010, the Vaughan Official Plan 2010 and the Council endorsed site-specific Official Plan Amendment and is compatible with the existing and planned land uses in the surrounding area

## **Recommendations**

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

1. THAT Zoning By-law Amendment File Z.20.019 (1529749 ONTARIO INC.) BE APPROVED, to amend Zoning By-Law 1-88 to rezone the Subject Lands shown on Attachment 1, from "C2 General Commercial Zone" to "RA3 Apartment Residential Zone" with a Holding Symbol ("H"), 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 Phase 1 of the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
  - a. The Owner shall successfully obtain approval of a Site Development Application, to the satisfaction of the City.
  - b. The Owner shall enter into a Development Agreement, or any other arrangements satisfactory to the City, to satisfy all conditions, financial or otherwise, of the City with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads, parks, walkways and municipal services, design and construction of external sanitary sewer, as well as land conveyance for the potential widening of North Promenade containing daylight triangles, 0.3m reserves, flarings, and any auxiliary turning lanes per applicable standards, landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the City.
  - c. In accordance with the City's Sewer Use By-law, the Owner shall obtain written authorization in the form of a private easement from the owner of the lands abutting to the south for the purposes of directing overland flow drainage and storm sewer discharge to the said adjacent lands and private sewers located thereon, all to the satisfaction of the City. The said private easement shall identified on a reference plan and registered on title.
  - d. The Owner shall enter into a cost sharing agreement to the satisfaction of the City with the benefitting landowners in the Promenade Centre Secondary Plan Area.
  - e. The Owner shall demonstrate that proper access to the Phase 1 subject lands is feasible and available to the satisfaction of the City.

- The Owner shall provide a title opinion from the solicitors of the owners of Promenade Circle confirming that existing easement registered on title permits the continued use of the easement for the high-rise mixed-use development including access, the creation of a new driveway and construction activities related to the development. If the existing easement is not sufficient the Owner shall obtain a new easement that permits such until such time that as appropriate segments on the Promenade Centre Secondary Plan transportation network are constructed and the development has access to full moves intersection to the satisfaction of the City.
- f. Water and sanitary servicing capacity shall be identified and allocated by Vaughan Council for the Development.
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. Eating establishments within the commercial area, cannot be greater than 20% of the commercial GFA;
  - d. The minimum driveway width shall be 7.5 m at the property line;
  - e. No shared-parking opportunity exists between the required number of residential visitor spaces and retail visitor spaces;
  - f. Parking shall be provided for any outdoor patios in accordance with the requirements of zoning by-law 1-88; and
  - g. The minimum parking space width shall be 2.6 m.
4. THAT should the Ontario Land Tribunal ('OLT') approve Zoning By-law Amendment File Z.20.019, 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
5. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands comes into effect, to permit minor adjustments to the implementing Zoning By-law, if required.

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.20.019.

## **Background**

The subject lands are located south of Centre Street, west of Bathurst Street, municipally known as 7700 Bathurst Street ('Subject Lands'). The Owner proposes to develop Phase 1 of the Subject Lands ('Phase 1'), as shown on Attachment 1. Phase 1 of the Subject Lands are currently developed with a one-storey commercial building with at-grade parking spaces. The remaining balance of the Subject Lands is referred to as future Phase 2 ('Phase 2') for the purposes of this report.

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

The Owner, on March 28, 2022, (File No. OLT-22-002276, pursuant to Section 34 (11) of the Planning appealed the Application to the OLT Act for Vaughan Council's failure to make a decision on the Application within 120 days of the City deeming the application Complete. A prehearing conference was held on September 6, 2022.

The Owner, on November 23, 2017, appealed related file Official Plan Amendment File OP.16.006 to the then Local Planning Appeal Tribunal (OLT File No. PL171353), now the OLT. Related Official Plan Amendment File OP.16.006 received Council endorsement on March 22, 2022, for Phase 1 of the Subject Lands as identified on Attachment 1 to permit a 28-storey mixed-use apartment building with commercial at grade, and a 30-storey mixed-used apartment building with a FSI of 5.5 times the area of the lot, a privately-owned public space and underground parking (the 'Development') as shown on Attachment 2.

The appealed Official Plan and Zoning By-law Amendment applications (OLT File Nos. OLT-22-002276 and PL171353) have been consolidated and scheduled for a two-week hearing commencing July 10, 2023.

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

1529749 Ontario Inc. (Torgan Group) (the 'Owner') submitted a Zoning By-law Amendment File Z.20.019 (the 'Application') for the Development as shown on Attachments 2 to 5, to rezone the Subject Lands from "C2 General Commercial Zone" as shown on Attachment 1 to "RA3(H) Apartment Residential Zone" with the Holding Symbol "(H)" in the manner shown on Attachment 2, and to permit the site-specific zoning exceptions identified in Table 1 of this report.

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

On September 11, 2020, the City circulated a Notice of Public Hearing (the 'Notice') relating to the Application to all property owners within 500 m of the Subject Lands, to

the Brownridge Ratepayer's Association, the Beverly Glen Ratepayer's Association, the Springfarm Ratepayer's Association, and to anyone on file with the Office of the City Clerk. A copy of the Notice was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and notice signs were installed on the Subject Lands (Centre Street, North Promenade and Promenade Circle) in accordance with the City's Notice Signs Procedures and Protocols.

