

# Committee of the Whole (1) Report

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**DATE:** Tuesday, January 17, 2023

**WARD(S):** 3

**TITLE:** NJS DEVELOPMENTS INC.

**OFFICIAL PLAN AMENDMENT FILE OP.21.023**

**ZONING BY-LAW AMENDMENT FILE Z.21.047**

**3836 AND 3850 MAJOR MACKENZIE DRIVE WEST**

**VICINITY OF MAJOR MACKENZIE DRIVE WEST AND WESTON ROAD**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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## **Purpose**

To seek endorsement from the Committee of the Whole for Official Plan Amendment File OP.21.023 and Zoning By-law Amendment File Z.21.047, which have been appealed to the Ontario Land Tribunal ('OLT'), to permit a modified proposal consisting of a 4-storey residential apartment building and a 4 to 12-storey residential apartment building with a total Floor Space Index ('FSI') of approximately 3.12 times the area of the lot, as shown on Attachment 6, for the subject lands shown on Attachment 1.

## **Report Highlights**

- The Owner proposes amendments to the Official Plan and Zoning By-law to permit the development of a tiered 2 to 12-storey residential apartment building with a total of 367 residential dwelling units and a FSI of 3.21 times the area of the lot.
- On June 7, 2022, the Owner appealed the applications to the OLT.
- The Development Planning Department supports the approval of the modified development 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, maintains the intent of Vaughan Official Plan 2010, and is considered appropriate and compatible with existing and planned land uses in the surrounding area.

## **Recommendations**

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

1. THAT Official Plan Amendment File OP.21.023 ('NJS Developments Inc.') BE APPROVED to amend the Vaughan Official Plan 2010 to redesignate the subject lands from "Low-Rise Residential" and "Low-Rise Mixed Use" with a maximum building height of 4 storeys and a Floor Space Index ('FSI') of 1.5 times the area of the lot to "Mid-Rise Residential" with a maximum building height of 12 storeys, SUBJECT TO THE FOLLOWING MODIFICATIONS as shown on Attachment 6, to the satisfaction of the Development Planning Department, as follows:
  - a. THAT the portion of the building fronting onto Sandwell Street, shall be revised from a 2, 4, 5 and 6 storey terraced building design as shown on Attachment 2, to be a stand-alone residential apartment building ('Building A') with a maximum height of 4 storeys as shown on Attachment 6;
  - b. THAT the 9-storey component of the building proposed over the vehicular access to the site via Sunset Terrace shall be removed to create a physical break between the building to create 2 stand-alone residential apartment buildings (Buildings A and B), as identified on Attachment 6;
  - c. THAT Building B as shown on Attachment 6 shall be revised to include a tiered building design with stepbacks at 4, 6 10 and 12 storeys;
  - d. THAT alternative loading designs that eliminate the need for the Sandwell Street access shall be explored as identified on Attachment 6;
2. THAT Zoning By-law Amendment Z.21.047 (NJS Developments Inc.) BE APPROVED for the following:
  - a. to amend Zoning By-law 1-88 to rezone the subject lands from the "RR Rural Residential Zone" subject to site specific exceptions 9 (105, 294 and 1359) and the "RT1 Residential Townhouse Zone," subject to site-specific exception 9(1498) to the "RA3 (H) Apartment Residential Zone" with a Holding Symbol "(H)", in the manner shown on Attachment 2, together with the site specific exceptions identified in Table 1 of this report.
  - b. to amend Zoning By-law 001-2021 to rezone the subject lands from the "RE Estate Residential Zone" and the "RT Townhouse Zone," both subject to site specific Exception 14.46 to the "RM3 (H) Multiple Unit Residential Zone", with

a Holding Symbol “(H)”, in the manner shown on Attachment 2, together with the site-specific exceptions identified in Table 2 of this report.

- c. prior to the implementing Zoning By-laws to amend Zoning By-law 1-88 and Zoning By-law 001-2021, the development shall be revised as follows to the satisfaction of the Development Planning Department, including any new site-specific zoning exceptions, to facilitate the modified proposal as follows:
  - i. the portion of the building fronting onto Sandwell Street, shall be revised from a 2, 4, 5 and 6 storey terraced building design as shown on Attachment 2, to be a stand-alone residential apartment building (‘Building A’) with a maximum height of 4 storeys as shown on Attachment 6;
  - ii. the proposed 9-storey component of the building proposed over the vehicular access to the site via Sunset Terrace shall be removed to create a physical break between the building to create 2 stand-alone residential apartment buildings (Buildings A and B), as identified on Attachment 6;
  - iii. Building B as shown on Attachment 6 shall be revised to include a tiered building design with stepbacks at 4, 6 10 and 12 storeys;
  - iv. alternative loading designs that eliminate the need for the Sandwell Street access shall be explored as identified on Attachment 6;
  - v. the wind study prepared by Theakston Environmental shall be revised to reflect the modified development to the satisfaction of the Development Planning Department, and;
  - vi. The site-specific visitor parking requirement shall be 0.2 spaces per dwelling unit and the parking space dimension shall be 2.7 m by 5.7 m.
- 3. THAT the Holding Symbol “(H)” shall not be removed until the following conditions are met by the Owner (‘NJS Developments Inc.’) to the satisfaction of the respective department:
  - a. A peer review of the Noise Report prepared by Valcoustics Canada Ltd., shall be undertaken to determine the feasibility of the Class 4 acoustical area designation for the Subject Lands, to the satisfaction of the Development Engineering Department. Should the Subject Lands be designated as a Class 4, the Owner shall pay the surcharge fee in accordance with the fees and charges by-law and the noise by-law shall be amended to reflect the Class 4 designation for the Subject Lands;

- b. Submit the Phase Two ESA report used to file RSC #232453 entitled “Phase Two Environmental Site Assessment Update, 3850 Major Mackenzie Drive West, City of Vaughan” dated May 5, 2022, prepared by Soil Engineers Ltd. and a Letter of Reliance for their ESA reports, to the satisfaction of the Development Engineering Department;
- c. Submit a revised Transportation Mobility Plan (‘TMP’) prepared by Crozier Consulting Engineers, addressing the outstanding comments to the satisfaction of the Development Engineering Department;
- d. Submit a revised Functional Servicing & Stormwater Management Report that includes the following information to the satisfaction of the Development Engineering Department:
  - i. Short-term construction and long-term dewatering information and recommendations provided in the Geotechnical Investigation prepared by Terraprobe Inc. dated August 31, 2021 and the Hydrogeological Assessment prepared by Terraprobe Inc. dated September 8, 2021;
  - ii. Unit count information for approved and proposed development applications within the immediate vicinity including the following, to identify any required watermain system infrastructure improvements to service the Development:
    - Vaughan NW RR Propco LP – OP.20.008, Z.20.016, DA.20.022;
    - G. Group Major Mackenzie Inc. - 3812 Major Mackenzie Drive West - OP.21.019 & Z.21.040;
    - Calvin Estates Inc. - 10130 / 10144 / 10160 Weston Road – Z.16.018 & 19T-16V003; and
    - Maplequest (Vaughan) Developments Inc. – DA.17.082 & DA.17.118;
- e. Submit a revised stormwater management report which addresses all outstanding comments to the satisfaction of the Development Engineering Department;
- f. Enter into an amending subdivision agreement to facilitate the creation of Block 1 and Block 7 of Plan of Subdivision File 19T-17V004 as shown on Attachment 1, and the removal of the existing temporary easement for a hammer-head turn-around, noted as Parts 4 & 5 on Plan 65R-40113 and to construct, and convey at no cost to the City, the westerly portion of the extension of Sunset Terrace, together with any required municipal services,

prior to proceeding with development on the Subject Lands or at an earlier date as mutually agreed between the Owner and the City, to the satisfaction of the Development Engineering Department;

- g. The Owner is responsible for all cost related to the full build out or the “ultimate design” (construction/services) of the westerly portion of Block 7 of Plan of Subdivision File 19T-17V004 as shown on Attachment 1. The amending subdivision agreement shall provide for the posting of the required financial securities, conveyance of the necessary lands and easements, the preparation of the necessary construction design drawings and the construction of the works to the satisfaction of the City and York Region;
  - h. The Owner shall make all necessary arrangements with the abutting landowner to the east of Block 7 of Plan of Subdivision File 19T-17V004 as shown on Attachment 1, being Part 1 on 65R-24881, for the design and construction of the future Sunset Terrace to the satisfaction of the City. These arrangements shall address, but are not limited to, cost-sharing, liability, timing, obligations and cost of maintenance until assumption of the road by the City. The Owner shall remain responsible for the maintenance and any other obligations related to Block 7 until completion of construction and conveyance of the future Sunset Terrace to the City. Notwithstanding the forgoing, the Owner acknowledges that future Sunset Terrace shall be, at the City’s sole discretion, fully constructed prior to proceeding with the development on the Subject Lands, and;
  - i. Registration of Plan of Subdivision File 19T-17V004, and;
  - j. Approval of associated Site Development Application File DA.22.071
4. THAT should the OLT issue a decision to approve Official Plan Amendment File OP.21.023 and Zoning By-law Amendment File Z.21.047 (‘NJS Developments Inc.’) either in whole or in part, that the OLT withhold its final Order until such time that:
- a. the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City; and,
  - b. Site Development File DA.22.071 has been approved to the satisfaction of the City.
5. THAT staff be directed to attend the OLT for OLT Case No. OLT-22-004049 in support of the Recommendations of this report.

## **Background**

The subject lands are municipally known as 3836 and 3850 Major Mackenzie Drive West (the 'Subject Lands') and are located on the north side of Major Mackenzie Drive West, west of Weston Road. The Subject Lands are vacant. The Subject Lands and surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: June 29, 2021

Date applications were deemed complete: December 23, 2021

### ***Previous applications were submitted for a phased development on the Subject Lands***

Zoning By-law Amendment File Z.16.043 (Phase 1), Zoning By-law Amendment File Z.17.009 (Phase 2) and Draft Plan of Subdivision File 19T-17V004 (Phases 1 and 2) were submitted by Centra (Major Mack East) Inc., to rezone the Subject Lands from "RR Rural Residential" to "RT1 Residential Townhouse Zone" (Phase 1) and "RVM2 Residential Urban Village Multiple Family Zone Two" (Phase 2), subject to site-specific exceptions. The applications proposed the development of the Subject Lands in two phases, with 30 townhouse dwellings within six (6) blocks (Phase 1) and a condominium development comprised of 52 stacked townhouse units within five (5) blocks and 12 townhouse units within two (2) blocks, accessed by a new public road (Phase 2), as shown on Attachment 9.

