

Item:



Committee of the Whole Report

DATE: Tuesday, March 05, 2019

WARD: 5

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.016
ZONING BY-LAW AMENDMENT FILE Z.18.028
YONGE & STEELES DEVELOPMENTS INC. C/O
THE GUPTA GROUP
VICINITY OF YONGE STREET AND STEELES AVENUE WEST**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

This report provides an interim response with respect to Official Plan and Zoning By-law Amendment Files OP.18.016 and Z.18.028 for the Subject Lands shown on Attachment 1, where staff are currently not in a position to provide a final technical report to Council, but which could be appealed to the Local Planning Appeal Tribunal due to a lack of decision within the prescribed timeline (210 days) of the *Planning Act*.

The proposed development shown on Attachments 2 to 4, consists of two, 52-storey and one 65-storey residential buildings with a total of 1878 apartment dwelling units and 12 townhouse dwelling units. The Development also includes a 7-storey podium with a 120-room hotel including restaurant and retail uses and yields a maximum density (Floor Space Index - 'FSI') of 14.3 times the area of the lot.

Report Highlights

- This report is an interim response related to the Applications for a high-rise mixed-use development including 1878 apartment dwelling units, 12 townhouse dwelling units, a hotel, restaurant and retail uses.
- Official Plan and Zoning By-law Amendments are required to permit the development.
- The Development Planning Department is currently not in a position to provide a final technical report to Council and the applications could be appealed to the Local Planning Appeal Tribunal due to lack of decision within the prescribed timeline (210 days) of the *Planning Act*. Staff will continue to work with the Owner with respect to finalizing the review of the applications.

Recommendations

1. THAT staff continue to review Official Plan and Zoning By-law Amendment Files OP.18.016 and Z.18.028 (Yonge & Steeles Developments Inc. C/O The Gupta Group) and work with the Owner to resolve the outstanding matters detailed in this report.

Background

The Subject Lands (the 'Subject Lands') are located at the northwest corner of Steeles Avenue West and Yonge Street, municipally known as 7028 Yonge Street and 2 Steeles Avenue West and shown as Subject Lands on Attachment 1. The Subject Lands are currently developed with 3 one-storey commercial buildings.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit the development of two, 52-storey and one 65-storey residential apartment buildings with a total of 1878 apartment dwelling units, a 7-storey hotel, 12 townhouse dwelling units and restaurant and retail uses (the 'Development'), as shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.18.016 to amend in-effect Official Plan Amendment 210 ("Thornhill Community Plan") to redesignate the Subject Lands from "General Commercial Area" which permits the existing commercial uses and permits retail stores, restaurants, banks and business and professional offices with no prescribed building height or density to "Mixed Commercial/Residential Area" which permits residential uses, business and professional offices, retail and hotel uses with no prescribed building height or density that shall be developed in accordance with a comprehensive design scheme to ensure the compatibility of the commercial and residential uses.
2. Zoning By-law Amendment File Z.18.028 to amend Zoning By-law 1-88 to rezone the Subject Lands from "C1 Restricted Commercial Zone," subject to site-specific Exceptions 9(865) and 9(331) to "RA3 Residential Apartment Zone" in the manner shown on Attachment 2, and to permit site-specific zoning exceptions.

There is a prescribed timeline in the Planning Act for processing development applications

The Applications were received on August 24, 2018, and deemed complete on September 24, 2018. Council has until March 19, 2019 (210 days), to adopt an Official Plan amendment for the Official Plan Amendment Application and make a decision on the Zoning By-law Amendment Application. As the Bill 139 amendments to the *Planning Act* are now in effect, any appeals made after April 3, 2018, will be considered by the Local Planning Appeal Tribunal ('LPAT') under the 'new rules'.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol and to an extended notification area

On December 14, 2018, a Notice of Public hearing was circulated to all property owners within 500 m of the Subject Lands, the Springfarm Ratepayers Association, the City of Toronto and the City of Markham. A copy of the Notice of Public Hearing was posted on the City's website at www.vaughan.ca and Notice Signs were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) meeting was held on January 22, 2019, to receive comments from the public and members of the Committee of the Whole. Vaughan Council on January 29, 2019, ratified the amended Recommendation of the Committee of the Whole to receive the Public Hearing report of January 22, 2019, forward a comprehensive technical report to a future Committee of the Whole meeting and to direct staff to attend any community meetings as may be required.

