

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 15, 2022

Item 1, Report No. 5, of the Committee of the Whole (Public Meeting), which was adopted without amendment by the Council of the City of Vaughan on February 15, 2022.

**1. TESMAR HOLDINGS INC. OFFICIAL PLAN AMENDMENT FILE
OP.21.020 ZONING BY-LAW AMENDMENT FILE Z.21.041 VICINITY OF
RUTHERFORD ROAD AND JANE STREET**

The Committee of the Whole (Public Meeting) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated February 2, 2022, be approved;**
- 2) That the comments of Aidan Pereira, KLM Planning Partners Inc., Jardin Drive, Concord, representing the applicant, and Communication C16, presentation material, dated February 2, 2022, be received; and**
- 3) That the following communications be received:**
C1 Alan Heisey, Papazian Heisey Myers Barristers & Solicitors, King Street West, Toronto, representing Canadian National Railway, dated January 27, 2022.

Recommendations

- 1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041 (Tesmar Holdings Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.**

Committee of the Whole (Public Meeting) Report

DATE: Wednesday, February 2, 2022

WARD(S): 4

TITLE: TESMAR HOLDINGS INC.

OFFICIAL PLAN AMENDMENT FILE OP.21.020

ZONING BY-LAW AMENDMENT FILE Z.21.041

VICINITY OF RUTHERFORD ROAD AND JANE STREET

FROM:

Haiping Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to amend the Official Plan and Zoning By-law to permit the proposed high-rise residential development including one 30-storey apartment building on a 6-storey podium with 301 residential units, 360 parking spaces, and having a Floor Space Index of 6.74 times the area of the lot, and to eliminate the required 5,000 m² of non-residential uses, as shown on Attachments 2 to 4.

Report Highlights

- The Owner proposes to amend the Official Plan designation and rezone the subject lands to permit a 30-storey apartment building containing 301 dwelling units having a Floor Space Index of 6.74 times the area of the lot
- The Owner proposes to eliminate the required 5,000 m² of non-residential uses
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041 (Tesmar Holdings Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: The subject lands (the 'Subject Lands') are located on the east side of Jane Street south of Rutherford Road and are 0.32 ha in size. The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: October 21, 2020, extended to October 30, 2021

Date applications were deemed complete: November 26, 2021

The Local Planning Appeal Tribunal ('LPAT'), now known as the Ontario Land Tribunal ('OLT'), issued orders associated with LPAT Case No(s): PL140839 and PL070347

The Subject Lands are located within the Vaughan Mills Centre Secondary Plan ('VMCSP'), Vaughan Official Plan 2010 ('VOP 2010') Volume 2, Section 11.7. Section 18.4 Special Provisions Governing the Development of Block b5 was added to the VMCSP in accordance with OLT Orders connected to OLT Case No(s): PL140839 and PL070347. The Subject Lands are within Block b5 on Schedule I: Development Blocks of the VMCSP.

The Subject Lands are considered Phase 2 of development Block b5

The Subject Lands are part of development Block b5 on Schedule I: Development Blocks of the VMCSP. Tesmar Holdings Inc. ('the Owner') received OLT approval of Phases 1A and 1B of Block b5 through Site Development File DA.14.037 for a 23-storey and 20-storey residential apartment buildings with a total of 568 units including a 1,840 m² Publicly Accessible Private Open Space ('POPS'). A portion of the POPS is located on the Subject Lands, however, it has been constructed as part of the approval for Phases 1a and 1b.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands, shown on Attachment 1, to permit the a 30-storey apartment building on a 6-storey podium with 301 units, 360 parking spaces and a Floor Space Index ('FSI') of 6.74 times the area of the lot (the 'Development'), as shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.21.020 to amend the policies of VOP 2010, Volume 2, VMCSP, Section 11.7, to increase the maximum permitted building height of 23-storeys and an FSI of 3.7 times the area of the lot, to 30-storeys and a maximum FSI 6.74, and eliminate the required minimum 5,000 m² of non-residential uses.
2. Zoning By-law Amendment File Z.21.041 to rezone the Subject Lands from "RA3(H) Residential Apartment Zone" subject to the site-specific

Exception 9(1467) with a Holding Symbol “(H)” to “RA3 Residential Apartment Zone” to permit a building height of 30-storeys, increase the maximum permitted number of units, and eliminate the required 5000 m² of non-residential uses, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report. The Owner shall also be required to amend Zoning By-law 001-2021 to rezone the “SC Service Commercial Zone” subject to site-specific Exception 14.701, in the manner shown on Attachment 2, and permit site-specific exceptions as identified in Table 2 of this report.

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

- a) Date the Notice of Public Meeting was circulated: January 7, 2022.

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and a Notice Sign was installed along Jane Street in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received as of January 11, 2021 by the Development Planning Department.

Any 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 and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

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

October 20, 2015 Committee of the Whole (Closed Session) (Item 2, Report No. 36):
https://www.vaughan.ca/council/minutes_agendas/Extracts/36closed1007_15ex_2.pdf

August 27, 2018 LPAT Decision Case No(s): PL140839 and PL070347
<https://www.omb.gov.on.ca/e-decisions/pl140154-Aug-27-2018.pdf>

June 22, 2021 Committee of the Whole (1) (Item 9, Report No. 29)
<https://pub-v Vaughan.escribemeetings.com/filestream.ashx?DocumentId=77716>

Analysis and Options

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

Official Plan Designation:

- “Primary Centre” on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’)