Zoning By-law Amendment File Z.16.043 and Draft Plan of Subdivision File 19T-17V004 received approval from Council on October 2, 2019, to develop Phase 1 of the Subject Lands with 30.5 street townhouse units, and to create one (1) block for future residential development (Phase 2). At the time of preparing this Report, Draft Plan of Subdivision File 19T-17V004 has not been registered.

Zoning By-law Amendment File Z.17.009 (Phase 2) was subsequently closed by the Owner when the City received the current applications for Official Plan Amendment File OP.21.023 and Zoning By-law Amendment File Z.21.047 for the Subject Lands.

### ***Council resolved to continue processing development applications under the existing Vellore Centre policy framework in Vaughan Official Plan 2010***

The Subject Lands are partially located within a Local Centre as shown on Schedule 1 – Urban Structure of Vaughan Official Plan 2010 ('VOP 2010'), more specifically the "Vellore Centre" as identified on Figure 6 – Intensification Areas of VOP 2010 and shown on Attachment 7.

On October 21, 2020, Vaughan Council directed staff to explore options for possible land use studies to guide development in the Vellore Centre.

On April 7, 2021, Vaughan Council considered a Committee of the Whole Report prepared by the Policy Planning and Special Programs Department that provided the following three options to address land use in the Vellore Centre:

1. maintain the existing policy framework;
2. prepare an area-specific land use study with a focus on urban design; or
3. prepare a Secondary Plan.

Given the three options, the Development Planning Department recommended:

“THAT the existing policy framework continue to be the basis for processing development applications in the Vellore Centre” (Option 1).

On April 20, 2021, Council adopted the recommendation without amendment.

***Non-statutory consultations were undertaken between the Owner and the local Ratepayers Associations prior to and following the submission of the Official Plan and Zoning by-law Amendment applications***

NJS Developments Inc. (the ‘Owner’) informed the Development Planning Department that a series of meetings were held with the Vellore Woods and Millwood Woodend Ratepayers Associations to present the proposed development and obtain feedback prior to and following the formal submission of Official Plan and Zoning By-law Amendment applications to the Development Planning Department. The Owner provided the Development Planning Department with the following information regarding the meetings:

- September 23, 2021
  - Attendees: NJS Developments Inc., Oben Group, Vellore Woods Ratepayers Association
  - Content: Introductory meeting to discuss the development proposal
- November 15, 2021
  - Attendees: NJS Developments Inc., Oben Group, Vellore Woods Ratepayers Association, Millwood Woodend Ratepayers Association, KLM Planning Partners Inc., City of Vaughan (representatives from the Development Planning Department)
  - Content: Collaborative session to obtain feedback from the Ratepayers Associations
- December 7, 2021
  - Attendees: NJS Developments Inc. and the Vellore Woods Ratepayers

Association.

- Content: The proposed development was discussed and identified that a formal submission will be provided to the City to obtain technical comments from the City and external agencies.
- May 9, 2022
  - Attendees: NJS Developments Inc., Deputy City Manager of Planning and Growth, City of Vaughan and the Vellore Woods Ratepayers Association
  - Content: Discussed how the applicant can work with the ratepayers associations to arrive at a design that the community can be proud of.

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

On December 8, 2021, the Owner submitted applications to amend the Vaughan Official Plan and rezone the Subject Lands identified on Attachment 1, to permit a tiered 2 to 12-storey residential apartment building with a total of 348 units and a Floor Space Index ('FSI') of 2.78 times the area of the lot.

On November 4, 2022, the Owner submitted the following revised applications (the 'Applications') which contemplate an increase in unit count and FSI for the development. The Owner proposes to permit a tiered 2 to 12-storey residential apartment building with a total of 367 units and a FSI of 3.21 times the area of the lot with two levels of underground parking (the 'Development'), as shown on Attachments 2 to 5:

1. Official Plan Amendment File OP.21.023 to amend the Vaughan Official Plan 2010 to redesignate the Subject Lands from "Low-Rise Residential" and "Low-Rise Mixed-Use" with a maximum building height of 4 storeys and an FSI of 1.5 times the area of the lot, to "Mid-Rise Residential" with a maximum building height of 12 storeys and an FSI of 3.21.
2. Zoning By-law Amendment File Z.21.047 to amend Zoning By-law 1-88 to rezone the Subject Lands from "RR Rural Residential Zone", subject to site specific exceptions 9(105, 294 and 1359) and "RT1 Residential Townhouse Zone," subject to site-specific exception 9(1498) to "RA3 Apartment Residential Zone" in Zoning By-law 1-88, in the manner shown on Attachment 2, together with the site specific exceptions identified in Table 1 of this report.
3. Zoning By-law Amendment File Z.21.047 to amend Zoning By-law 001-2021 to rezone the Subject Lands from "RE Estate Residential Zone" and "RT Townhouse Zone" both subject to site-specific Exception 14.46 to "RM3 Multiple Unit Residential Zone", in Zoning By-law 001-2021, in the manner shown on



Attachment 2, together with the site-specific exceptions identified in Table 2 of this report.

***The Development Planning Department recommends modifications to the Development***

The Development Planning Department recommends modifications to the Development ('Modified Development'), as identified in the recommendations of this report. The rationale for these modifications is provided throughout the report.

***The Owner has appealed the Applications to the Ontario Land Tribunal ('OLT')***

The Owner submitted the Applications to the City of Vaughan on December 8, 2021. The City issued a Notice of Complete Application to the Owner on December 23, 2021 and to the public on January 5, 2022.

On June 7, 2022, the Owner appealed the applications to the OLT pursuant to subsections 22(7) and 34(11) of the *Planning Act*, citing the City's failure to make a decision on the applications within the timelines prescribed by the *Planning Act*.

A Case Management Conference ('CMC') regarding the appeals took place on November 9, 2022, and the OLT issued their Order on November 16, 2022, directing the parties to present a finalized draft Procedural Order and Issues List for consideration at the next CMC which is scheduled for February 21, 2023. The OLT also ordered a 15-day hearing which is scheduled to commence on June 5, 2023.

The Region of York and G Group Major Mackenzie Inc. (the owners of 3812 Major Mackenzie Drive West) were granted party status to the appeals and 7 residents were granted participant status to the appeals.

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

The City circulated a Notice of Public Meeting on March 11, 2022 (the 'Notice') to all property owners within the extended polling area shown on Attachment 1 (750 m from the Subject Lands) and to the Millwood Woodend, Greater Woodbridge and Vellore Woods and to anyone on file with the Office of the City Clerk having requested notice. A copy of the Notice sign was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and three (3) Notice Signs were installed along Major Mackenzie Drive West, Sydney Circle and Farooq Boulevard in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) for the Applications was held on April 5, 2022, to receive comments from the public and council members. Vaughan Council, on  
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April 26, 2022, ratified the recommendation of the Committee of the Whole (Public Meeting) to receive the Public Meeting report of April 5, 2022 and forward a comprehensive technical report to a future Committee of the Whole meeting. The Committee also identified the following recommendation at the time of the Public Meeting:

“THAT staff be permitted to attend any community meetings, if required, with the applicant, Local Councillor, and interested Regional Councillors to continue negotiations regarding the Applications”.

The deputations and written communication items received by the Committee of the Whole (Public Meeting) at the April 5, 2022, meeting, are included in the link to the April 5, 2022, Committee of the Whole (Public Meeting) report in the Previous Reports/Authority section of this report.

The Development Planning Department received the following additional comments:

- Stacy Di Cosmo, Kayla Crescent, email dated March 18, 2022;
- Rita DiStefano, email dated March 16, 2022;
- Resident, Retreat Boulevard, email dated March 16, 2022;
- Jason Fraga, Vellore Woods, email dated March 16, 2022;
- Paul and Oksana Imbrogno, email dated April 4, 2022;
- Hemaxi Patel, email dated April 5, 2022;
- G and P Bonanno, email dated May 24, 2022;

The following is a summary of the comments received through the deputations and written submissions that were received by the Committee of the Whole at the April 5, 2022 Public Meeting and following the Public Meeting, which have been organized by theme and addressed in the relevant sections of this report:

#### Built Form, and Compatibility and Character

- The Development demonstrates an overwhelming disregard for compatibility within the existing community or character of Vellore Village
- Structures on these lands should not be higher than 3 storeys
- Condominium buildings should not be permitted, and if proposed, shouldn't be more than 6 to 8 storeys
- Townhouses or semi-detached units would better fit in with the current character of the neighbourhood.
- Consider replacing or modifying the 6-storey component of the building abutting Sandwell Street to allow for a row of townhouses

### Building Height and Density

- The Development substantially exceeds the permitted population density
- The Development is too tall and too dense and should be lowered  
The neighbourhood would benefit from additional density including more foot traffic for many of our restaurants and amenities nearby, and would make it more feasible to improve existing transit facilities

### Shadow, Privacy, Onlook and View

- The Development would create a lack of privacy for existing homes/backyards, would create shading and loss of daylight for abutting homes, and will affect the current community's view of Canada's Wonderland

### Official Plan Policy Conformity

- This area was not identified in VOP 2010 as an area where mid-rise and high-rise buildings would be constructed
- The Development does not adhere to policies that exist to protect established neighbourhoods, encourage responsible growth or respect the natural environment
- Existing VOP 2010 permissions adequately provides for ample residential growth. The Development is unreasonable and should be declined.