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

#### Written Submissions:

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

#### Deputations:

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

The following is a summary of the comments provided in the deputations and written submissions at the Public Hearing of October 6, 2020, and written submissions received by the Development Planning Department:

#### Height, Density, Built Form and Building Design

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

#### Pedestrian Walkability

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

### Road Network and Traffic

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

### Promenade Secondary Plan

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

### Parks and Amenity Space

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

### Servicing

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

### Construction Disturbances

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

A courtesy notice of this Committee of the Whole meeting was sent to interested parties, although this Application is before the Ontario Land Tribunal.

### **Previous Reports/Authority**

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

[March 1, 2022, Committee of the Whole \(1\) \(Report No. 9, Item 3\)](#)

### **Analysis and Options**

#### ***The Application is consistent with the Provincial Policy Statement, 2020***

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

The PPS policies state in part:

- a) Section 1.1, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, requires “*development to accommodate an appropriate range of residential, employment, institutional, recreation, park and*

*open space, and other uses to meet long term needs and promotes cost effective development patterns and standards to minimize land consumption and servicing costs.”*

- b) Section 1.1.3, Settlement Areas, *“shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”*
- c) Section 1.4.3, Housing, *“shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by (in part):*
  - c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
  - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
  - f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*

The Development is consistent with the policies of the PPS identified above. The Development shown on Attachments 2 and 5 is for 28 and 30-storey buildings with residential and commercial uses. The Subject Lands are located within a settlement area and the Development would add to the range and mix of housing types in the community, and efficiently utilize the Subject Lands. The Development is proposed in an area where appropriate levels of infrastructure and public service facilities exist, are under construction, or are planned. The proposed density more efficiently uses the Subject Lands, resources, infrastructure and public service facilities in a compact development form. On this basis, the Development is consistent with the PPS.

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

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

- a) ***“1.2.1 Guiding Principles (in part)***
  - o *Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.*

- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.”*

b) *“2.2 Policies for Where and How to Grow (in part)*

*2.2.1.4 Managing Growth*

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

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

*2.2.2 Delineated Built-up Areas*

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

*2.2.6 Housing*

- 1. *Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
  - a) *Support housing choice through the achievement of the minimum intensification and density targets in the Plan, as well as the other policies of the Plan by:*
    - i. *Identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and*



- ii. *Establishing targets for affordable ownership housing and rental housing.”*
- 2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
  - c) *Considering a range and mix of housing options and densities of the existing housing stock;*
  - d) *Planning to diversify their overall housing stock across the municipality;*
- c) *“3.2.3 Moving People (in part)*
  - 1 *Public transit will be the first priority for transportation infrastructure planning and major transportation investments.*
  - 2. *All decisions on transit planning and investment will be made according to the following criteria:*
    - a) *aligning with, and supporting, the priorities identified in Schedule 5 - Moving People - Transit;*
    - b) *prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels; and*
    - c) *increasing the capacity of the existing transit system to support strategic growth areas.”*

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

To optimize public investments in higher order transit, the Growth Plan identifies priority transit corridors with the expectation that municipalities complete detailed planning for MTSAs on these corridors to support planned service levels. The Disera Road and

Promenade area has been identified as a MTSA with a planned Bus Rapid Transit Station area in the York Region Official Plan 2022. The VIVA Next Regional Road 7 Corridor is a rapid bus transit corridor which is currently operational in the Bathurst Street and Centre Street area and connects east into Richmond Hill. This east-west high order transit corridor has two (2) bus stops (Dufferin Street and Taiga Drive) along Centre Street and one bus stop along Bathurst Street (Promenade Shopping Centre and Disera Drive). It connects to the broader YRT system and to the existing subway in the VMC, as well as the planned Yonge Street subway extension, which would serve the future residents of this Development.

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

***The Application conforms to the York Region Official Plan 2010***

The York Region Official Plan 2022 was approved by the Province on November 4, 2022. Policy 7.4.13 in York Region Official Plan 2022 states that development applications which have been deemed complete prior to the date of the Plan's approval shall be subject to the policies of the York Region Official Plan 2010. The Application was deemed complete on August 7, 2020, therefore the Application is subject to the policies of York Region Official Plan 2010.

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 - Regional Structure by the YROP which permits a range of residential, industrial, commercial, and institutional uses.

Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region". Section 5.3 of the YROP encourages intensification within built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use.

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

It is noted that the York Region Official Plan 2022 includes the Subject Lands within the 57 Disera-Promenade BRT Station MTSA and has an overall planned target density of 200 persons and jobs per hectare. The Development will accommodate approximately 1,292 persons (@ 1.9 people/unit), in addition to approximately 30 retail and commercial jobs (@ 40m<sup>2</sup> per employee), which will exceed the minimum target of 200 residents and jobs per hectare (total site area for Phase 1 is 0.94 ha).