- “High-Rise Mixed-Use” within the VM CSP, Volume 2, Section 11.7, subject to Section 18.4 “Special Provisions Governing the Development of Block b5”
- This designation permits residential uses having a total maximum Gross Floor Area (GFA) of up to 45,000 m², a maximum of 600 residential units, non-residential uses having a minimum GFA of 5,000 m² including Office uses with a minimum GFA of 4,500 m², and Commercial uses having a maximum of 800 m² with no outdoor storage, a maximum FSI of 3.7 and at grade private outdoor amenity space having a minimum size of 1,840 m² and public access in favour of the City of Vaughan
- Approval for a portion of Block b5 (Phases 1A and 1B) has been granted through File DA.14.037 to permit two apartment buildings with heights of 23-storeys and 20-storeys having a total of 568 residential units. Phases 1A and 1B also included an 1,840 m² POPS, a portion of which is located on the Subject Lands
- An amendment to VOP 2010 is required to amend the policies of the “High-Rise Mixed Use” designation and Special Provisions Governing the Development of Block b5 in the VM CSP to permit a residential building having a maximum building height of 30-storeys including 301 dwelling units, 6.74 FSI and no non-residential GFA

Amendments to City of Vaughan Zoning By-laws are required to permit the development

Zoning:

- “RA3(H) Apartment Residential Zone”, by Zoning By-law 1-88, subject to site-specific Exception 9(1467) and a Holding Symbol “(H)”
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “RA3 Apartment Residential Zone” together with the following site-specific zoning exceptions identified in Table 1 to permit the Development:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
a.	Minimum Front Yard (Jane Street)	7.5 m	3.5 m
b.	Definition of a “Lot”, “Lot Line, Front”, “Parking Space”, “Underground Parking Structure”, “Accessory Building” and “Publicly	i. LOT - Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the <i>Planning Act</i> , R.S.O. 1983 would not be required for its conveyance. For the	i. LOT – Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 50 of the <i>Planning Act</i> , R.S.O. 1990, CP. 13 would not be required for its conveyance. Land defined in an application for a building permit shall be deemed

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
	Accessible Private Amenity Space”,	<p>purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot</p> <p>ii. LOT LINE, FRONT – Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle the center point of the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines. Where both lot lines are of equal length or where the lot abuts more than two (2) street lines, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot. A reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph</p> <p>iii. PARKING SPACE – Means a rectangular area measuring at least 2.7 m by 6 m, exclusive</p>	<p>to be a parcel of land and a reserve shall not form part of the lot. For the purposes of zoning conformity, the lands shown as “Subject Lands” on Schedule “E-____” shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums, or other permissions granted after the approval of this By-law, shall be deemed to comply with the provisions of this By-law</p> <p>ii. LOT LINE, FRONT - shall be deemed to be Jane Street</p> <p>iii. PARKING SPACE – means a rectangular area measuring at least 2.7 m by 5.7 m, exclusive of any aisles or ingress and</p>

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
		<p>of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, and shall include a private garage or carport and private driveway leading thereto</p> <p>iv. UNDERGROUND PARKING STRUCTURE – n/a</p> <p>v. ACCESSORY BUILDING – Means a subordinate building or structure, whether separate or attached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building, not used for human habitation, and includes a privet garage or carport</p> <p>vi. PUBLICLY ACCESSIBLE PRIVATE AMENTITY SPACE – n/a</p>	<p>egress lanes used for the temporary parking of motor vehicles</p> <p>iv. UNDERGROUND PARKING STRUCTURE – Means a building or structure constructed below finished grade used for the temporary parking of motor vehicles and shall not include the storage of impounded or derelict motor vehicles</p> <p>v. ACCESSORY BUILDING – Means a subordinate building or structure, whether separate or attached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building, not used for human habitation and shall not include a private garage or carport</p> <p>vi. PUBLICLY ACCESSIBLE PRIVATE AMENITY SPACE - as shown on Schedule “E-_____”, including a pedestrian connection to Jane Street, that are open space lands owned by a Condominium Corporations(s) with an easement for public</p>

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
			access in favour of the City located a grade level. Underground parking may be permitted below the publicly accessible private amenity space to the satisfaction of the City. Residential, commercial/ retail and employment uses are not permitted on the publicly accessible private amenity space
c.	Permitted Uses	Minimum 5,000 m ² of non-residential uses in accordance with Exception 9(1487)	Permit residential uses having a total maximum Gross Floor Area ('GFA') of 22,000 m ² and a maximum of 301 residential units
d.	Minimum Parking Requirements	<p>Residential 1.5 spaces/unit x 301 units = 452 spaces</p> <p>Visitor 0.25 spaces/unit x 301 units = 76 spaces</p> <p>Total Parking Required = 528 spaces</p>	<p>Residential 0.85 spaces/one- bedroom unit x 159 units = 136 spaces</p> <p>0.95 spaces/two-bedroom unit x 136 units = 130 spaces</p> <p>1.0 spaces/three-bedroom unit x 6 units = 6 spaces</p> <p>Visitor 0.2 spaces/unit x 301 units = 61 spaces</p> <p>Total Parking Calculated = 333 spaces</p> <p>360 Parking Spaces are proposed (27 additional parking spaces are to be allocated to the residential use)</p>
e.	Minimum Amenity Area	159 One Bedroom Unit x 20 m ² /unit = 3,180 m ²	Provide a total amenity area of 16,000 m ² including the publicly accessible privately-owned