### Growth, Infrastructure and Intensification

- Infrastructure in this area was not designed to handle this type of development
- It is best to keep densely packed housing areas where there is good transit infrastructure and roads, such as in the Vaughan Metropolitan Centre, along Highway 7 or Highway 400
- Schools, parks and nearby shopping centres in the area are already at capacity
- The Subject Lands are a good candidate for intensification
- The Development proposes over-intensification and an over-build on the Subject Lands

### Traffic, Transit, Parking and Pedestrian Safety

- Traffic volume in the area is already high with cars which causes significant delays, accidents and an unsafe pedestrian environment for children in the area
- There is already a large strain on the existing road network and it will not be able to accommodate the extra vehicles the Development will add to the area and will increase road maintenance costs
- There is no transit in the area to support the construction of condominium buildings
- The Development does not provide enough parking spaces which will result in residents and visitors parking on local roads and local strip plazas
- Concerned that the Development will cause traffic infiltration into the existing residential neighbourhoods north of the Subject Lands

### Housing: Unit Size and Types

- Too many units are proposed and they are too small
- This is not affordable housing or a plan for sustainable growth
- More homes being built will alleviate the provincial housing crisis that is making the cost of living unaffordable for many Ontarians

### Impact on Quality of Life

- The Development will increase crime and decrease the quality of life
- The Development will increase property taxes to keep up with upgrades in infrastructure/utilities
- The Development will change the vibrant culture and fabric of an already thriving family-oriented community
- The cumulative impact of the Development and neighbouring development application (G Group Major Mackenzie Inc.) will be great
- The Development will cause noise from building exhaust fans
- Noise from emergency response units and alarms from emergency response units will affect nearby residents
- It would be better to have a parkette in this area

### Other

- The Development will cause the decline of social security and depress local property values
- Build a low-rise medical building to support the new nearby hospital on the Subject Lands
- The unrealistic proposal is a deliberate application of the Overton principle by the developer: “a new idea fills the window of what the public regard as unthinkable, causing the desired idea to shift into the window of what the public views as sensible, without its proponents necessarily having explained any benefits of the desired idea”. Thus, the public and city will think it won when the development is scaled back to less
- Denser places are known to have higher mortality rates due to city related stresses that result from differences and competition amongst people
- The Development will put a strain on police and fire services
- The Development will block the natural flow of wind
- Approving this project will set a dangerous precedent. Approving this project will pave the way for future developers to further push these types of condominium developments

The Development Planning Department on January 13, 2023, emailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of future consideration of the Applications.

Any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. The above noted comments are addressed throughout the Report.

### **Previous Reports/Authority**

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

[September 19, 2017, Committee of the Whole Public Meeting \(Item 3, Report 32\), for Z.16.043](#)

[September 19, 2017, Committee of the Whole Public Meeting \(Item 4, Report 32\) for 19T-17V004](#)

[September 19, 2017, Committee of the Whole Public Meeting \(Item 5, Report 32\) for Z.17.009](#)

[September 17, 2019, Committee of the Whole \(Item 4, Report 24\) for Z.16.043 and 19T-17V004](#)

[April 7, 2021, Committee of the Whole \(Item 7, Report 14\) for Land Use Study Options in Vellore Centre](#)

[April 5, 2022, Committee of the Whole Public Meeting \(Item 6, Report No. 17\) for OP.21.023 and Z.21.047](#)

### **Analysis and Options**

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

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 policies for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment, are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘PPS’). The following PPS policies are applicable to the Development:

- Policy 1.1.1 b) - accommodating an appropriate range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long term needs
- Policy 1.1.1 e) – promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs

- Policy 1.1.3 - settlement areas shall be the focus of growth and development and 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
- Policy 1.2 - managing and/or promoting growth and development that is integrated with infrastructure planning, multimodal transportation systems, public service facilities and waste management systems
- Policy 1.4 - promoting densities for new housing which efficiently use land, resources, by requiring transit-supportive development and prioritizing intensification in proximity to where transit infrastructure exists or is to be developed
- Policy 1.5 - planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity
- Policy 1.6.6 - accommodating forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services
- Policy 1.6.7 – 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 Subject Lands are located within a Settlement Area as defined by the PPS and partially located within a “Local Centre” as identified on Schedule 1 - Urban Structure of VOP 2010 and shown on Attachment 7. The Modified Development is consistent with the PPS because it utilizes land efficiently by providing a compact built form that is transit supportive and utilizes existing and planned services in the area. The Modified Development provides additional housing options by providing apartment units of various sizes within a community with existing infrastructure and services such as schools, parks, shopping, and existing and planned transit along Major Mackenzie Drive West and Weston Road. In consideration of the above, the Modified Development is consistent with the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (‘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, by encouraging the concentration of population and employment growth within the Settlement Areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities, public services facilities and connections to municipal water and wastewater systems. Vaughan Council’s planning

decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the Urban Boundary. Schedule 2 of the Growth Plan identifies that the Subject Lands are located within a Designated Greenfield Area of a Settlement Area. The following Growth Plan policies are applicable to the Development:

- Policy 1.2.1 - support the achievement of complete communities and support a range and mix of housing options, including additional residential units and affordable housing to serve all sizes, incomes and ages of households
- Policy 2.2.7 - new development taking place in a designated greenfield area will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, active transportation and encourages the integration and sustained viability of transit services
- Policy 2.2.7.2 - the minimum density target applicable to designated greenfield area in York Region is no less than 50 residents and jobs combined per hectare
- Policy 2.2.1.3 - upper-tier and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form
- Policy 2.2.1.4 - complete communities feature a diverse mix of land uses and convenient access to local stores, services and public service facilities, improve social equity and overall quality of life, provide a diverse range and mix of housing options and expand convenient access to a range of transportation options and provide an appropriate supply of safe and publicly-accessible open spaces, parks, trails and other recreational facilities within a more compact built form
- Policy 3.2 - infrastructure planning, land use planning, and infrastructure investment will be coordinated and municipal water and wastewater systems will be planned, designed, constructed or expanded to maximize opportunities for improved efficiency within existing systems and serve growth in a manner that supports the achievement of the minimum intensification and density targets of the Growth Plan.

The Modified Development directs growth to a Designated Greenfield Area, as defined by the Growth Plan, and will contribute to meeting the prescribed 50 residents and jobs per hectare. The Modified Development conforms to the Growth Plan as it contributes to the achievement of a complete community by supporting a range and mix of housing

types and unit sizes and providing a compact built form that utilizes the Subject Lands more efficiently and at a density that would meet the needs of future and current residents where transit services and public services exist and are planned. The Modified Development is also compatible with the existing built form in the surrounding community, while also making efficient use of available infrastructure. Accordingly, the Modified Development conforms to the Growth Plan.

***The Modified Development conforms to the York Region Official Plan, 2010***

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

- Policy 3.5 - to promote an appropriate mix and range of acceptable housing to meet the needs of residents and workers that is consistent with Regional forecasts, intensification and density requirements
- Policy 5.0 - intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region. The City of Vaughan is forecasted to have a population of 416,600 by the year 2031 (Table 1 of YROP)
- Policy 5.2.4 - development requiring Regional approval shall be supported by a transportation study that assesses impacts on the Region's transportation system and surrounding land uses. Significant development shall prioritize walking, cycling and transit
- Policy 5.2.8 – to employ the highest standard of urban design which provides pedestrian scale, safety, comfort, accessibility, connectivity, complements the character of existing areas and fosters each community's unique sense of place, promotes landscaping, public spaces and streetscapes, ensures compatibility with and transition to surrounding land uses, emphasizes walkability and accessibility through strategic building placement and orientation, follows the York Region Transit-Oriented Development Guidelines, and creates a well defined, centrally-located urban public spaces
- Policy 5.3 - encourages intensification within the built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use. Intensification areas are to be planned and designated to achieve an appropriate transition of built form to adjacent areas
- Policy 5.5. - Local Centres serve as important neighbourhood focal points and mainstreets that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community. Planning and implementation of Local Centres shall be consistent with the intensification policies (Policy 5.3) of the YROP



- Policy 7.1.1 – Appropriate Transportation Demand Management measures to reduce single occupancy automobile trips are to be identified in transportation studies for development applications
- Policy 7.1.7 - New development applications are required to demonstrate how the proposed development is transit-oriented
- Policy 7.2.25 - Higher transit usage is to be achieved by supporting improvements in service, convenient access and good urban design by minimizing walking distance to planned and existing transit stops through measures such as the provision of walkways, sidewalks, and more direct street patterns
- Policy 7.3.4 - the provision of water and wastewater servicing within communities be coordinated with land use planning approvals to achieve: complete communities, achieve balanced communities with residential and employment opportunities, assist in the sequencing of growth within communities, achieve intensification targets and capitalize on intensification and more compact development opportunities as they arise.

The Modified Development will contribute to the population and intensification targets for the City by providing apartment units, and will provide additional housing opportunities within a compact built form and scale within a Local Centre that is compatible and appropriate for the surrounding community.

The Modified Development provides a high standard of urban design by providing: pedestrian oriented development that promotes accessibility, pedestrian connectivity, walkability, active transportation and a built form that is compatible and sensitive to the existing built forms in the area. The Modified Development supports the achievement of a complete community by providing additional housing options within walking distance of public services and amenities such as nearby schools, parks, medical offices and shopping centres.

A Transportation Mobility Plan ('TMP') prepared by Crozier Consulting Engineers, dated September 2021 and an addendum report dated October 2022 has been provided in support of the Development to assess the impacts to Major Mackenzie Drive West and the local road network, as a result of the Development. York Region staff have reviewed the report in consideration of the York Region Transit-Oriented Development Guidelines and are satisfied that the impacts to Major Mackenzie Drive West and the local road network, will be minimal. Transportation Demand Management measures are also proposed to reduce single occupancy trips.

Major Mackenzie Drive West is identified as a Regional Road with a right of way width of up to 43 metres, as identified by Map 12 – Street Network. Major Mackenzie Drive West is identified as a Regional Transit Priority Network by Map 11 – Transit Network.

The Subject Lands are located approximately 290 m from bus stop locations at Major Mackenzie Drive West and Weston Road. The following describes the existing transit infrastructure in the area:

- York Region Transit ('YRT') provides transit service (Route 4) along Major Mackenzie Drive West, with buses along Major Mackenzie Drive West that travel westbound to Pine Valley Drive and eastbound to Woodbine Avenue in Richmond Hill. Route 4 connects to higher orders of transit such as the Maple and Richmond Hill Go Stations, located along Major Mackenzie Drive West as well as a commuter parking lot for Highway 400.
- YRT also provides transit service along Weston Road, northbound to Canada Drive (Route 165F) and southbound to Steeles Avenue West (Route 165 and 165F).
- Buses along Major Mackenzie Drive West and Weston Road operate 7 days a week.

The 2022 York Region Transportation Master Plan ('2022 YRTMP'), approved by York Region Council on September 29, 2022, is a long-term infrastructure plan for future transit and transportation initiatives. Map 3 – 2051 Rapid Transit Network of the 2022 YRTMP identifies Major Mackenzie Drive West as a recommended Rapid Transit Corridor (i.e. Rapid Transit Service) from Highway 427 to Bathurst Street in Vaughan. This map represents a 30-year transit plan for the Region to 2051.

The Modified Development would provide intensification that is sensitive to the context of the Vellore Local Centre where there is existing and planned transit, and will utilize existing infrastructure such as water and waste-water systems within the surrounding area. In consideration of the above, the Modified Development conforms to the YROP.

#### Regional Exemption

York Region has advised that Official Plan Amendment file OP.21.023 is a matter of local significance and does not adversely affect Regional planning policies or interests. York Region on December 12, 2022, exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council.