Since the Owner has appealed the Official Plan Amendment Application to the OLT, York Region is not the approval authority. York Region has advised that the Application conforms to the YROP, however, they reserve the right to provide further detailed technical comments and conditions at the time of the future Site Development Application.

***The Development conforms with Vaughan Official Plan 2010***

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

VOP 2010 provides that Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use, high and mid-rise buildings, developed at an intensity supportive of transit. These areas are identified in VOP 2010 as Intensification Areas, which are the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities.

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

The Owner submitted an Official Plan Amendment application (File OP.16.006) on April 1, 2016, to amend VOP 2010 for the entirety of the Subject Lands to establish a maximum height and density. The Owner appealed File OP.16.006 on November 23, 2017 to the then Local Planning Appeal Tribunal ('LPAT') (File No. 171353), now the OLT. The LPAT, on April 28, 2020, issued an Order to allow a Phase 1 of the Subject Lands to proceed in advance of the Promenade Secondary Plan. Therefore, File OP.16.006 was amended to include the Development on Phase 1 of the Subject Lands only.

A site-specific Official Plan Amendment was endorsed by Council on March 22, 2022, which established heights of 28 and 30-storeys, a maximum density of 5.5 FSI and up to 750 units on Phase 1 Subject Lands. The Official Plan Amendment Appeal (PL171353) has been consolidated with the Zoning By-law Amendment Appeal (OLT-22-002276) and will be heard together.

The Development will add to the range and mix of housing options, support transit, include additional commercial uses onto the Subject Lands, provide an attractive pedestrian friendly built form by locating active uses at grade and achieve an appropriate transition of intensity to uses in the surrounding community. The Phase 1 Subject Lands are separated from existing low-rise residential uses by public and private roads, and existing high density residential, and by commercial uses. The

Development conforms with VOP 2010 and the Council adopted site-specific Official Plan Amendment and is compatible and consistent with the surrounding land uses.

***The Development aligns with the land use policies in the Council adopted Promenade Centre Secondary Plan***

The Promenade Centre Secondary Plan ('PCSP') was adopted by Council on June 28, 2022. The Subject Lands are designated "High-Rise Mixed-Use" and permit a maximum building height of 35-storeys and a maximum FSI of 6.0 times the area of the lot. The Development aligns with the PCSP land use policies for the Subject Lands as adopted by Council.

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

The Subject Lands are zoned "C2 General Commercial Zone," subject to site-specific Exception 9(480) by Zoning By-law 1-88. The C2 Zone does not permit the Development. The Owner proposes to amend Zoning By-law 1-88, to rezone the Subject Lands to "RA3 Apartment Residential Zone" together with the following site-specific zoning exceptions to Zoning By-law 1-88 to permit the Development as shown on Attachments 2 to 5:

Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone</b>
a.	Permitted Uses	<ul style="list-style-type: none"> <li>• Apartment Dwelling</li> <li>• Day Nursery</li> </ul>	Permit the following additional uses: <ul style="list-style-type: none"> <li>• Banking or Financial Institution</li> <li>• Brewers Retail Outlet</li> <li>• Business or Professional Office</li> <li>• Car Pool Space</li> <li>• Club or Health Centre</li> <li>• Commercial Parking Lot</li> <li>• Community Centre</li> <li>• Day Nursery</li> <li>• Eating Establishment*</li> <li>• Eating Establishment, Convenience*</li> <li>• Eating Establishment, Take-Out*</li> </ul> <p><i>*(all Eating Establishment Uses shall be limited to a maximum of 20% of the total commercial GFA)</i></p> <ul style="list-style-type: none"> <li>• Hotel</li> </ul>

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone</b>
			<ul style="list-style-type: none"> <li>• Independent Living Facility</li> <li>• LCBO Outlet</li> <li>• Long Term Care Facility</li> <li>• Office Building</li> <li>• Personal Service Shop</li> <li>• Pet Groom Establishment</li> <li>• Pharmacy</li> <li>• Photography Studio</li> <li>• Place of Entertainment</li> <li>• Place of Worship</li> <li>• Public, Technical or Private School</li> <li>• Public Library</li> <li>• Recreational</li> <li>• Restaurant</li> <li>• Restaurant, Take out</li> <li>• Retail Store</li> <li>• Service or Report Shop</li> <li>• Supermarket</li> <li>• Underground Parking Structure</li> <li>• Veterinary Clinic</li> <li>• Video Store</li> </ul>
b.	Definition of Parking Garage	Means a structure used for the parking of motor vehicles, including pedestrian aisles, lanes for the movement of vehicles and a way of access to and from a public highway.	Means a structure used for the parking of motor vehicles, including pedestrian aisles, lanes for the movement of vehicles and a way of access to and from a public highway. A Parking Garage shall be used for residential (resident and visitor) and commercial uses, and shall provide the ability to charge for visitor parking hourly, weekly, and monthly periods in a commercial parking lot, garage or area
c.	Definition of Commercial Parking Lot	No definition	Means a building, part of a building or area of land other than a street or lane, used for the temporary parking of motor vehicles but shall not include the