At the Public Hearing, deputations and/or written submissions were received from the following individuals regarding the Applications:

Deputations

- R. Mino, KLM Planning Partners Inc., Jardin Drive, Concord, representing surrounding landowners
- P. Taraday-Levy, Spring Farm Ratepayers Association, Brownstone Circle, Vaughan
- N. Pileggi, MacAulay Shiomi Hawson Ltd., Industrial Parkway South, Aurora, representing Humboldt Properties
- F. Winegust, Tangreen Circle, Thornhill
- C. Malfara, Crestwood Road, Thornhill

Written Submissions (Attachment 5)

- H. W. Polvi, Bradbeer Crescent, Thornhill, dated January 8, 2019
- J. Nanos, Community Planning, North York Civic Centre, Yonge Street, Toronto, dated January 17, 2019.
- N. Pileggi, MacAulay Shiomi Hawson Ltd., Industrial Parkway South, Aurora, dated January 22, 2019.

At the Public Hearing members of the Committee of the Whole expressed that the Owner engage in public consultation with the surrounding landowners, Ratepayers' Association and the general public. The Committee of the Whole amended the Recommendation included in the report considered by Council at the Public Hearing to direct the appropriate staff to attend any meeting as required.

Previous Reports/Authority

[January 22, 2019, Committee of the Whole Public Hearing Report \(Item 5, Report 5\).](#)

Analysis and Options

Based on the review undertaken to date, the Applications are not considered to be consistent with the Provincial Policy Statement, 2014 (the “PPS”)

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the PPS. The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Applications in consideration of the following, but not limited to, policies of the PPS.

Policy 1.1.3.3 provides that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 1.2.1 states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper tier municipal boundaries, and with other orders of government, agencies and boards including managing and/or promoting growth and development.

Policy 4.7 of the PPS states the Official Plan is the most important vehicle for implementation of the PPS and that comprehensive, integrated and long-term planning is best achieved through official plans. The City of Vaughan has established a vision and policy framework for this area through its Official Plan.

The YSCSP, although not in effect, conforms with the York Region Official Plan 2010 ('YROP'). The policies direct growth by accommodating for an appropriate range of height and densities with a mix of uses. While the YSCSP designates this area as an opportunity for redevelopment and a gateway into the City of Vaughan, the YSCSP includes policies respecting the built form that is envisioned for the area around the intersection of Yonge Street and Steeles Avenue West, and how the development relates to the surrounding Secondary Plan area.

The review of the Applications requires the coordinated responses from the Cities of Vaughan, Toronto and Markham and York Region. In consideration of the above and based on the comments received to date, the Applications are not consistent with the

PPS. The Development Planning Department will continue to work with the Owner to address the comments received (Attachment 6) for consideration in a technical report at a future Committee of the Whole meeting.

The Provincial Policy Statement can be found here:

[The Provincial Policy Statement, 2014](#)

Based on the review undertaken to date, the Applications are not considered to conform to the Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”)

The Growth Plan is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Applications have been reviewed in consideration of the following policies, but not limited to, of the Growth Plan:

Policy 2.2.1.1 of the Growth Plan speaks to the population and employment forecasts contained in Schedule 3 to be used for planning and managing growth.

The Subject lands, although not an identified Urban Growth Centre, is located within a built-up area boundary as identified in the Growth Plan, where population and employment growth is anticipated. The City of Vaughan is required through its Official Plan to plan for a future population of 416,600 people by the year 2031. The Applications must be considered in the context of all of the relevant Growth Plan and applicable Official Plan policies, and should not be rationalized solely on the basis of density targets provided in the Growth Plan.

Policies 2.2.2.4(a), (b), (d) and (f) of the Growth Plan speak to delineated built-up areas and states that all municipalities will develop a strategy to achieve the minimum intensification targets and intensification throughout delineated built-up areas, which will:

- a) Encourage intensification generally to achieve the desired urban structure;
- b) Identify the appropriate type and scale of development and transition of built form to adjacent areas;
- d) Ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and
- f) Be implemented through Official Plan policies and designations, updated zoning and other supporting documents.