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
		<p>136 Two Bedroom Unit x 55 m²/unit = 7,480 m²</p> <p>6 Three Bedroom Unit x 90 m²/unit = 540 m²</p> <p>Total required amenity area = 11,200 m²</p>	amenity space having a minimum area of 1,840 m ² and subject to an easement for public access in favour of the City
f.	Minimum Lot Area	67 m ² /unit x 301 units = 20,167 m ²	The minimum lot area for all 301 units shall be deemed to be 13,600 m ²
g.	Access and/or Driveway requirements	<p>A parking area shall be provided with a means of access or driveway measured perpendicular to the driveway centre line as follows:</p> <ul style="list-style-type: none"> - One-way – 5.4 m to 7.4 m - Two-way – 7.5 m - Where the driveway is a mutual two-way driveway with an adjoining property, the combined driveway shall be a minimum of 15 m 	A two-way access driveway shall be provided with a maximum width of 15 m
h.	Loading Space Requirements	<p>Loading and unloaded shall not be permitted between a building and a street. Where a lot has a frontage of less than 45.5 m, and is not a through lot, all loading shall take place between the building and the rear lot line. Where a lot is a through lot, loading and unloading shall take place anywhere on the lot except between a building and a Highway or arterial road.</p>	Loading and unloading shall only be permitted between a building and Caldari Road provided it is incorporated into the building design

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
i.	Minimum Landscaped Area	A strip of land not less than 6 m in width shall be provided along a lot line which abuts a street line and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip	A strip of land not less than 3 m in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip and shall include both soft and hard landscaping including but not limited to trees, shrubs, flowers, grass, unit pavers, patio stones, concrete, decorative stonework or other architectural elements designed to enhance the visual amenity areas of the property
j.	Portions of Buildings Below Grade	The minimum setback from the front lot line and the exterior lot line to the nearest part of a building below finished grade shall be 1.8 m, except where the minimum yard for a Zone is less than 1.8 m in which case the minimum setback shall be the same as such minimum yard(s). The minimum setback from the interior side lot line and the rear lot line to the nearest part of a building below finished grade shall be 0 m	The minimum setback from a lot line to the nearest building or structure below finished grade shall be 0 m
k.	Accessory Uses, Buildings and Structures	Land may be used, or a building or structure may be erected or used for a purpose, unless otherwise stated, that purpose shall include any building, structure or use accessory thereto. Unless otherwise stated any accessory building or	The maximum GFA of all accessory buildings and structures shall not exceed 500m ² , of which a maximum of 20% shall be permitted on the lands to be used for publicly accessible private amenity space located at grade level and subject to an easement for public access in favour of the City.

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
		<p>structure shall be subject to the same minimum yard and setback requirements for the main building or use, provide that no accessory building or structure, other than a garage or carport, shall be erected closer to the front lot line than the main use or building on the same lot.</p> <p>No accessory building or structure shall be constructed on any lot prior to the time of construction of the main building to which is accessory</p>	<p>Any accessory building or structure may be located between any portion of the building and the rear lot line, and within the rooftop amenity area located above the podiums.</p> <p>Accessory building or structures and architectural features may be permitted within the roof top amenity areas. Where any accessory structure or building or architectural feature is located within the roof top amenity areas, the maximum height of the accessory building or structure or architectural feature shall be measured to the top of the roof surface and shall not be included in determining the overall building height of the podiums</p>
I.	Podium requirements	n/a	<p>A podium shall be a minimum of one-storey along Abeja Street.</p> <p>The podium shall not exceed six-storeys. The open mezzanine area shall not exceed 40 % of the open area of the unit, in accordance with the provisions of the <i>Ontario Building Code</i>: An open mezzanine within a podium shall not be located along the exterior wall facing a street</p> <p>An open mezzanine shall not be considered to be a storey Any portion of the podium above the first-storey may be setback a maximum of 2 m</p> <p>The ground floor of any building and any entrance to any unit</p>

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Zone Requirement
			<p>facing a public street shall be no greater than 0.5 m above the average finished grade</p> <p>Towers above the podium shall be setback a minimum of 6 m from any public street and a minimum of 3 m from any publicly accessible private amenity space</p> <p>The maximum floorplate of a residential apartment tower above the podium shall not exceed 770 m²</p> <p>The minimum distance between any portion of a tower to another tower above the podium shall be a minimum of 27 m</p>

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law ('By-law 001-2021'). A notice of the passing was circulated on October 25, 2021 in accordance with the *Planning Act*. The last date for filing an appeal to the OLT in respect of By-law 001-2021 was November 15, 2021. By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate compliance with both By-law 001-2021 and Zoning By-law 1-88, as amended.

By-law 001-2021

The Subject Lands are zoned "SC Service Commercial Zone" subject to site-specific exception 14.701 in By-law 001-2021, as shown on Attachment 2. The OLT approved the site-specific zoning the Subject Lands "RA3(H) Apartment Residential Zone", by Zoning By-law 1-88, subject to site-specific Exception 9(1467) with a Holding Symbol "(H)". The RA3(H) Zone was not carried forward in the By-law 001-2021. The SC Service Commercial Zone, the RM3 Multiple Unit Residential Zone, and the RA3(H) Residential Apartment Zone, with the Holding Symbol (H), do not permit the Development. The Owner proposes to rezone the Subject Lands to "RM3 Multiple Unit

Residential Zone”, as shown on Attachment 2, together with the following site-specific zoning exceptions:

Table 2

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
a.	Definition of “Landscape”, “Lot”, “Lot Line, Front”, “Parking Space”, “Underground Parking Structure”, “Accessory Building”, and “Publicly Accessible Private Amenity Space”	<p>LANDSCAPE – Means an area of land used exclusively for soft landscape</p> <p>LOT – Means a parcel of land which can be conveyed as a separate parcel pursuant to the provisions of the <i>Planning Act</i></p>	<p>LANDSCAPE – Means an area of land comprising trees, shrubs, flowers, grass or other horticultural elements. Landscaping may include paths, patios, walkways, decorative stonework or other architectural elements designed to enhance the visual amenity of a property but does not include open storage display areas, parking or loading areas, or areas covered by driveways</p> <p>LOT – Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 50 of the <i>Planning Act</i>, R.S.O. 1990, C. 13 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot. For the purposes of zoning conformity, the</p>