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
			storing of impounded or damaged motor vehicles or a salvage yard. A commercial parking lot shall include ten (10) or more parking spaces along with parking aisles and with principle access to a street.
d.	Definition of Car Pool Space	No definition	Means a designated parking space reserved for use by persons commuting or travelling together
e.	Definition of Front Lot Line	Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle the centre point of the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines. Where both lot lines are of equal length or where the lot abuts more than two (2) street lines, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot. A reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph	Means the front lot line is deemed to be Promenade Circle (southerly lot line)
f.	Minimum Lot Area	67 m <sup>2</sup> / unit	13.86 m <sup>2</sup> / unit
g.	Minimum Rear Yard Setback (Centre Street)	7.5 m	5.6 m (Building 1) 5.3 m (Building 2)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
h.	Minimum Interior Yard Setback (Phase 2 Boundary)	46.95 m	13.2 m An exit stair leading to the underground garage is permitted within the required interior yard setback
i.	Minimum Exterior Yard Setback (North Promenade)	7.5 m	3.5 m
j.	Minimum Setback to Underground Parking Garage	1.8 m	1.05 m
k.	Maximum Building Height	44 m	103 m (Building 1) 94.5 m (Building 2)
l.	Minimum Amenity Area	427 One Bedroom Units @ 20 m <sup>2</sup> /unit = 8,540 m <sup>2</sup>  224 Two Bedroom Units @ 55 m <sup>2</sup> /unit = 12,320 m <sup>2</sup>  28 Three Bedroom Units @ 90 m <sup>2</sup> /unit = 2,520 m <sup>2</sup>  Total required amenity area = 23,380 m <sup>2</sup>	Total provided amenity area = 5,709 m <sup>2</sup>
m.	Minimum Parking	<u>Residential</u> 679 units @ 1.5 spaces/unit = 1,019 spaces  <u>Visitor</u> 679 units @ 0.25 spaces/unit = 170 spaces	<u>Residential</u> 679 units @ 0.8 spaces/unit = 543 spaces <i>*The parking ratio shall be revised to 0.7 spaces/unit x 679 units = 476 spaces</i>  <u>Visitor</u> 679 units @ 0.1 spaces/unit = 68 spaces <i>*The parking ratio shall be revised to 0.2 spaces/unit x 679 units = 136 spaces</i>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
		<p><u>Retail</u> 1,222 m<sup>2</sup> @ 6 spaces / 100m<sup>2</sup> of GFA = 73 spaces</p> <p>Parking Required = 1262 spaces</p>	<p><u>Retail</u> 1,222 m<sup>2</sup> @ 2 spaces / 100m<sup>2</sup> of GFA = 25 spaces</p> <p>Outdoor Patios shall have no required parking <i>*The parking ratio shall be revised to comply with the rate of eating establishments</i></p> <p>Visitor Parking Spaces will be shared between all buildings and structures in Phase 1 <i>*Visitor Parking Spaces at will not be shared between all buildings and structures in Phase 1</i></p> <p>Parking Provided = 635 spaces <i>*The total number of required spaces shall be revised to 637 spaces</i></p>
n.	Minimum Landscaping Strip	6.0 m	0 m (Centre Street) 1.2 m (North Promenade) 4.6 (Promenade Circle) 0 m (Phase 2 Boundary)
o.	Minimum Parking Space Length and width	6.0 m (length) 3.0 m (width)	5.7 m (length) 2.6 m (width) <i>*The minimum parking space width is recommended by the City</i>
p.	Minimum Driveway Width	7.5 m	6.0 m <i>*The minimum driveway width shall be 7.5 m at the property line</i>
q.	Maximum Canopy Encroachment within a required yard	0.5 m	2.3 m (Rear Yard of Building 1)



	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone</b>
r.	Outdoor Patios	<p>Shall be permitted as an accessory use to an eating establishment, convenience eating establishment, or eating establishment with drive through</p> <p>Shall not be permitted in any yard located between the building containing the main eating establishment and any Residential Zone</p> <p>musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for outdoor patio use</p>	<p>Shall be permitted as an accessory use to an eating establishment, convenience eating establishment, restaurant, take out eating establishment or take-out restaurant</p> <p>Shall be permitted in any yard</p> <p>musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall be permitted in areas designated for outdoor patio use</p> <p>Shall be permitted in accordance with an approved site plan application</p>

The Owner shall Amend Parking Ratio Calculations

The follow parking exceptions are proposed by the Owner:

- 0.8 spaces/ unit for residential
- 0.1 spaces/unit for visitor

The Development Engineering Department does not support the Owner’s proposed parking ratios or driveway width. The Development Planning Department requests that the proposed parking ratios and driveway width be amended to a minimum of:

- 0.7 spaces/ unit for residential or less
- 0.2 spaces/ unit for visitor
- 7.5 m for driveway width at the property line

The following provisions are also proposed by the Development Engineering Department in order to accommodate the proposed parking rates:

- Eating Establishments are limited to a maximum 20% of the total retail GFA
- The number of required visitor parking spaces will not be shared between number of required retail of Phase 1
- Outdoor patios will require parking in accordance with the eating establishment rate established in Zoning By-law 1-88

The DE Department has no objection regarding the proposed typical parking space dimensions and further recommends that the parking space width be reduced to a minimum of 2.6 m, as opposed to 3.0 m required by Zoning By-law 1-88, to allow greater flexibility for the Owner to configure the underground parking garage.