#### ***The recently approved York Region Official Plan, 2022 is not the in-force policy for the Subject Lands***

The York Region Official Plan, 2022 ('YROP 2022'), which represents emerging policy, was adopted by York Region Council on June 30, 2022. It was approved by the Ministry of Municipal Affairs and Housing ('MMAH'), with modifications, on November 4, 2022. The YROP 2022 replaces the YROP with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP

2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

***An amendment to VOP 2010 is required to permit the Modified Development***

The Subject Lands are located within a “Community Area” (west half) and “Intensification Area - Local Centre” (east half), known as the Vellore Centre as identified on Schedule 1 - Urban Structure, of VOP 2010 and shown on Attachment 7.

The Subject Lands are designated “Low-Rise Residential (north portion) and “Low-Rise Mixed-Use” with a maximum permitted height of four (4) storeys and an FSI of 1.5 times the area of the lot (south portion) on Schedule 13 - Land Use, of VOP 2010, as shown on Attachment 8.

The “Low-Rise Residential” designation permits residential units in the form of detached, semi-detached and townhouses dwellings with a maximum building height of 3 storeys, while the “Low-Rise Mixed-Use” designation permits residential apartment units, retail and office uses in a low-rise built form.

Section 9.2.2.2.c of VOP 2010, identifies that in areas designated as “Low-Rise Mixed Use” and located in an Intensification Area, the ground floor frontage of the building facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street”. A portion of the Subject Lands is located within the Vellore Local Centre which is identified as an Intensification Area, as shown on Attachment 7, therefore the ground floor frontage of the Development shall consist of retail uses or other active uses.

The Owner proposes to redesignate the Subject Lands from “Low-Rise Residential” and “Low-Rise Mixed Use” with a maximum height of 4 storeys and FSI of 1.5 times the area of the lot to “Mid-Rise Residential” with a maximum building height of 12 storeys and FSI of 3.21 times the area of the lot. The Owner proposes to redesignate the Subject Lands from a mixed use designation (“Low-Rise Mixed-Use”) to a stand-alone residential designation (“Mid-Rise Residential”) to allow for a stand-alone residential development. The appropriateness of the proposed redesignation and site-specific amendments for building height and density are discussed below.

The Development Planning Department has reviewed the Development and has recommended modifications as shown on Attachment 6 (the ‘Modified Development’). The Development Planning Department provides the following VOP 2010 analysis for the Modified Development:

### Community Areas

“Community Areas” are identified by VOP 2010 as predominantly “Low-Rise Residential” housing with local amenities including local retail, community facilities, school and parks. These areas will function as complete communities with a mix of uses and densities and encourage walking, cycling and transit use. Incremental change is expected as a natural part of maturing neighbourhoods, however changes will be sensitive to and respectful of the existing character of the area. “Community Areas” policies further state:

- “Policy 2.2.3.2 - that Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change that would alter the general character of established neighbourhoods. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of VOP 2010 (OPA #15)
- Policy 2.2.3.3 - that limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of VOP 2010. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.
- Policy 2.2.3.4 – that development immediately adjacent to Community Areas shall ensure appropriate transition in scale, intensity and use, and shall mitigate adverse noise and traffic impacts, while fulfilling the intensification objections for Intensification Areas, where applicable”.

The Modified Development is consistent with the “Community Areas” policies of VOP 2010 as it proposes modest intensification within the portion of the Subject Lands that is designated “Low-Rise Residential,” as shown on Attachment 8. The 4-storey residential apartment building shown on Attachment 6, transitions to the existing character of the surrounding neighbourhood by providing a building height and massing that is complimentary to and compatible with the existing and approved 3-storey townhouses that abut the Subject Lands along Sydney Circle, Sandwell Street and Major Mackenzie Drive West. The Development Planning Department, in consultation with the Development Engineering Department also recommends exploring alternative loading designs that eliminate the need for the Sandwell Street access to ensure vehicular safety and to mitigate noise and traffic impacts.

The remainder of the Modified Development that is located within a “Community Area” is proposed to be 6-storeys abutting existing 3-storey townhouses along Major Mackenzie Drive West. The southern portion of the Subject Lands as shown on Attachment 8, is designated “Low-Rise Mixed Use” which generally allows up to 6 storeys. The Modified Development is compatible with the existing low-rise uses as it provides a building height and separation distance (16 m) that is considered an appropriate transition to the existing townhouses on Major Mackenzie Drive. The Modified Development meets the intent of the “Community Area” policies in VOP 2010.

#### Local Centres

“Local Centres” are identified by VOP 2010 as mixed-use cores of their respective communities that are predominantly residential in character but include a mix of uses to meet the daily needs of residents. Local Centres are to be pedestrian-oriented places with good urban design and an intensity of development appropriate for supporting efficient transit service. The Vellore Centre is identified by VOP 2010 as an emerging Local Centre that will be the focus for multi-family developments and may include mid-rise or high-rise buildings, as appropriate.

The Modified Development is consistent with the “Local Centres” policies (Section 2.2.5.7) of VOP 2010, as follows:

- provides additional housing opportunities for the area including units that will be accessible to families and seniors;
- is residential in character and pedestrian oriented as it provides lobbies, indoor amenity and access to units along the street frontages to provide active uses at grade;
- is compact and proposes density that is supportive of existing and planned public transit;
- takes into account the local urban fabric of the Vellore Centre by providing built form and building heights abutting low-rise uses to provide an appropriate transition that is compatible with the surrounding context;
- provides the extension of local streets with sidewalks to link the Vellore Centre to the surrounding “Community Area”;
- provides an at grade private amenity space for future residents to enjoy;

#### “Mid-Rise Residential” Designation and Mid-Rise Building Criteria

Section 9.2.2.3 of VOP 2010 states that “Mid-Rise Residential” areas are generally located in Intensification Areas and provide for a mix of residential, retail, community, and institutional uses. The “Mid-Rise Residential” designation of VOP 2010 permits Mid-Rise Buildings, up to a maximum of 12 storeys. In accordance with Section 9.2.2.3.d, “within 70 metres of an area designated as “Low-Rise Residential” or on streets that are not arterial streets or major collector streets, townhouses, stacked

townhouses and low-rise buildings may be permitted to provide an appropriate transition to the “Low Rise Residential” area.

The Subject Lands are partially located within 70 m and in proximity to an adjacent “Community Area”. As such, the Development Planning Department recommends that the Development be modified to include a stand-alone low-rise (4-storey) residential apartment building abutting the approved and existing townhouses, to ensure an appropriate transition and compatibility with existing uses. The Modified Development conforms to the policies of the “Mid-Rise Residential” designation proposed for the Subject Lands.

Section 9.2.3.5.a. of VOP 2010 defines Mid-Rise Buildings as generally buildings over 5 storeys in height up to a maximum of 12 storeys in height. Mid-Rise Buildings over 6 storeys in height shall be designed with a pedestrian scaled podium that will be between 3 to 6 storeys in height. Taller building elements shall generally be setback 3 m along public street frontages. Mid-Rise building should be located and oriented in order to provide sufficient privacy and daylight conditions. Mid-rise buildings should include landscaped green space, private outdoor amenity space or environmental features such as solar panels.

The Modified Development conforms to the criteria of Mid-Rise Buildings as the Development will be no more than 12 storeys in height with a 4 storey podium that will provide an appropriate pedestrian environment. The Modified Development is oriented to provide privacy and daylight conditions for future and existing residents of the surrounding development. A private amenity area is proposed for the Development along with private balconies and patios. In consideration of the above, the Modified Development conforms to the Mid-Rise Building policies of VOP 2010.

***The Owner is requesting to redesignate the Subject Lands from a mixed-use designation to a standalone residential designation in VOP 2010 to permit the Development***

The Owner submitted a Retail Market Justification Study (‘Market Study’) prepared by Urban Metrics and dated August 29, 2022, to justify the exclusion of retail uses for the Development.

The findings of the Market Study identify that the Subject Lands are not suitable for mixed-use development for the following reasons:

- there are existing retail and service uses within 800 m to 3 km of the Subject Lands to serve existing and future residents;

- the retail and service area in the surrounding community are well represented with grocery stores, banks, restaurants, personal service outlets, pharmacies, health care retailers and medical offices;
- approved and proposed developments in the area would add additional retail and service space to the community;
- the proposed access to the Development via Sandwell Street does not provide suitable access or exposure for commercial uses and may result in commercial traffic infiltrating local neighbourhoods
- the right-in, right-out access to Sunset Terrace restricts inbound access to the Subject Lands to only vehicles travelling west via Major Mackenzie Drive West. With limited vehicular access for potential customers, the Subject Lands are not suitably configured for retail/service facilities;
- there is no on-street parking along Major Mackenzie Drive West and there is not sufficient pedestrian traffic along Major Mackenzie Drive West to support ground floor retail;

The Development Planning Department and Economic Development Department have reviewed the report and agree with its findings on a site-specific basis, and can support the proposed stand-alone residential use proposed for the Subject Lands. Though commercial uses are not proposed for the Development, the Owner proposes to include access to units at grade along the street frontages as well as indoor amenity space along the Major Mackenzie Drive West frontage to activate the street frontages.

### Summary

The Development Planning Department supports the proposed amendments to VOP 2010, subject to the modifications identified on Attachment 6. The proposed amendments to VOP 2010, through the Modified Development, achieves the following:

- maintains the intent of the Community Areas policies in VOP 2010 by providing a height, massing and scale that is complementary to and compatible with the abutting “Low-Rise Residential” designation of the surrounding lands;
- maintains the intent of the “Local Centres” policies in VOP 2010 by providing additional housing options for individuals, families and seniors in proximity to existing and planned public transit;
- maintains the intent of “Intensification Areas” by proposing a mid-rise building that is consistent with VOP 2010 policies for mid-rise buildings and proposes a pedestrian oriented development.

The Development Planning Department recommends that the modifications as identified in the Recommendations of this report, be made to the Development, prior to the implementation of the Official Plan Amendment for the Subject Lands, if endorsed by Vaughan Council and approved by the OLT.