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
		<p>LOT LINE, FRONT – Means the lot line that abuts the road. In the case of a corner lot or through lot, the front lot line shall be determined as follows:</p> <ul style="list-style-type: none"> i. 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 ii. In the case of a corner lot with two street lines of equal length, or a through lot, the lot line that abuts the wider road or abuts a Regional or Provincial road or highway shall be deemed to be the front lot line, In the case of both roads being under the same jurisdictions, or of the same width, the City may designate either 	<p>Subject Lands shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums, or other permissions granted</p> <p>LOT LINE, FRONT shall be deemed to be Jane Street</p>

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
		<p>street line as the front lot line</p> <p>iii. For the purpose of this definition, the lot line forming a site triangle shall not be deemed to be the shortest lot line</p> <p>PARKING SPACE – Means an obstructed rectangular area, exclusive of any aisles or driveways, used for the temporary parking of a motor vehicle and is capable of being directly accessed via an incidental associated structure used for charging or similar purpose</p> <p>UNDERGROUND PARKING STRUCTURE – not defined</p> <p>ACCESSORY BUILDING – not defined</p>	<p>PARKING SPACE – Means a rectangular area measuring at least 2.7 m by 5.7 m, exclusive of any aisles or ingress and egress lanes use for the temporary parking of motor vehicles</p> <p>UNDERGROUND PARKING STRUCTURE – Means a building or structure constructed below finished grade used for the temporary parking of motor vehicles and shall not include the storage of impounded or derelict motor vehicles</p> <p>ACCESSORY BUILDING – Means a subordinate building or structure, whether separate or attached, located on the same lot as the main building, the use of which is clearly incidental to that of the main building, not used for human habitation</p>

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
		PUBLICLY ACCESSIBLE PRIVATE AMENITY SPACE- not defined	and shall not include a private garage or carport; PUBLICLY ACCESSIBLE PRIVATE AMENITY SPACE – Means Publicly Accessible Private Amenity Space, including a pedestrian connection to Jane Street, that are open space lands owned by a Condominium Corporation(s) with an easement for public access in favour of the City located at grade level. Underground parking may be permitted below the publicly accessible private amenity space to the satisfaction of the City of Vaughan. Residential, commercial/retail and employment uses are not permitted on the publicly accessible private amenity space;
b.	Accessory Uses, Buildings and Structures	A building or structure shall not be interpreted as an accessory building or structure, respectively, if it is attached to the principle building in any way. Without limiting the scope of the foregoing statement, an attached private garage is not considered an accessory building and is not to be subject to the requirements Section 4.1.1 of the By-law	Any accessory building or structure may be located between any portion of the building and the rear lot line, and within the rooftop amenity area located above the podiums

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
c.	Minimum Required Amenity Area	For an apartment dwelling the minimum amenity area requirement shall be 8 m ² per dwelling unit for the first eight dwelling units, and an additional 5 m ² of amenity area per dwelling unit shall be required for each additional dwelling unit	A minimum amenity area of 16,000 m ² shall be required over the total site area; and shall include a publicly accessible privately-owned amenity space having a minimum area of 1840 m ² and subject to an easement for public access in favour of the City
d.	Soft Landscape Requirements	Where a lot contains a circular driveway, the minimum landscape of a yard in which a circular driveway is located shall be 50%, of which 60% shall be soft landscape	Soft landscaping requirements shall not apply
e.	Below Grade Parking Structures	The minimum setback from a street line shall be 1.8 m. The minimum setback from an interior side lot line or rear lot line shall be 0 m	The minimum setback of a below grade parking structure shall be a 0 m to all lot lines
f.	Minimum Parking Requirements	<p>Residential 1.0 spaces x 301 units = 301 spaces</p> <p>Visitor 0.2 spaces x 301 units = 61 spaces</p> <p>Total Required Parking = 362 spaces</p>	<p>Residential 0.85 spaces/1-bedroom unit x 159 units = 136 spaces</p> <p>0.95 spaces/2-bedroom unit x 136 units = 130 spaces</p> <p>1 spaces/3-bedroom unit x 6 units = 6 spaces</p> <p>Visitor 0.2 spaces/unit x 301 units = 61 spaces</p> <p>Total Parking Calculated = 333 spaces</p> <p>360 Parking Spaces are proposed</p>

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
			(27 additional parking spaces are to be allocated to the residential use)
g.	Driveway Width	Maximum driveway width shall be 9 m	The maximum driveway width shall be 12 m
h.	Circular Driveways	The maximum cumulative width of both accesses to a circular driveway, as measured at the street line, shall be 9.0 m	The maximum cumulative width of both accesses to a circular driveway, as measured at the street line shall be 12 m
i.	Minimum Lot Area	65 m ² /unit x 301 units = 19,565 m ²	The minimum lot area for all 301 units shall be deemed to be 13,600 m ²
j.	Minimum Rear Yard (Caldari Road)	7.5 m	5.5 m
k.	Minimum Interior Side Yard	7.5 m	3 m
l.	Minimum Exterior Side Yard (Abeja Street)	7.5 m	3 m
m.	Maximum Height	No maximum provided	95 m
n.	Landscape Requirements	Minimum landscape strip abutting a street line shall be 3 m	A strip of land not less than 3 m in width shall be provided along a lot line which abuts a street line and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip and shall include both soft and hard landscaping including but not limited to trees, shrubs, flowers, grass, unit pavers, patio stones, concrete, decorative stonework or other architectural elements designed to enhance the visual amenity areas of the property
o.	Angular plan requirements	A 45-degree angular plane shall be required in	A 45-degree angular plane shall not be required

	Zoning By-law 001-2021 Standard	RM3 Zone Requirement	Proposed Exceptions to the RM3 Zone Requirement
		the RM3 Zone and shall be applied from the rear lot line. This provision shall apply where the RM3 Zone abuts any other Residential Zone except another RM2 or RM3 Zone	

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report to a future Committee of the Whole meeting.