Recommendations to this effect are included in the Recommendation Section of this report and are discussed further in the Development Engineering Section of this Report.

The Development Planning Departments recommends the removal of Restaurant and Restaurant Take Out uses as they are already adequately captured under the Eating Establishment definitions.

In consideration of the above, the Development Planning Departments supports the proposed zoning standards identified in Table 1 with the addition of a Holding Symbol (“H”) and the Recommendations of this report. The proposed zoning exceptions would facilitate a development that is consistent with the policies of the PPS and conforms to the Growth Plan and York Region Official Plan. The site-specific development standards will enable a compact built form and pedestrian realm relationship that is supported in an intensification area with access to transit.

The introduction of additional permitted uses on the Subject Lands increase the range of uses on the Subject Lands in order to achieve a successful mixed-use Development. The proposed uses are consistent with surrounding mixed-use developments and some uses are currently permitted within the “C2 General Commercial Zone”, site-specific Exception 9(480). The proposed uses are considered compatible with existing development and will provide for marketing flexibility.

***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 the OLT approve Zoning By-law Amendment File Z.20.019, 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.

***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. A notice of the passing of Zoning By-law 001-2021 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. 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 Vaughan Design Review Panel Supports the Development***

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

1<sup>st</sup> DRP – August 25, 2016

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

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

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

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

## 2<sup>nd</sup> DRP – February 25, 2021

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

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

- The Development be mindful of the location and character of the north south road to the east of Phase 1, to determine the arrangement of the built form and open space, and the overall orientation of the project.
- The Development be cognizant that the vehicular organization of the overall masterplan may fundamentally change when the opportunity in the north-south connection is considered through the site. The panel noted that by integrating the north-south road into the design may create continuity of open spaces, and a stronger relationship between the Privately Owned Public Space, by hosting some of the services and parking.
- The programming of the open space be revised to create an active park to serve the residents better. Considering that the north-south road at the east will be cutting through the park, attention to the streetscape design is necessary to create continuity between the future western portion of the park and the proposed, through visual cues and materiality.
- The treatment of the surface parking should be more urban, either as lay-by or moved below grade to allow for greater surface area to be dedicated to active uses.
- The transparency of the ground level façade should be enhanced to ensure comfortable and safe pedestrian connectivity along the active frontages, especially where the change in grade is negotiated between the street and the Privately Owned Public Space.

The Development Planning Department is satisfied that the Owner has addressed the comments of the DRP. The Owner continues to work closely with staff to further improve the Development through a future Site Development Application.

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

Should the Application be approved, a future Site Development Application will be required. The Site Development Application will be reviewed in consideration of, but not limited to:

- appropriate building design and materials.
- site design, massing, scale, height and building/unit orientation and upgraded flankage building elevation designs, bird friendly design.
- interface with the existing and planned surrounding development.

- the provision of appropriate on-site amenity and landscape areas.
- pedestrian and barrier free accessibility and on-site vehicular access and circulation.
- environmental sustainability.
- servicing, grading, stormwater management.
- appropriate provisions for waste management and snow storage areas.
- shade conditions created by the Development on the immediate surrounding area.

The Owner will also be required to submit a future Draft Plan of Condominium to establish the condominium tenure should the Application.

***The Development Planning Department has no objection to the Application***  
Conceptual Site Plan

The proposed conceptual site plan is shown on Attachment 2. The Development consists of a 30-storey mixed-use apartment building with commercial at-grade, and a 28-storey residential apartment building. Pedestrian connections are proposed throughout the Subject Lands via internal walkways to encourage pedestrian activity through the Development and into the Privately Owned Public Space ('POPS') and further into the surrounding active transportation network in the Promenade area. The two buildings are shown to have a total of 679 residential units ranging in a variety of sizes (427 one-bedrooms, 224 two-bedrooms and 28 three-bedrooms). The proposed parking spaces will be distributed at grade and over three levels of underground parking.

Parking and Access

635 parking spaces for residents and visitors are proposed both at-grade and three levels of underground parking. It is noted that the total number of parking should be increased to a minimum of 637 to support the Development Engineering Department parking rates shown in Table 1. Under the interim condition, Phase 1 of the Subject Lands is proposed to have primary access through Promenade Circle.

In the ultimate condition, primary access to the Subject Lands will be provided in accordance with the Council approved PCSP. Further comments on the proposed interim and ultimate access and parking are provided in the Development Engineering Section of this Report.

Amenity Areas

The Development will include outdoor amenity on the ground floor and on the 7<sup>th</sup> floor of each building and balconies for each residential unit totaling 4,250 m<sup>2</sup> of outdoor amenity area. The Development will include indoor amenity on the ground floor and on the 7<sup>th</sup> floor of each building totaling 1,459 m<sup>2</sup> of indoor amenity area.

Conceptual Landscape Plan

The proposed conceptual landscape plan is shown on Attachment 3. The Development Planning Department has reviewed the landscape plan and are generally satisfied,

subject to the required landscape details being provided and additional review through the future Site Development Application.