***The Modified Development addresses comments by the Design Review Panel ('DRP') and is consistent with City-wide Urban Design Guidelines***

On May 26, 2022, the DRP reviewed the Development and provided the following comments:

- **Built form transition** –the building in its current form is too massive and bulky. A clear delineation and articulation of the built form should be incorporated, either by designing physically separated components or by significant terracing. This can lead to a more effective transition to the neighbouring properties both to the west and to the north. Currently, the project heavily relies on terracing towards the necessary directions, however it has not effectively resolved the issue of transition.
- **Circulation** – enhance the pedestrian porosity of the site in all directions, taking into consideration the future public park north-east of Subject Lands, on the G Group Major Mackenzie Inc., lands. The panel also noted that a direct pedestrian pathway to the future park should be established on the Subject Lands to enhance the connectivity and overall pedestrian experience. The Panel also advised to reduce the footprint dedicated to vehicular circulation to the greatest extent possible and provide a more urban approach to drop-off, designing it as part of the street, as opposed to internal to the site.
- **Open Space** – The location and orientation of the courtyard is favourable; however, the location of the parking ramp, visitor parking, and drop-off have a significant impact on the courtyard. The Development should integrate the ramp into the building footprint. Microclimate conditions should also be considered for the design of the courtyard as currently the wind study shows that there is no opportunity for standing/sitting during the winter and in some locations during the summer in the courtyard. Create more significant transitions and provide more significant setbacks from the podium and upper components to create better wind conditions within the courtyard.

The Modified Development shown on Attachment 6 addresses the DRP comments as follows:

- Providing a physical break in the building to break up the massing and create better wind conditions on site;
- Providing appropriate building heights and stepbacks that are compatible with and appropriate for the existing and approved development that abuts the Subject Lands;
- Enhancing pedestrian circulation for the site by providing more sidewalks and walkways on site;



- Reducing the overall footprint dedicated to vehicular circulation; and,
- Locating the underground parking garage ramp and loading into the building.

The Modified Development is also consistent with the City-wide Urban Design Guidelines ('CWUDG'). Performance Standard 5.3.3.e) of the CWUDG states in part: "Mid-Rise buildings should be no longer than 80 m in length". Accordingly, the Development Planning Department recommends a physical break in the building as shown on Attachment 6, to ensure conformity with the CWUDG, improve wind conditions, and ensure compatibility with surrounding land uses.

***A Housing Options Statement was submitted in support of the Applications***

The Owner submitted a Housing Options Statement prepared by KLM Planning Partners Inc. and dated October 2022. In accordance with Section 7.5.1.3 of VOP 2010, applications for significant development (100 or more residential dwelling units or a total gross floor area of all uses of 12,500 m<sup>2</sup> or greater), shall provide a Housing Options Statement to demonstrate how the Development satisfies the City's housing objectives. The Development meets the criteria described under Section 7.5.1.3 of VOP 2010 in the following manner:

- Total distribution of housing types – apartment units are proposed which will add additional housing options to the area
- Tenure types and distribution – the Development will consist of condominium tenure where ownership will be on a per unit basis with shared common amenities
- Range of unit sizes – the Development offers the following range of unit sizes:

<b>Bedroom Type</b>	<b>Average Unit Size</b>	<b>Percentage of Units</b>
1 Bedroom	575 m <sup>2</sup>	37% of units
1 Bedroom Plus Den	680 m <sup>2</sup>	26% of units
2 Bedroom	845 m <sup>2</sup>	27% of units
2 Bedroom Plus Den	935 m <sup>2</sup>	8% of units
3 Bedroom	1,150 m <sup>2</sup>	9% of units

Information as it relates to the anticipated unit sale price was not provided as it was identified that it is premature to provide speculative pricing of units due to the stage of the Applications and fluctuations in the market.

The Development Planning Department has reviewed the Housing Options Statement submitted in support of the Applications and finds it satisfactory as the Development provides additional housing options and a variety of unit sizes that would support

individuals, seniors and families within an “Intensification Area”. Although the Modified Development may result in changes to the total number of units and type, the Modified Development would maintain the intent and findings of the Housing Options Statement.

***Council enacted Zoning 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 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 By-law 001-2021 was November 15, 2021.

Zoning By-law 001-2021 was appealed to the OLT. On December 28, 2022, the OLT issued an Order deeming Zoning By-law 001-2021 as amended in force, save and except where it remains under appeal for certain lands, areas and sections of the by-law. While the Subject Lands are not located within an area for which the by-law remains under appeal, the application does engage matters covered by sections of By-law 001-2021 still under appeal. Accordingly, the Owner is required to demonstrate compliance with Zoning By-law 001-2021 to the extent it applies, and the site-specific exception will otherwise include zoning provisions for the Subject Lands in a manner consistent with Zoning By-law 001-2021.

As the Applications were received by the City on December 8, 2021 and were deemed complete on December 23, 2021, the transition provisions under Section 1.6 of Zoning By-law 001-2021 do not apply and therefore the Applications were subject to a dual review under both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended, as the Applications were processed prior to the OLT issuing its Order on December 28, 2022.

***Amendments to Zoning By-law 1-88 and Zoning By-law 001-2021 are required to permit the Development***

**Zoning By-law 1-88:**

The Subject Lands are zoned “RR Rural Residential Zone” and subject to site-specific Exception 9(105), (294) and (1359) and “RT1 Residential Townhouse Zone”, subject to site-specific Exception 9(1498) by Zoning By-law 1-88. The Owner proposes to rezone the Subject Lands to “RA3 (H) Apartment Residential Zone with a Holding Symbol “(H),” in Zoning By-law 1-88, as shown on Attachment 2, together with the following site-specific zoning exceptions:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone Requirement</b>
a.	Definition of Lot	Means a parcel of land which can be conveyed as a separate parcel pursuant to the provision of the <i>Planning Act</i> , R.S.O. 1990, c. P.13 would not be required for its conveyance	The Subject Lands shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, severances, subdivisions, easements, or condominiums
b.	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	Major Mackenzie Drive West is deemed to be the front lot line
c.	Definition of Parking Space	Means a rectangular area measuring 2.7 m by 6 m	Means a rectangular area measuring 2.5 m by 6 m
d.	Permitted Yard Encroachments	Permitted yard encroachments shall not project more than 0.5 m into a required yard	Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters and windows shall not project more than 1.25 m into a required yard
e.	Minimum Lot Area	67 m <sup>2</sup> per unit  Total = 24,589 m <sup>2</sup> (67 m <sup>2</sup> x 367 units)	23.978 m <sup>2</sup> per unit  The minimum lot area shall be 8,800 m <sup>2</sup>
f.	Minimum Front Yard Setback (Major Mackenzie Drive West)	7.5 m	<ul style="list-style-type: none"> <li>• 3 m to the main wall of the building</li> <li>• 0.6 m at daylight triangle</li> <li>• 1.6 m to intake shaft</li> </ul>
g.	Minimum Rear Yard Setback (Sandwell Street)	7.5 m	<ul style="list-style-type: none"> <li>• 2.6 m to the main wall of the building</li> <li>• 4 m at daylight triangle</li> </ul>

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone Requirement</b>
h.	Minimum Interior Yard Setback (Sydney Circle)	20.2 m	5 m to the main wall of the building
i.	Minimum Exterior Yard Setback (Sunset Terrace)	7.5 m	<ul style="list-style-type: none"> <li>• 5 m to the main wall of the building</li> <li>• 7 m to daylight triangle</li> <li>• 1 m from intake shaft</li> </ul>
j.	Maximum Width of Driveway	7.5 m	9 m
k.	Setbacks for Structures Below Grade	1.8 m	0 m
l.	Minimum Parking Requirements	<p>Residential 1.5 spaces/unit x 367 units = 551 spaces</p> <p>Visitor 0.25 spaces/unit x 367 units = 92 spaces</p> <p>Total Parking Required = 643 spaces</p>	<p>Residential 1.0 spaces/unit x 367 units = 367 spaces</p> <p>Visitor 0.147 spaces/unit x 367 units = 54 spaces</p> <p>Total Parking Proposed = 421 spaces</p>
m.	Minimum Amenity Area	<p>232 One Bedroom units @ 20 m<sup>2</sup> = 4,640 m<sup>2</sup></p> <p>126 Two Bedroom units @ 55 m<sup>2</sup> = 6,930 m<sup>2</sup></p> <p>9 Three Bedroom units @ 90 m<sup>2</sup> = 810 m<sup>2</sup></p> <p>Total = 12,380 m<sup>2</sup></p>	<p>232 One Bedroom units @ 6.96 m<sup>2</sup> = 1,614.72 m<sup>2</sup></p> <p>126 Two Bedroom units @ 7.96 m<sup>2</sup> = 1,002.96 m<sup>2</sup></p> <p>9 Three Bedroom units @ 8.96 m<sup>2</sup> = 80.64 m<sup>2</sup></p> <p>Total = 2,698.32 m<sup>2</sup></p>

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone Requirement</b>
n.	Minimum Landscape Strip	6 m	<p>The minimum landscape strip shall be:</p> <ul style="list-style-type: none"> <li>• 1 m abutting Sandwell Street</li> <li>• 0.6 m abutting Sunset Terrace and at daylight triangle of Major Mackenzie Drive West and Sunset Terrace</li> <li>• 1 m abutting Major Mackenzie Drive West and at the daylight triangle of Sunset Terrace and Sandwell Street</li> </ul> <p>Bicycle parking, hard and soft landscaping such as raised planters, patio stones, walkways, intake shafts and transformers will be permitted in the landscape strip</p>

#### Zoning By-law 001-2021

The Subject Lands are zoned “RE Estate Residential Zone” and “RT Townhouse Residential Zone”, and “RT Townhouse Residential Zone” subject to site-specific Exception 14.46 in Zoning By-law 001-2021. The Owner proposes to rezone the Subject Lands to “RM3 (H) Multiple Unit Residential Zone” with a Holding Symbol “(H)” in Zoning By-law 001-2021, as shown on Attachment 2, together with the following site-specific exceptions:

Table 2:

	<b>Zoning By-law 001-2021 Standard</b>	<b>RM3 Multiple Unit Residential Zone Requirement</b>	<b>Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement</b>
a.	Definition of Lot	Means a parcel of land which can be conveyed as a separate parcel pursuant to the provisions of the <i>Planning Act</i>	The Subject Lands shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, severances, subdivisions, easements, or condominiums