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010, and the VMCSP
b.	Appropriateness of Amendments to VOP 2010, the VMCSP, and Zoning By-laws	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 and the VMCSP will be reviewed in consideration of the proposed amendments to the land use designation, building height and density, design details, setbacks, amenity area and elimination of non-residential uses ▪ The appropriateness of amending the site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses ▪ Section 18.4 of the VMCSP, Site Plan Control and Land Use Compatibility states, "When considering development approval applications on Block b5, regard shall be had to all applicable Federal, Provincial and municipal policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with regard to noise, vibration, dust, odour and air quality". The appropriateness of the amendments will be reviewed in consideration of these policies.

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	Studies and Reports	<ul style="list-style-type: none"> The Owner submitted studies and reports in support of the Applications available on the City's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
d.	Allocation and Servicing	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands
e.	Urban Design Guidelines	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines and the Vaughan Mills Centre Secondary Plan public realm and streetscape design guideline
f.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> The DRP must review the Applications prior to proceeding to the Committee of the Whole
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> The Applications must be reviewed by York Region, the Toronto and Region Conservation Authority, NavCanada, Bombardier Aerospace, external public agencies and utilities, the Public, Separate, and French School Boards
h.	Sustainable Development	<ul style="list-style-type: none"> Opportunities for sustainable design, including Crime Prevention Through Environmental Design ('CPTED'), Leadership in Energy and Environmental Design ('LEED'), permeable pavers, bio swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan review process, if the Applications are approved The Applications will be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program. The Development provides a Bronze score of 42
i.	Parkland Dedication	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy.

	MATTERS TO BE REVIEWED	COMMENT(S)
j.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> ▪ The Applications will be subject to and reviewed in consideration of the City's bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits ▪ As of the date of this report the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act</i>, 2020; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act</i>, 2020 propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land <p>Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)</p>
k.	Affordable Housing	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals
l.	Required Applications	<ul style="list-style-type: none"> ▪ The Owner is required to submit Site Development and Draft Plan of Condominium (Standard) Applications, should the Applications be approved, to permit the Development and to establish the future ownership tenure for the building
m.	The Subject Lands are identified as Class 4 Area under the Ministry of Environment	<ul style="list-style-type: none"> ▪ The Subject Lands have been identified by a City of Vaughan Council Resolution as a Class 4 Area pursuant to the MECP noise guidelines NPC 300 ▪ A Noise and Vibration Feasibility Study prepared by HGC Engineering has been submitted in support of the Applications.

	MATTERS TO BE REVIEWED	COMMENT(S)
	Conservation and Parks ('MECP') Noise Guideline Stationary and Transportation Sources – Approval and Planning Publication NPC 300 ('NPC 300')	<ul style="list-style-type: none"> ▪ These Applications, for residential uses, will be reviewed in consideration of the Class 4 MECP noise criteria ▪ Should a Zoning By-law Amendment Application be approved for the Subject Lands a Holding Symbol (H) may be required to ensure noise mitigation measures, controls, and warning clauses are included in any future development agreements.

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the comprehensive report is considered. The Owner has requested exemption of Regional Approval for Official Plan Amendment File OP.21.020. At the time of the preparation of this report, exemption from York Region approval was not confirmed.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the comprehensive review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Context and Location Map
2. Proposed Zoning and Conceptual Site Plan
3. Landscape Plan
4. Building Elevations