#### Conceptual Building Elevations

The proposed building elevations are shown on Attachments 4 and 5. Additional elevation details shall be provided and reviewed through the future Site Development Application.

#### ***The Development Engineering Department supports the Development subject to the conditions and Recommendations in this report***

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

#### Vehicular and Bicycle Parking and Driveway

In order to serve the transportation needs of the Development, 635 vehicle parking spaces distributed at-grade and over 3 levels of underground parking are proposed, as well as 695 bicycle parking spaces (consisting of 614 long-term and 81 short-term bicycle spaces) and two loading spaces.

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.

The DE Department can support the minimum parking rates as follows:

- 0.7 spaces/ unit for residential
- 0.2 spaces/unit for visitor

The above rates and the rates in Table 1 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 Travel Demand Management measures must be provided to the satisfaction of the City of Vaughan Transportation Engineering.
3. No shared-parking opportunity exists between the required number of residential visitors and retail visitors.
4. Parking is provided for any outdoor patios in accordance with the requirements of zoning by-law 1-88.

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 total number of parking should be increased to a minimum of 637 to support the Transportation Engineering Department parking rates shown in Table 1.

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. The DE Department has no objection regarding the proposed typical parking space dimensions and further recommends that the parking space width be reduced to a minimum of 2.6 m, as opposed to 3.0 m required by Zoning By-law 1-88, to allow greater flexibility for the Owner to configure the underground parking garage.

The site access driveway width is currently shown to be 6.0 m whereas the minimum required driveway width in Zoning By-Law 1-88 is 7.5 m. The DE Department advises that the design criteria supports a width of 7.5 m at the property line. Consideration of a driveway width of less than 7.5 m would require review of vehicle maneuvering diagrams to ensure that curb radii are wide enough to prevent any conflicts at the driveway. Vehicle maneuvering diagrams have not been provided to date, therefore the DE Department does not support a reduced driveway width of 6.0 m at this time.

At the time of the future Site Development Application, the Owner will be required to demonstrate that the existing commercial plaza on the remainder of the Subject Lands, not including Phase 1, has sufficient parking spaces. Should a parking deficiency be identified, the Owner will be required to successfully obtain approval of a Minor Variance Application for the lower parking requirements from the Vaughan Committee of Adjustment, and the Committee's decision shall be final and binding, and the Owner shall satisfy all conditions of approval imposed by the Committee.

#### Access and Road Network (Interim Condition)

The Subject Lands are surrounded by Centre Street to the north, and existing private roads to the south and west that are Promenade Circle and North Promenade respectively. Under the interim condition, the Development will have primary access through Promenade Circle which is a private street currently owned by the adjacent property owner to the south. The Subject Lands currently have an access easement to Promenade Circle for the existing commercial Development. The Owner will be required to provide a title opinion from the Owners of Promenade Circle to confirm the existing easement allows for access, a new driveway and construction activities to Promenade Circle for the proposed mixed-use Development. If the current easement is not sufficient, a new easement shall be established through a Consent Application, to be submitted by the Owner and approved by the Committee of Adjustment, and the decision shall be final and binding. The easement shall be in place until appropriate segments on the Promenade Centre Secondary Plan transportation network are constructed, and the Development has access to full moves intersection (discussed further in next section below).

A Holding Symbol ('H') condition to this effect shall be applied to the implementing zoning by-law for the Subject Lands, as identified in the Recommendation section of this report.

#### Access and Road Network (Ultimate Condition)

Ultimate access to Phase 1 will be in accordance with the Promenade Centre Secondary Plan which identifies a North-South Public Local Road immediately east of the Phase 1 Subject Lands, as shown on Attachment 2. The conceptual site plan has been oriented to accommodate access via a future North-South Public Local Road in the ultimate condition directly east of Phase 1 (identified as NS-3 in the PCSP). In order for the ultimate condition to function, NS-3 will need to be constructed between Centre Street and EW-1 and a full moves intersection will need to be installed (either at NS-2 and Centre Street or at EW-1 and Bathurst Street) as shown on Attachment 6.

### Council Adopted Promenade Centre Secondary Plan ('PCSP') Considerations – Transportation Network

#### *North Promenade Right-of-Way*

The Phase 1 Subject Lands abut North Promenade on the western boundary. North Promenade is currently privately-owned, however the Council adopted PCSP identifies North Promenade as a Collector Street (identified as NS-2 in the PCSP) as shown on Attachment 6.

Policy 11.7.7 of the Council adopted PCSP states:

*“Consistent with policy 5.2 b. ii the extent of right-of-way requirements on the approach to and at intersections beyond the minimums set out in the policy 5.2 b iii shall be identified by a Transportation Impact Assessment. Functional design drawings shall be submitted in association with a development application process that addresses the need for additional intersection related features such as turning lanes, transit facilities, cycling facilities, traffic signals, street lighting and medians”*

Given the above policies in the Council Adopted PCSP, the segment of North Promenade abutting the Phase 1 Subject Lands may require a widening to accommodate additional intersection related features. The Owner will be required to provide functional drawings and an updated Transportation Impact Study to address this matter at the time of the future Site Development Application. Further comment regarding North Promenade including the requirement for any land conveyances will be provided during the Site Development Application.