	<b>Zoning By-law 001-2021 Standard</b>	<b>RM3 Multiple Unit Residential Zone Requirement</b>	<b>Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement</b>
b.	Definition of Front Lot Line	In the case of a corner lot with two or more street lines of unequal lengths, the lot line which is the shorter of the two lot lines shall be deemed to be the front lot line	Major Mackenzie Drive West is deemed to be the front lot line
c.	Minimum Size of a Parking Space	Means a rectangular area measuring 2.7 m by 5.7 m	Means a rectangular area measuring 2.5 m by 6 m
d.	Minimum Lot Area	65 m <sup>2</sup> per unit (65 m <sup>2</sup> x 367 units)  Total = 23,855 m <sup>2</sup>	23.978 m <sup>2</sup> per unit  The minimum lot area shall be 8,800 m <sup>2</sup>
d.	Permitted Yard Encroachments	Air conditioners other than central air conditioning units, ornamental building features, eaves, gutters, canopies and chimneys may encroach 0.5 m into a required yard, and windows may encroach 1.0 m into a required yard	Permitted yard encroachments shall encroach 1.25 m into any required yard
e.	Minimum Front Yard Setback (Major Mackenzie Drive)	7.5 m	<ul style="list-style-type: none"> <li>• 5.6 m to the main wall of the building</li> <li>• 0.6 m at daylight triangle</li> </ul>
f.	Minimum Rear Yard Setback (Sandwell Street)	7.5 m	<ul style="list-style-type: none"> <li>• 2.6 m to the main wall of the building</li> <li>• 4 m at a daylight triangle</li> </ul>
g.	Minimum Interior Yard Setback (Sydney Circle)	7.5 m	5 m to the main wall of the building

	<b>Zoning By-law 001-2021 Standard</b>	<b>RM3 Multiple Unit Residential Zone Requirement</b>	<b>Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement</b>
h.	Minimum Exterior Yard Setback (Sunset Terrace)	7.5 m	<ul style="list-style-type: none"> <li>• 5 m to the main wall of the building</li> <li>• 7 m to daylight triangle</li> </ul>
i.	Setbacks for Structures Below Grade	1.8 m	0 m
j.	Permitted Encroachment of Accessory Structure	An accessory structure that is incidental to a below-grade parking structure shall have a minimum setback of 3.0m from any lot line	An intake shaft that is incidental to a below-grade parking structure shall have a minimum setback of 1 m from any lot line
k.	Minimum Parking Requirements	Visitor 0.20 spaces/unit x 367 units = 74 spaces	Visitor 0.147 spaces/unit x 367 units = 54 spaces
l.	Number of Driveways	Not more than one (1) driveway shall be permitted per dwelling	Two (2) driveways shall be permitted
m.	Location and Setback of Short Term Bicycle Parking Spaces	Short Term Bicycle Parking Spaces are not permitted within the required 3 m landscape strip and shall be located no closer to the lot line than 0.6 m	Short Term Bicycle Parking Spaces shall be permitted within the required landscape strip and shall be setback 0 m to Sunset Terrace
n.	Landscape Strip	A strip of land not less than 3 m in width shall be provided along a lot line which abuts a street and shall be used for no other purpose than landscaping	The minimum landscape strip shall be: <ul style="list-style-type: none"> <li>• 1 m abutting Sandwell Street</li> <li>• 0.6 m abutting Sunset Terrace and at daylight triangle of Major Mackenzie Drive West and Sunset Terrace</li> <li>• 1m abutting Major Mackenzie Drive West and at the daylight triangle of Sunset Terrace and Sandwell Street</li> </ul>

	<b>Zoning By-law 001-2021 Standard</b>	<b>RM3 Multiple Unit Residential Zone Requirement</b>	<b>Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement</b>
			Bicycle parking, hard and soft landscaping such as raised planters, patio stones, walkways, intake shafts and transformers will be permitted in the landscape strip
o.	Podium & Tower Requirements	Minimum Podium Height – 10.5 m Maximum Podium Height – 20 m Minimum Tower step-back – 3 m Maximum tower floor plate – 850 m <sup>2</sup> Minimum tower separation – 30 m	Minimum Tower step back of 1.5 m
p.	Angular Plane	A 45-degree angular plane shall be required and shall be applied from the rear lot line if it abuts any other Residential Zone other than RM2 or RM3	Angular plane provisions in Zoning By-law 001-2021 shall not apply

***The Development Planning Department supports the approval of Zoning By-law Amendment File Z.21.047 in principle, subject to the Recommendations of this report***

The Development Planning Department has reviewed the proposed site-specific zoning exceptions for the Development and can support them, with the exception of the following:

- The proposed revision to the definition of parking space and size of parking space in both by-laws;
- The proposed visitor parking rate of 0.147 spaces/unit in both by-laws, and;
- The request for two driveways per dwelling for Zoning By-law 001-2021

The recommended building modifications shown on Attachment 6 may affect the unit count and other zoning standards to facilitate the Modified Development, such as minimum lot size, parking space count and amenity area calculations. Should the recommendations for the Modified Development be endorsed by Council and approved



by the OLT, confirmation of all zoning exceptions would be required prior to finalizing the implementing Zoning By-laws.

The Development Engineering Department ('DE') has reviewed the proposed visitor parking rate of 0.147 spaces per unit and visitor parking dimensions of 2.5 m by 6 m and is concerned that the size of the parking space will be too small to accommodate perpendicular parking spaces and not enough parking is proposed to accommodate visitors of the Development. As such, the DE Department recommends that the Owner comply with the parking space dimensions and visitor parking rates of Zoning By-law 001-2021 which are 0.2 space per unit and 2.7 m by 5.7 m respectively. Conditions to this effect are included in the Recommendations of this report.

The DE Department has reviewed the request for a second driveway in Zoning By-law 001-2021 and is concerned that the proposed loading access via Sandwell Street is located too close in proximity to the existing access to Sydney Circle and could cause vehicular conflict. As such, the DE Department recommends that the Owner investigate alternative loading designs that eliminate the need for the Sandwell Street access. A recommendation to this effect is included in the report and identified on Attachment 6.

The Development Planning Department advises that the 45-degree angular plane provisions in Zoning By-law 001-2021 do not match the angular plane provisions identified in VOP 2010. The angular plane provisions of the Zoning By-law are required to be in conformity with VOP 2010. As such, the Development Planning Department will bring forward an administrative amendment to Zoning By-law 001-2021 at a future date to rectify the issue as it concerns angular plane.

***The Development Planning Department recommends the Holding Symbol "(H)" as identified in the Recommendations of this report***

The Holding Symbol "(H)" shall not be removed from the Subject Lands until the conditions as listed in the Recommendations of this report, have been satisfied. Once the conditions have been satisfied, the Owner will be required to submit a Holding Removal By-law Application to remove the Holding Symbol "(H)" from the Subject Lands, should the Applications be endorsed by Vaughan Council and approved by the OLT.

***Should the Applications be endorsed by Council and approved by the OLT, Site Development File DA.22.071 is required to be approved for the Development***

The Owner has submitted Site Development File DA.22.071 in support of the Development Applications. Should the Applications be endorsed by Council and approved by the OLT, Site Development File DA.22.071 shall be approved to the satisfaction of City staff. In accordance with Bill 109, the approval of Site Development

Applications has been delegated to the City of Vaughan Director of Development Planning and/or the Director of Policy Planning and Special Projects for approval.

***Should the Applications be endorsed by Council and approved by the OLT, a Condominium Application is required to establish tenure for the Development***

The Owner will be required to submit a Condominium Application to establish tenure for the Development, should the Zoning By-law Amendment and Official Plan Amendment applications be endorsed by Council and approved by the OLT. The Condominium Application will be required to be approved by Vaughan Council.

***The Development Planning Department recommends that Council endorse the Modified Development***

Proposed Site Plan

The Owner proposes a c-shaped apartment building with a total of 367 units, a maximum building height of 12 storeys and maximum FSI of 3.21 times the area of the lot, as shown on Attachment 2. One full moves access is proposed for the Development via Sunset Terrace which is proposed to be extended to connect with Major Mackenzie Drive West.

A driveway internal to the site leads to an underground parking garage with two levels. The Development proposes a total of 421 vehicle parking spaces with 11 visitor parking spaces at grade and the remaining 410 parking spaces located underground. The Development also proposes the extension of Sunset Terrace to accommodate 8 on-street parking spaces.

Proposed Building Elevations

The proposed building elevations are shown on Attachments 3 and 4 and a rendering is shown on Attachment 5. A 2 storey podium is provided with stepbacks at 4, 5, 6, 9, 10 and 12 storeys, with the majority of the building height (9 to 12 storeys) concentrated within the portion of the Subject Lands designated as a “Local Centre” (along Sunset Terrace and Major Mackenzie Drive West). Private balconies are also proposed for the Development as well as a communal outdoor terrace on the 5<sup>th</sup> floor of the portion of the building overlooking Sandwell Street.

To achieve a Development that is compatible with the abutting low-rise residential uses and maintains the intent of the “Local Centres” and “Intensification Areas” policies of VOP 2010, the Development Planning Department recommends modifications to the Development as identified in the Recommendations of this report and on Attachment 6.

Revisions to FSI and unit count may occur as a result of the recommended modifications. The Development Planning Department is satisfied that the overall massing for the Modified Development is appropriate and compatible with the existing and planned surrounding uses. Architectural building materials including bird friendly window treatments will be reviewed at the Site Development stage of the Applications.

#### Waste and Loading

A one-way access is also proposed via Sandwell Street to create through traffic for waste collection and loading vehicles. Waste collection vehicles and other loading and unloading vehicles are proposed to enter the site via Sunset Terrace, enter the loading bay located within the building and exit via Sandwell Street.

To mitigate noise and traffic impacts on local residents, the Development Planning Department in consultation with the Development Engineering Department recommends that the Owner explore alternative loading designs that eliminate the need for the Sandwell Street access. A recommendation to this effect is included in this Report and included on Attachment 6.

#### Landscape Plan and Amenity Areas

The Development will include various indoor and outdoor amenities. Proposed outdoor amenities include a rooftop terrace on the 5<sup>th</sup> storey portion overlooking Sandwell Street and an at grade private amenity space that includes: lounge/barbeque area, sodded areas, walking paths, bench seating areas and private amenity spaces in the form of balconies and walk-out patios. All landscaping for the Subject Lands shall be finalized during the Site Development stage of the Applications.

#### Wind Conditions

The Owner submitted a Pedestrian Level Wind Study ('Wind Study') prepared by Theakston Environmental, dated September 9, 2021 in support of the Development. The Wind Study concludes that the Development will have wind conditions acceptable to its context. Mitigation measures such as recessed building entrances and landscaping in the outdoor amenity area including but not limited to berms, privacy and wind screens, trellises, recessed seating, coniferous trees and raised planters, are recommended to improve wind conditions on the Subject Lands. The recommended mitigation measures will be incorporated in the architectural and landscape details at the Site Development stage of the Applications, to the satisfaction of the Development Planning Department.

The Modified Development proposes a break in the building which will ultimately improve wind conditions for the Subject Lands. The Development Planning Department has reviewed the Wind Study and recommends that prior to the implementation of the

Zoning By-law Amendment, the Wind Study be updated to reflect the Modified Development, should the Applications be endorsed by Vaughan Council and approved by the OLT. A recommendation to this effect is included in this report.