Prepared by

Carol Birch, Planner, ext. 8485

Margaret Holyday, Senior Planner, ext. 8216

Mary Caputo, Senior Development Manager, ext.8635

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

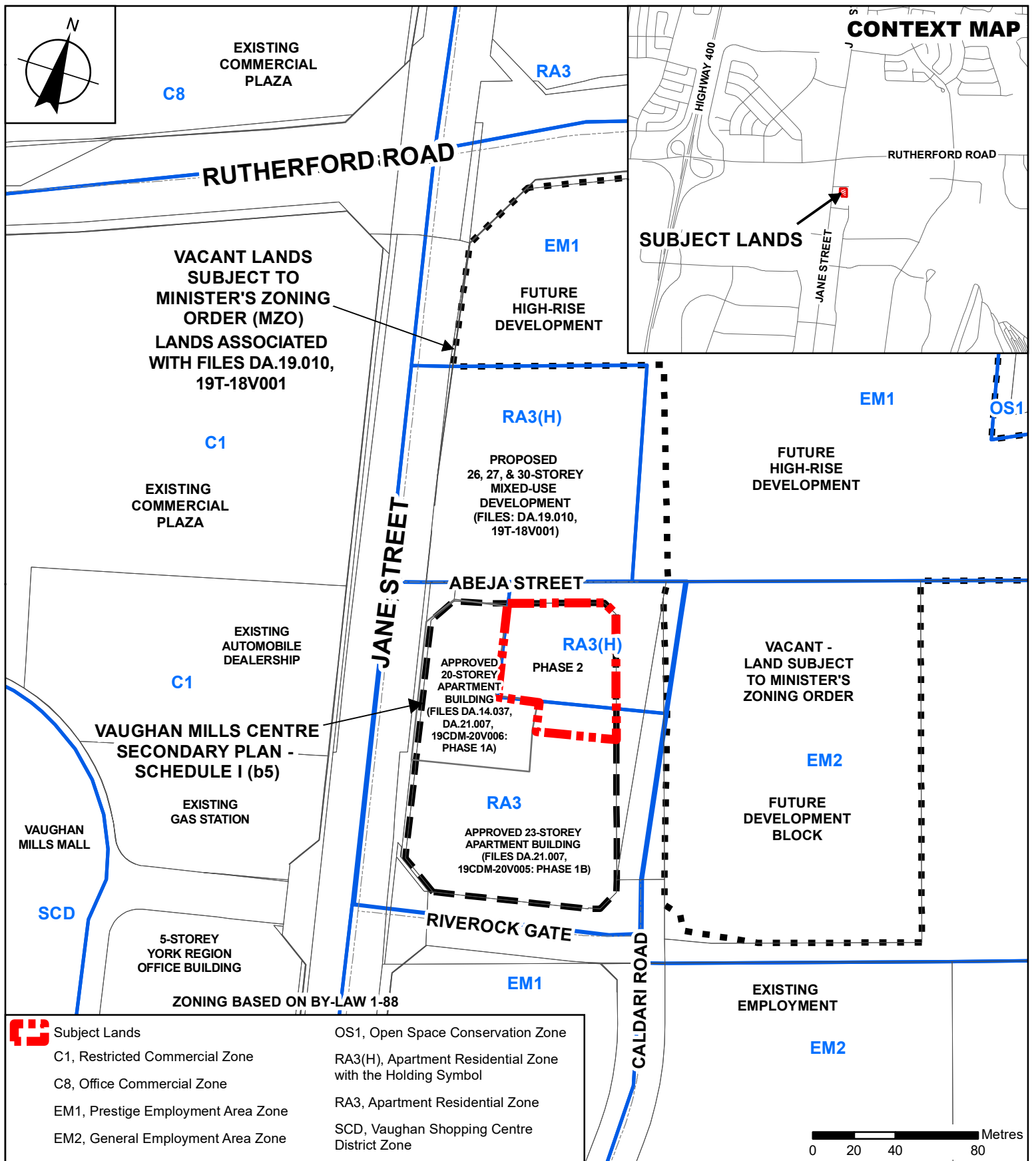
A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager



Context and Location Map

LOCATION:
Part of Lot 15, Concession 4

APPLICANT:
Tesmar Holdings Inc.

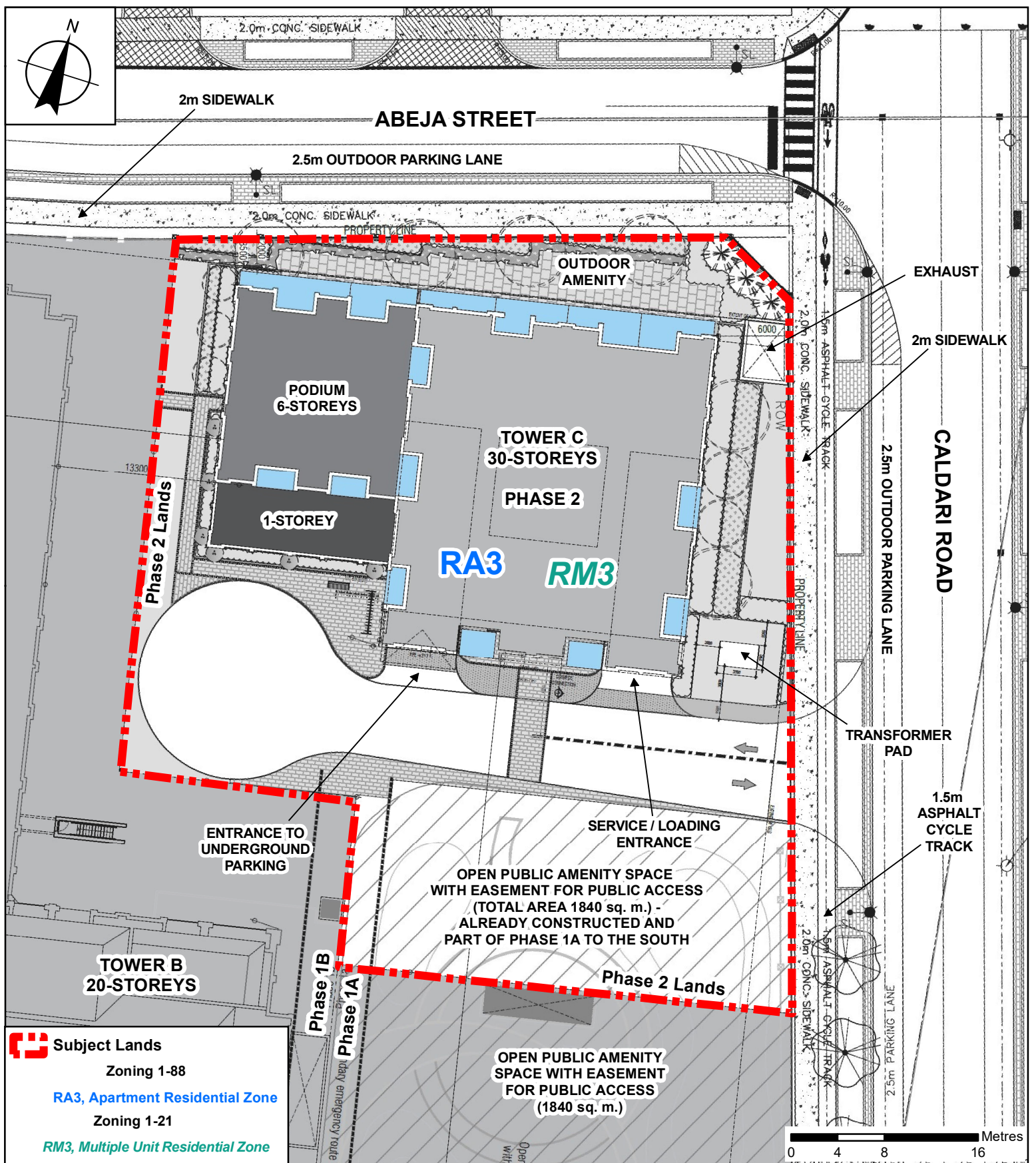


Attachment

FILES:
OP.21.020 and
Z.21.041

DATE:
February 2, 2022

1



Proposed Zoning and Conceptual Site Plan

LOCATION: Part of Lot 15, Concession 4

APPLICANT:
Tesmar Holdings Inc.