#### *Shared Use Pathway*

The Council adopted PCSP identifies a shared use pathway on the southern edge of the Phase 1 Subject Lands. The shared use pathway network will be formed by public and publicly accessible private segments to provide additional connectivity within the Promenade Area. In accordance with policy 5.2 b.iii of the Council adopted PCSP, share use pathways shall have minimum right-of-way- widths of 7.5 to 10.m. The conceptual site plan shown on Attachment 2 provides for adequate space to accommodate a future shared use path. Further comment regarding the shared use path and its implementation, including any the requirement of any public access easements, will be provided at the time of the future Site Development Application.



### *North South-Road East of Phase 1 Subject Lands*

The Council adopted PCSP identifies a new North-South Public Local Road directly east of the Phase 1 boundary (identified as NS-3 in the PCSP) as shown on Attachment 6. The eastern boundary of the Phase 1 Subject Lands will establish the western limit of the North-South Public Local Road, which will be implemented during the future Development of the Phase 2 lands. The conceptual site plan has been oriented to accommodate access via the future North-South Public Local Road to the east of Phase 1, which will from the primary access to the Development in the ultimate condition.

### Traffic Impacts and Travel Demand Management ('TDM')

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

It is also noted that the current TIS, dated September 21, 2021, analyzes the Development based off an interim access from Promenade Circle. As mentioned above, the Owner will be required to demonstrate that proper access to the Phase 1 Subject Lands is feasible and available. A Holding Symbol ('H') condition to this effect is included in the Recommendation section of this report.

TDM measures are proposed for the Subject Lands in order to further reduce the auto mode of transportation. The proposed TDM measures are generally acceptable. However, there are still outstanding comments that are required to be addressed at the time of the future Site Development Application to ensure effectiveness of TDM measures.

### Transit and Active Transportation Networks

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

### Water Supply

The Subject Lands are located within the City of Vaughan Pressure District 6 (PD6). There are municipal watermains adjacent to the site on Bathurst Street and Centre Street. The Owner proposes to connect to the existing 300 mm municipal watermain on Centre Street to service the development. A water supply modeling analysis has been completed to demonstrate there are adequate flows and pressure to service the Development.

### Sanitary Servicing

The proposed sanitary servicing for the Development will be through a new 450 mm diameter sanitary sewer constructed along Centre Street. The new sanitary sewer is proposed to flow east along Centre and will connect to an existing 600 mm diameter sanitary sewer located at Centre Street and Atkinson Avenue, which discharges into an existing 675 mm sanitary sewer on Brooke Street. The Owner submitted a Sanitary Sewer Servicing Analysis dated January 16, 2022, prepared by Civica Water Management Solutions in support of the proposed sanitary servicing solution.

The Sanitary Sewer Analysis states that there would be no existing capacity constrain within the received sanitary system in anticipation of the additional flow proposed from the Development. The DE Department has no objection to the proposed sanitary servicing solution, subject to the Owner providing a further planning and detailed design report in support of the external sanitary servicing during the future Site Development Application. The detailed sanitary servicing report shall also address Phase 2 of the Subject Lands, all active development applications in adjacent areas and the ultimate build-out of the PCSP.

### Storm Servicing

The proposed storm servicing of the Development will be connected to an existing 450 mm private storm sewer on Promenade Circle currently owned by the adjacent property owner to the south. The Owner will be required to obtain a private easement to accommodate the proposed storm connection and emergency overland drainage and may require Environmental Compliance Approval if applicable. The easement shall be established through a Consent Application, to be submitted by the Owner and approved by the Committee of Adjustment, and the decision shall be final and binding. A Holding Symbol ('H') condition to this effect shall be applied to the implementing zoning by-law for the Subject Lands, as identified in the Recommendation section of this report.

It is noted that the Subject Lands shall conform to the City-Wide Storm Water Management Master Plan (2014) for the Promenade Mall re-development area which includes:

- minimum quantity storage requirement (for a 100-year design storm event) shall be 255 m<sup>3</sup> per hectare of re-development; and
- maximum unit release rate shall be 163L/s per hectare of re-development.

### Servicing Allocation

The Owner shall be required to obtain allocation for servicing capacity through the subsequent Site Development Application. A Holding Symbol ('H') condition to this effect shall be applied to the implementing zoning by-law for the Subject Lands, as identified in the Recommendation section of this report.

### Environmental Noise Feasibility Assessment

The Owner submitted an Environmental Noise Review prepared by SLR Consulting (Canada) Ltd. dated September 21, 2021 and a Noise Study prepared by Novus

Environmental Inc. (SLR-Novus) dated May 21, 2020. The Development Engineering Department has no further comment on the noise evaluation at this time.

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

#### Environmental Site Assessment

The Owner submitted Phase One and Two Environmental Site Assessment (ESA) reports. The Owner is required to submit a letter of reliance for the Phase One and Two ESAs in conformance with the City of Vaughan template provided prior to the execution of the future Site Plan Agreement.