#### Sun/Shadow Conditions

The Owner submitted a Sun/Shadow Study prepared by Giovanni A. Tassone Architect Inc. and dated November 1, 2022, to support the Development. The Sun/Shadow study demonstrates an acceptable sun/shadow impact on the Subject Lands and surrounding uses. In accordance with the City-Wide Urban Design Guidelines, the building location and orientation should maintain 5 hours of consecutive sunlight on one side of the street and adjacent sidewalks. The Sun/Shadow Study demonstrates that 5 hours of consecutive sunlight are being maintained in the outdoor amenity area as well as on Sandwell Street, Sunset Terrace and Major Mackenzie Drive West.

The Sun/Shadow Study also demonstrates that there will be minimal sun/shadow impact to the existing townhouse dwellings that abut the Subject Lands due to the building's positioning relative to the direction of sunlight. The Development Planning Department has reviewed the Sun/Shadow Study and confirms that it satisfies the requirements of the City-Wide Urban Design Guidelines and will result in minimal impact on the abutting lands. The Development Planning Department is satisfied that the Modified Development will maintain sunlight conditions in accordance with the City-wide Urban Design Guidelines.

#### Sustainability Performance Metrics

The Sustainability Performance Metrics shall be reviewed at the Site Development stage of the Applications. Site Development File DA.22.071 shall achieve a minimum threshold score of 31 for the Sustainability Metrics.

#### ***The Development Engineering ('DE') Department recommends Holding ('H') conditions to satisfy their outstanding comments***

The DE Department recommends Holding ('H') conditions to satisfy their outstanding comments. The DE Departments provides the following comments regarding the Development:

#### Road Network

The Subject Lands are located on the north side of a regional road, Major Mackenzie Drive West, west of Weston Road, and south of a municipal road extension and temporary hammer-head turn-around at Sandwell Street. To accommodate the proposed access, circulation and parking for the Development, a future extension of Sunset Terrace together with removal of the temporary hammer-head turn-around and future intersection of Sandwell Street and Sunset Terrace is required to be designed

and constructed in conjunction with the abutting landowner (G Group Major Mackenzie Inc.), to the east. As such, The DE Department recommends Holding (“H”) conditions for Zoning By-law Amendment File Z.21.047, as stated earlier in the report, to ensure that Sunset Terrace and Sandwell Street are built out, prior to any development on the Subject Lands, should the Applications be endorsed by Council and approved by the OLT.

#### Registration of Plan of Subdivision File 19T-17V004

Plan of Subdivision File 19T-17V004 was approved by Vaughan Council on October 2, 2019 to create roads and development blocks to permit townhouses and future development. The Development proposes to obtain access and servicing connection from the extension of roads including Sandwell Street and Sunset Terrace. At the time of the preparation of this report, Plan of Subdivision File 19T-17V004 has not been registered.

Plan of Subdivision File 19T-17V004 will be registered in the following phases: Phase 1, the approved townhouses north of Sandwell Street, together with the extension of Sandwell Street and Phase 2, the block for the Development of the Subject Lands together with the extension of Sunset Terrace and intersection of Sandwell Street and Sunset Terrace. The subdivision agreement for Phase 1 was executed on November 23, 2022. The Owner shall enter into an amending subdivision agreement for Phase 2 of Plan of Subdivision File 19T-17V004 and register the lands to create the block and access road for the Development. Holding “(H)” conditions to this effect are recommended for Zoning By-law Amendment File Z.21.047, as identified earlier in this report.

#### Water and Sanitary Servicing

The Subject Lands are tributary to a Pressure District 7 (PD7) watermain along the north side of the Sandwell Street extension and are tributary to a sanitary sewer on the south side of the Sandwell Street extension, ultimately conveying flows towards the existing trunk sanitary sewer on Lawford Road. Plan of Subdivision File 19T-17V004 included the extension of Sandwell Street, together with required municipal watermain and service connections for the Development. A Holding “(H)” condition is recommended by the DE Department to ensure that Plan of Subdivision File 19T-17V004 is registered prior to servicing the Development.

A Functional Servicing Report prepared by Crozier Consulting Engineers dated October 6, 2022 (‘FSR Report’), was submitted in support of the Applications. The DE Department recommends that the Owner provide information on unit counts for approved and proposed development applications within the immediate vicinity to identify any required watermain and/or wastewater system infrastructure improvements

to service the Development, as necessary. A Holding “(H)” condition to this effect is recommended for Zoning By-law Amendment File Z.21.047 in this report.

### Storm Servicing

The Subject Lands are tributary to a municipal storm sewer within the Sandwell Street extension, ultimately conveying stormwater flow to an existing downstream stormwater management pond. The development proposes a connection to the existing storm control maintenance hole complete with internal site storage (via underground storage tank within the building) and orifice controls. A Holding “(H)” condition is recommended by the DE Department to ensure that Plan of Subdivision File 19T-17V004 is registered to ensure storm servicing connection for the Development.

### Hydrogeological & Geotechnical Assessments

A Geotechnical Investigation prepared by Terraprobe Inc. dated August 31, 2021, and a Hydrogeological Assessment prepared by Terraprobe Inc. dated September 8, 2021, were submitted in support of the Development. The Hydrogeological report identifies groundwater elevations above the proposed elevation of the underground parking structures and as such, the Development will require short-term and long-term dewatering.

The DE Department recommends that the Owner accommodate dewatering information and recommendations in the FSR Report. A Holding “(H)” condition to this effect is identified in the Recommendations of this report.

Prior to the discharge of groundwater accumulated or collected on private lands into the City’s storm sewer system, the Owner shall obtain a Discharge Permit from the Environmental Services Department at the Site Development application stage, should the Applications be endorsed by Council and approved by the OLT.

### Noise And Vibration Analysis

A Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd., dated September 15, 2021, was provided in support of the Applications for the Subject Lands. Valcoustics Canada Ltd. recommended that a Class 4 acoustical area designation be applied to the Development to allow Class 1 – Ministry of Environment, Conservation and Parks (‘MECP’) NCP-300 noise level limits to be exceeded due to the proximity of the MTO Patrol Yard located on the south side of Major Mackenzie Drive West.

The City requires a peer review of the noise report to be undertaken to determine the viability and feasibility of the Class 4 request and any viable solutions to mitigate noise sources externally or internally via design related mitigations. Should it be determined that the Subject Lands shall be designated as a Class 4, the Owner will be required to

submit a surcharge in accordance with the fee by-law and the noise by-law shall be amended to recognize the Class 4 designation for the Subject Lands. A Holding “(H)” condition to this effect is recommended for Zoning By-law Amendment File Z.21.047, as identified earlier in this report.

The Owner shall submit a final detailed noise report in support of the final proposed noise strategy for review and approval by the City during the site plan stage of the Applications. The study currently recommends a 1.1 m high parapet sound barrier for the 10<sup>th</sup> floor private terraces at the northeast corner of the development to mitigate daytime sound levels to Class 4 limits. The Owner shall implement all recommendations of the final detailed noise report (including building design elements and warning clauses), during the site plan stage of the applications.

#### Environmental Site Assessments (‘ESA’)

The DE Department reviewed the following Environmental Site Assessment reports in support of the Applications:

- Soil Engineers Ltd. report entitled “Phase One Environmental Site Assessment Update, Proposed Residential Development, 3850 Major Mackenzie Drive West, City of Vaughan” dated November 5, 2021;
- Soil Engineers Ltd. report entitled “Phase Two Environmental Site Assessment, Proposed Residential Development, 3850 Major Mackenzie Drive West, City of Vaughan” dated January 24, 2022;
- Soil Engineers Ltd. report entitled “Phase One Environmental Site Assessment Update, Proposed Residential Development, 3836 Major Mackenzie Drive West, City of Vaughan” dated August 19, 2022; and
- Ministry of the Environment, Conservation and Parks (MECP) Record of Site Condition (RSC) #232453 filed on the Environmental Site Registry on July 18, 2022 for 3850 Major Mackenzie Drive West.

The DE Department confirms that the ESA reports are sufficient; however the Owner shall submit the Phase Two ESA report used to file RSC #232453 entitled “Phase Two Environmental Site Assessment Update, 3850 Major Mackenzie Drive West, City of Vaughan” dated May 5, 2022, prepared by Soil Engineers Ltd. and a Letter of Reliance for their ESA reports, to the satisfaction of the DE Department. A Holding Symbol “(H)” condition to this effect is included in the Recommendations of this report.

### Traffic Impacts

The Owner submitted a Transportation Mobility Plan ('TMP') prepared by Crozier Consulting Engineers, dated September 2021 and an addendum report dated October 2022. The DE Department has reviewed these reports and confirms that the Development is anticipated to introduce an acceptable traffic impact to the existing and future road network. The TMP proposes mitigation measures along with a Travel Demand Management ('TDM') plan to reduce the impacts. A TDM checklist has also been provided for the Development based on the Region of York's Mobility Guidelines.

However, the DE Department recommends that the TMP be revised to address outstanding comments. The DE Department anticipates that improvements such as signalization to the Weston Road and Farooq Boulevard intersection may be required to support the traffic impacts for the Development, but the Owner shall provide an updated TMP to confirm. A Holding ("H") condition to this effect is included in the Recommendations of this report.

### Access, Parking and Loading

One full moves access is proposed for the Development via Sunset Terrace which is proposed to be extended from Sandwell Street to connect with Major Mackenzie Drive West. A driveway internal to the Subject Lands leads to an underground parking garage with two levels. The Development proposes a total of 421 vehicle parking spaces with 11 visitor parking spaces at grade and the remaining 410 parking spaces located underground. The Development also proposes to accommodate 8 on-street parking spaces along Sunset Terrace.

The Development Engineering Department ('DE') has reviewed the proposed visitor parking rate of 0.147 spaces per unit and visitor parking dimensions of 2.5 m by 6 m and is concerned that the size of the parking space will be too small to accommodate perpendicular parking spaces and not enough parking is proposed to accommodate visitors of the Development. As such, the DE Department recommends that the Owner comply with the parking space dimensions and visitor parking rates of Zoning By-law 001-2021 which are 0.2 space per unit and 2.7 m by 5.7 m respectively. Conditions to this effect are included in the Recommendations of this report.

A one-way access is also proposed via Sandwell Street to create through traffic for waste collection and loading vehicles. Waste collection vehicles and other loading and unloading vehicles are intended to enter the Subject Lands via Sunset Terrace, enter the loading bay located within the building and exit via Sandwell Street.