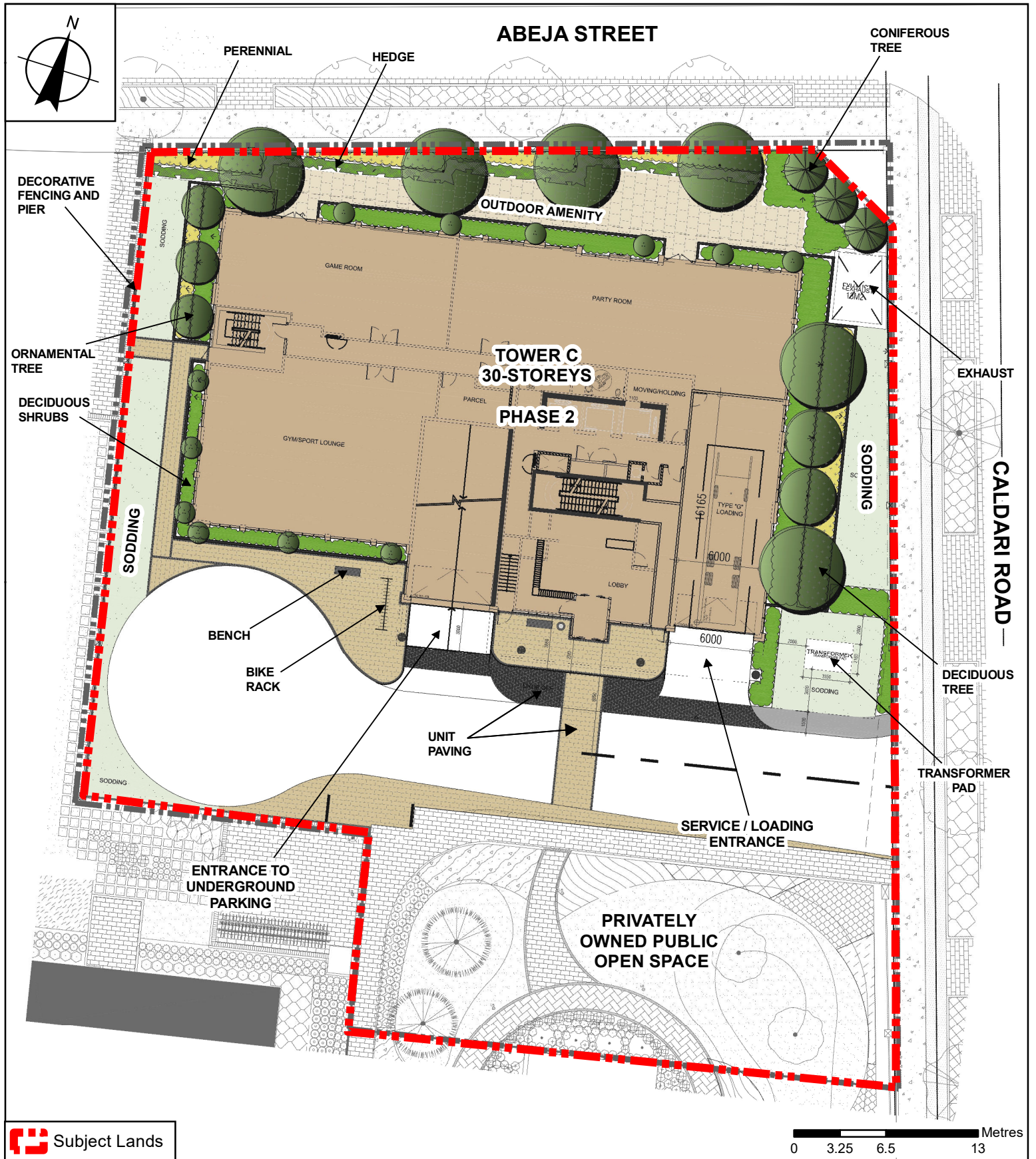


Attachment

FILES:
OP.21.020 and
Z.21.041

DATE:
February 2, 2022

2



Landscape Plan

LOCATION:
Part of Lot 15, Concession 4

APPLICANT:
Tesmar Holdings Inc.