A Record of Site Condition (RSC), under Ontario Regulation 153/04, is required to be filed with the Ministry of the Environment, Conservation and Parks (MECP) for the proposed change in land use to a more sensitive land use of residential. A copy of the RSC filed on the MECP's Environmental Site Registry, including any recent or updated environmental site assessment reports with reliance from the environmental consultant, is required prior to the execution of the future Site Plan Agreement.

#### Cost Sharing

The DE Department requires cost-sharing agreement(s) among landowners benefiting from new municipal infrastructure within the Promenade Centre Secondary Plan areas. The cost-sharing agreement(s) shall facilitate equitable financial contribution towards planning, design and construction of new municipal infrastructure including but not limited to roads, cycling/shared path facilities, water, storm, sanitary sewers, public parks, and urban design.

Major participating landowners shall engage in an open dialogue on cost-sharing agreement(s); establish guiding principles and calculation formula for cost sharing new municipal infrastructure to support growth and development in the Promenade Centre Secondary Plan . A Holding Symbol ('H') condition to this effect shall be applied to the implementing zoning by-law for the Subject Lands, as identified in the Recommendation section of this report.

#### Integrated Urban Water Master Plan (IUW-MP)

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

and/or improvements shall conform to the conclusions and recommendations of the City's ongoing Integrated Urban Water Master Plan and associated FSSR.

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

Severance of Phase 1 Lands from the remaining Subject Lands

The Owner has expressed that they intend to submit a Consent application to the City of Vaughan Committee of Adjustment to sever Phase 1 from the remainder of the Subject Lands. Should a Consent application be submitted, several Development Engineering matters will need to be reviewed, including but not limited to, functionality from a site access and servicing perspective. Further comments and requirements will be provided from the DE Department at the time the Consent Application is submitted.

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

The Parks Infrastructure Planning and Development Department ('PIPDD') has no objections to the approval of the Application with the understanding that a parkland dedication agreement for Phase 1 of the Subject Lands is to be executed prior to execution of the Site Plan Agreement to the satisfaction of the City, should the Application be approved.

The Development Concept for Phase 1 currently includes a proposed 1478 m<sup>2</sup> POPS located at the southeast corner of the Subject Lands and a 736 m<sup>2</sup> POPS in between Building 1 and Building 2. However, the size of the proposed 1478 m<sup>2</sup> ha POPS does not meet the minimum requirement for public parkland and is not consistent with the criteria of a Public Square in VOP 2010, including minimum sizing and adequate public road frontage. Accordingly, the Owner and PIPDD staff have discussed and agreed that an agreement for Phase 1 parkland dedication will be required to be executed prior to Site Plan approval. The agreement will secure the minimum amount of parkland dedication associated with the future development phase(s), measuring approximately 0.56 ha in size, with the final size, configuration and location of parkland to be determined through the Secondary Plan process and/or the Parkland Agreement. The agreement will also determine a parkland credit, determine the provisions for payment-in-lieu of parkland dedication for the balance of Phase 1, timing of parkland conveyance, consideration of strata parkland, and park development costs.

***Cultural Heritage has no objection to the Application***

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

### ***The School Boards have no objection to the to the Application***

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

### ***Canada Post has no objection to the Applications, subject to the Owner providing a centralized mail receiving facility***

Canada Post has no objection to the Applications, subject to the Owner providing the building with its own centralized mail receiving facility. Conditions capturing Canada Post's requirements will be included in the future Site Plan Agreement.

### **Financial Impact**

There are no financial impacts associated with this report.

### **Broader Regional Impacts/Considerations**

The York Region Community Planning and Development Services Department has advised that technical comments on the Transportation Impact Study ('TIS') shall be fully addressed through the submission of future Site Development Application, including, but not limited to:

- The submitted TIS shall assess the cumulative impacts on the PCSP Area.
- In order to assess the impacts of the proposed Development, the population and employment targets for the PCSP Intensification shall also be taken into consideration.

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

York Region has advised that they reserve the right to provide further detailed technical comments and conditions at the future Site Development Application stage.

### **Conclusion**

Zoning By-law Amendment File Z.20.019 has been reviewed in consideration of the policies of the PPS, Growth Plan, the YROP 2010, VOP 2010, comments from City Departments, external public agencies, and the area context. The Development Planning Department is satisfied that the proposed Development is consistent with the

Provincial Policy Statement, conforms with the Growth Plan, the YROP, VOP 2010, the Council endorsed site-specific Official Plan Amendment and is appropriate for the development of the Subject Lands. The proposed mixed-use development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can support approval of the Application, subject to the Recommendations in this report.

**For more information**, please contact: Daniela DeGasperis, Planner, at 905-832-8585 ext. 8382.

## **Attachments**

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations – North and South
5. Building Elevations – West and East
6. Council Adopted Promenade Centre Secondary Plan – Multi-Modal Street Network

## **Prepared by**

Daniela DeGasperis, Planner, Development Planning, ext. 8382

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

Nancy Tuckett, Director of Development Planning, ext. 8529

## **Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

## **Reviewed by**



Nick Spensieri, City Manager