The DE Department is concerned that the proposed loading access via Sandwell Street is located too close in proximity to the existing access to Sydney Circle and could cause vehicular conflict. As such, the DE Department recommends that the Owner explore alternative loading designs that eliminate the need for the Sandwell Street access. A recommendation to this effect is included in the report and is shown on Attachment 6.

The DE Department has also requested that the Owner clarify the “Moving Lay-By” loading space shown on Attachment 2. All loading activities should take place within a dedicated loading space per the dimensions and requirements of the Zoning By-laws. The proposed “Moving Lay-By” loading space in its current location may conflict with pedestrian pathways, therefore the DE Department recommends that this “Moving Lay-By” space be removed and consolidated with the waste collection area during the Site Development stage of the Applications.

#### Active Transportation / Travel Demand Management ('TDM')

A total of 228 (184 long term and 44 short term) bicycle parking spaces are proposed for the Development to promote active modes of transportation and support TDM initiatives, however these numbers will be subject to change, should the Modified Development be endorsed by Council and approved by the OLT.

A TDM plan has been developed that provides greater clarity on the proposed TDM measures for the Development. TDM checklists have been provided based on the Region of York's Mobility Guidelines. All street frontages abutting the Development excluding Sydney Circle, will include sidewalks and the at grade private amenity area also proposes walkway connections to Major Mackenzie Drive, Sandwell Street and Sunset Terrace, to facilitate and promote active transportation throughout the Subject Lands.

#### ***The Financial Planning and Development Finance Department have no objection to the Development, subject to development charges being paid at building permit issuance***

The Financial Planning and Development Finance Department have no objection to the Development, subject to the Owner paying any applicable Development Charges in accordance with the Development Charges By-law of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Boards, prior to the issuance of a building permit. The Owner shall pay to the City, a woodlot acquisition charge per residential dwelling unit in accordance with the City's Woodlot Acquisition Front-end Agreement. A standard condition for the payment of Development Charges will be included in the Site Plan Agreement for the Development, should the Modified Development be endorsed by Council and approved by the OLT.

***A Community Benefits Charge pursuant to Section 37 of the Planning Act is applicable***

On September 14, 2022, Council enacted By-law 201-2022 as the new Community Benefits Charge ('CBC') By-law, which authorizes community benefits charges to be imposed against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment. The CBC By-law effectively replaces how and when community benefits were collected under the previous Section 37 of the *Planning Act*. The Development meets the criteria for the Community Benefits Charges as the Development proposes more than 5 storeys and more than 10 dwelling units.

Prior to the issuance of a Building Permit, the Owner shall pay to the City of Vaughan by way of certified cheque a community benefits charge equivalent to 4% of the value of the subject lands in accordance with Section 37 of the *Planning Act* and the City's CBC By-law. The Owner shall submit an appraisal of the Subject Lands, pursuant to the City's CBC By-law, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the calculation of the community benefits charge payment. A condition to this effect will be included in a future site plan agreement.

***The Environmental Services Department, Solid Waste Management division identified that their concerns can be addressed at the Site Development stage, should the Applications be endorsed by Council and approved by the OLT***

The Solid Waste Management of the Environmental Services Department has identified that their concerns shall be addressed at the Site Development stage, should the Applications be endorsed by Council and approved by the OLT. All waste containers shall be shown inside the garbage room and/or staging area, provide a 7.5 m vertical clearance within the loading area, provide a 3-stream multi-sorting system with 3 separate chutes and the Waste Collection Design Standards Form shall be provided.

***Real Estate and the Parks Infrastructure Planning and Development ('PIPD') Departments have no objection to the Development, subject to cash-in-lieu of parkland being satisfied***

The PIPD Department has reviewed the Applications and provides the following comments:

PIPD staff target a range of 0.3 – 0.4 ha of public parkland acquisition per 1000 residents within "Intensification Areas," to contribute towards the Active Together Master Plan ('ATMP') City-wide target of 2 ha of public parkland per 1000 residents. Based on the total population for the Development (701 persons based on 367 units at 1.91 person per unit) and the anticipated population for the area given existing residents and

proposed development applications, a 0.2 ha public park or a Privately Owned Publicly Accessible Space ('POPS') is to be provided on the Subject Lands.

The Owner submitted a Community and Facilities Impact Study ('CFIS'), prepared by KLM Planning Partners Inc., dated December 2021, in support of the Applications. The report concludes that the Subject Lands are well served by existing public parks within walking distance of the Subject Lands including Chatfield District Park and Lawford Neighbourhood Park. Existing and future residents will also be able to take advantage of future public parks and POPS in the surrounding area such as the POPS that was approved by Vaughan Council at the northeast corner of Weston Road and Major Mackenzie Drive West (Vaughan NW RR Propco LP – Files OP.20.008, Z.20.016 and DA.20.022), and the northwest corner of 3812 Major Mackenzie Drive West (east of the future Sunset Terrace), that is zoned "OS2 Open Space Park Zone" to permit a future public park, as shown on Attachment 1.

Public parks and POPS are required by VOP 2010 to be highly visible with prominent public street frontage. The proposed private amenity area is approximately 0.2 ha in area and is located internal to the Subject Lands. The proposed amenity area does not provide frontage along a public street, but does provide pedestrian connections and sightlines to the amenity area from Sunset Terrace, Sandwell Street and Major Mackenzie Drive West, and abuts Sydney Circle, which is a private condominium road. Should the Applications be endorsed by Council and approved by the OLT, the Development Planning Department shall include a condition in a future site plan agreement to request that a fence not be erected along the shared property boundary of Sydney Circle and the Subject Lands to ensure an attractive streetscape and appropriate pedestrian connectivity to the area vicinity.

As the private amenity area does not meet the criteria for a public park or POPS, it is not able to receive parkland credit as identified by the Parkland Dedication By-law. Given the above, the Owner shall convey land at the rate of 1 ha per 300 units and/or pay to Vaughan by way of certified cheque(s), cash-in-lieu of the dedication of parkland at a rate of 1 hectare per 500 units or at a fixed unit rate at Vaughan's discretion, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City of Vaughan's Cash-in-Lieu of Parkland Dedication By-law. A condition to this effect will be included in the Site Plan Agreement associated with the Applications, should the Applications be endorsed by Council and approved by the OLT.

***The Cultural Heritage division of the Development Planning Department has no objection to the Development, subject to standard archaeological clauses being included in the Site Plan Agreement for the Development***

The Cultural Heritage division of the Development Planning Department has no objection to the Development, subject to standard archaeological clauses being included in the Site Plan Agreement for the Development.

***Vaughan Fire & Rescue Services have reviewed the Applications and have identified that all fire safety matters will be reviewed at the Site Plan stage of the Applications***

Vaughan Fire & Rescue Services have reviewed the Applications and have identified that all fire safety matters will be reviewed during the Site Plan stage of the Applications, should they be endorsed by Council and approved by the OLT.

***Bombardier and NavCanada has no objection to the approval of the Applications***

Bombardier and NavCanada were consulted as it relates to the proposed Development and had no objection to the approval of the Applications.

***The School Boards have no objection to the Development***

The York Region District School Board and York Region Catholic School Board have no comments or concerns with respect to the Development. No comments were received from the Conseil Scolaire de District Catholique Centre Sud.

***Canada Post has no objection to the Development subject to the Owner providing a centralized mail receiving facility within the Development***

Canada Post has no objection to the Development, subject to the Owner providing the building with its own centralized mail receiving facility within the Development, should the Applications be endorsed by Council and approved by the OLT.

***Utility providers have no objection to the Development***

Enbridge Gas Distribution, Rogers Communication Inc. and Alectra Utilities Corporation have no objection to the Development, subject to the Owner providing any easements for the Development at no cost to the utility provider, if required. A condition to this effect will be included in a future Site Plan Agreement associated with the Applications should the Applications be endorsed by Council and approved by the OLT. HydroOne and Bell Canada Inc. did not provide comments on the Applications, however their interests will be protected by the above noted clause included in the Site Plan Agreement.

**Financial Impact**

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

## **Broader Regional Impacts/Considerations**

York Region has reviewed the Applications and advised that the Official Plan Amendment is a matter of local significance and does not adversely affect Regional planning policies or interests. On this basis, York Region on December 12, 2022, exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council.

Regional planning staff have reviewed the Applications and offer the following comments:

- The proposed level of intensification appears to align with the Regional and local planned urban structure and intensification hierarchy, however final building height, density and number of units will be determined by the City of Vaughan;
- Regional staff have reviewed the the Functional Servicing Report prepared by Crozier Consulting Engineers dated October 6, 2022 and identified no issues. Technical comments will be provided at the Site Development stage of the Applications, should they be endorsed by Vaughan Council and approved by the OLT;
- Regional staff have reviewed the TMP prepared by Crozier Consulting Engineers, dated September 2021 and an addendum report dated October 2022 and are satisfied that the Development will incur an acceptable traffic impact to the existing regional road network and the surrounding area;
- The Region recommends that the TDM checklists that accompany the Applications be revised at the Site Development stage of the Applications, should they be endorsed by Council and approved by the OLT, to include transit incentives above and beyond what is provided through Regional Development Charges, such as Presto Cards to encourage residents to take transit. The Owner shall provide one adult YRT Monthly Presto card for each residential unit for a 3-month period.

Should the Applications be endorsed by Council and approved by the OLT, the Owner will be required to convey lands for road widening and a daylight triangle along Major Mackenzie Drive West to the Region, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor, during the Site Development stage.

## **Conclusion**

The Development Planning Department has reviewed the Applications in consideration of the PPS, Growth Plan, YROP and VOP 2010, the comments received from City departments, external public agencies, the public and the surrounding area context. The Modified Development is consistent with the PPS, Growth Plan, YROP and maintains the intent of VOP 2010 and City of Vaughan Zoning By-law. The proposed

amendments to VOP 2010, Zoning By-law 1-88 and Zoning By-law 001-2021, subject to the Recommendations of this report, are appropriate for the development of the Subject Lands given the existing and planned uses. The Modified Development utilizes an intensified compact built form, is compatible with the surrounding area and provides additional housing options in proximity to existing and planned public transit facilities. On this basis, the Development Planning Department can support the approval of the Applications, subject to the Recommendations of this report.

**For more information**, please contact Rebecca Roach, Planner, at extension 8626.

### **Attachments**

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Conceptual Building Elevations (East and South)
4. Conceptual Building Elevations (West and North)
5. Building Rendering
6. Site Plan with Recommended Modifications
7. Schedule 1 of VOP 2010 - Urban Structure
8. Schedule 13 of VOP 2010 - Land Use
9. Previous Development Applications

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### **Reviewed by**



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