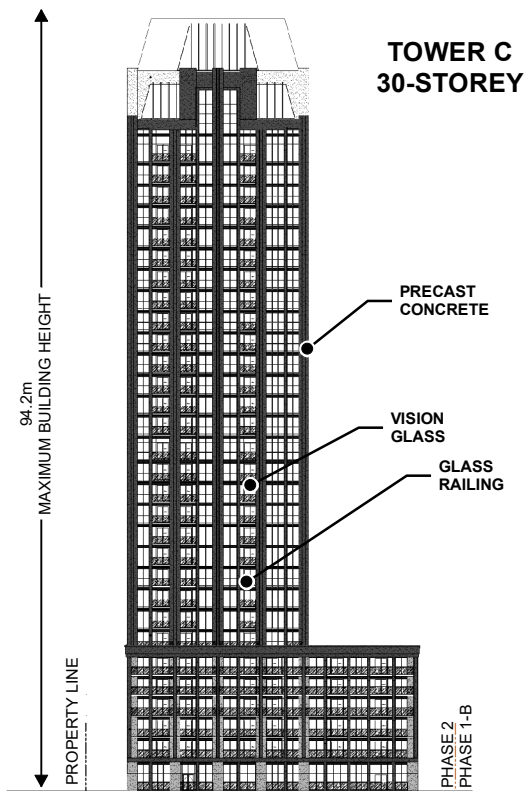


Attachment

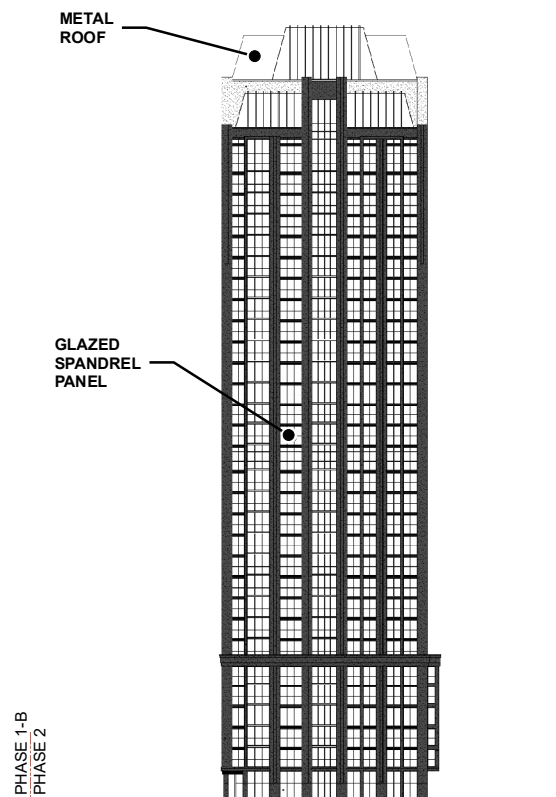
FILES:
OP.21.020 and
Z.21.041

DATE:
February 2, 2022

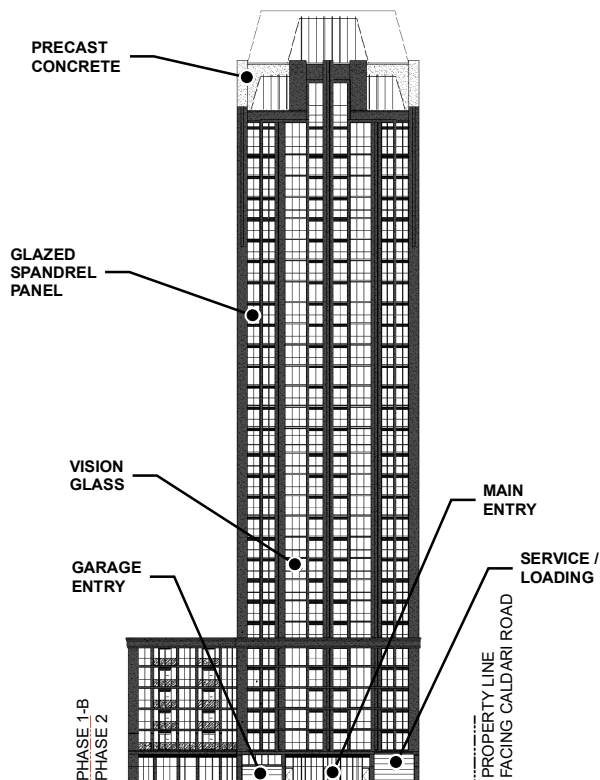
3



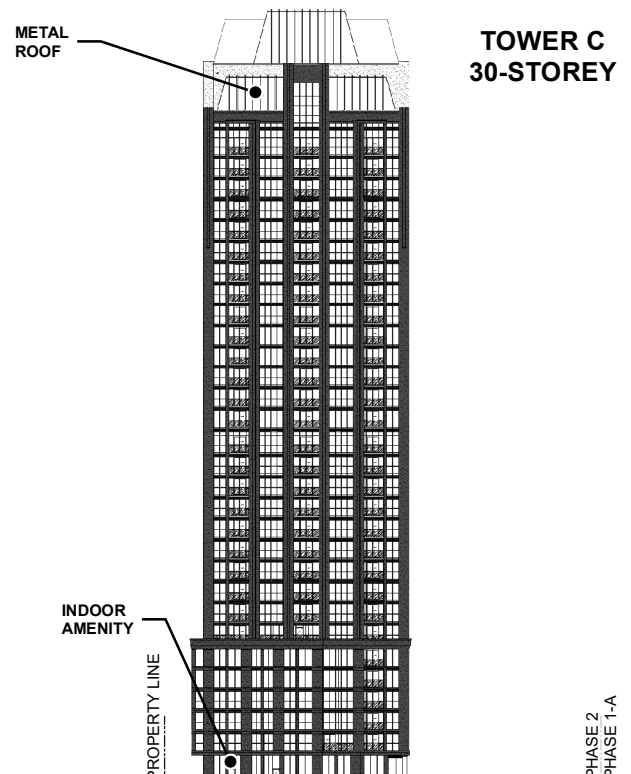
NORTH ELEVATION - FACING ABEJA STREET



EAST ELEVATION - FACING CALDARI ROAD



SOUTH (FRONT) ELEVATION



WEST ELEVATION

Not to Scale

Building Elevations

LOCATION:
Part of Lot 15, Concession 4

APPLICANT:
Tesmar Holdings Inc.



Attachment

FILES:
OP.21.020 and
Z.21.041

DATE:
February 2, 2022

4