The Growth Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit and seeks to align transit with growth by directing growth to Major Transit Station Areas ('MTSA') and other strategic growth areas, including urban growth centres, and promoting transit investments in these areas with minimum density targets (Policy 2.2.4 Transit Corridors and Station Areas). To optimize Provincial investments in higher order transit, the Growth Plan also identifies priority transit corridors and the Province expects municipalities to complete detailed planning for MTSA on these corridors to support planned service levels. The Yonge Street and Steeles Avenue West area has been identified as a MTSA with a future planned Yonge Street subway extension ('YSE') as identified in YROP and VOP 2010.

The Applications contemplate the intensification of the Subject Lands located within a delineated built-up area. While it is recognized that intensification is encouraged by the Growth Plan, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the density targets through VOP 2010 and the YSCSP, which provides a greater level of detail and specificity on matters such as building height, density and built form within this area.

The YSCSP permits a maximum density of 6 FSI of the Subject Lands, whereas, the Applications propose a density of 14.3 FSI. The level of review of the Applications undertaken to date is not complete. In consideration of the above and based on the comments received to date, the Applications do not conform with the Growth Plan. The Development Planning Department will continue to work with the Owner to further the review of the Applications to address non-conformity of the Applications in anticipation of a further technical report to be considered at a future Committee of the Whole meeting.

The Growth Plan for the Greater Golden Horseshoe (2017) can be found here: [The Growth Plan for the Greater Golden Horseshoe \(2017\)](#)

Based on the review undertaken to date, the Applications are not considered to conform to the York Region Official Plan, 2010 ("YROP")

The YROP contains policies that guide economic, environmental and community building decisions to manage growth. These policies strengthen the connections between the natural and built environment, job opportunities, human services, transportation, public health and fiscal capacity. YROP policies also coordinate and set the stage for more detailed planning by local municipalities. The YSCSP, with its prescribed land uses, transportation and urban design policies, together with maximum building heights and densities, conform with the YROP. Specifically, the YSCSP conforms with the Region's planned urban structure and intensification matrix. York Region on January 21, 2016, endorsed the approval of the YSCSP, as modified.

The YROP prescribes an urban structure focused on a system of Regional Centres and Regional Corridors. This policy direction has been entrenched since the Region's first Official Plan (approved in 1994). The Regional Centres and Corridors are intended to accommodate the highest concentration of intensification. To facilitate the anticipated

growth, a substantial amount of capital investment by the Region has been committed to build a rapid transit system on the Regional Road 7 and Yonge Street corridors. As such, it is a Regional interest to ensure appropriate levels of intensification occurs within these corridors. The Region has indicated that the Development is not in keeping with the intensification matrix framework of the YROP (Policy 5.3 Intensification).

The Applications are for an increase to the permitted height and density as set out in the YSCSP which has the potential to set a precedent in the area. The local and Region's transportation and water and wastewater master plans are based on approved Official Plans and Secondary Plans. The cumulative impacts of increased residential density and population, through site-specific amendments, has the potential to impact the ability to service areas other identified growth areas. In consideration of the above and based on the comments received to date, the Applications are not considered to conform with the YROP.

The York Region Official Plan 2010 can be found here: [York Region Official Plan 2010](#)

Amendments to in-effect Official Plan Amendment 210 (Thornhill Community Plan) are required to permit the Development

The Subject Lands are designated "General Commercial Area" by in-effect Official Plan Amendment 210 ('OPA 210'). This designation permits the existing commercial uses to continue and permits retail stores, restaurants, banks and business and professional offices. The Development of mixed-use residential apartment buildings connected by a 7-storey residential and hotel podium, ranging in height from 52 to 65-storeys with a density of 14.3 FSI does not conform to the "General Commercial Area" policies of OPA #210 (Policy 2.2.3.6 General Commercial Areas), and therefore, an amendment to the Vaughan Official Plan is required.

The Owner proposes to amend in-effect OPA 210 to redesignate the Subject Lands to "Mixed Commercial/Residential Area" which permits residential uses, business and professional offices, retail facilities, hotels and associated facilities with no prescribed height or density requirements which shall be developed in accordance with a comprehensive design scheme to ensure the compatibility of the commercial and residential uses. In accordance with OPA 210, the Owner has submitted the Applications together with conceptual design plans and supporting studies to facilitate the Development shown on Attachments 2 to 4.

An amendment to Vaughan Official Plan 2010 ('VOP 2010') is required to permit the Development

The Subject Lands are located within the YSCSP which was appealed to the then OMB, by the Owner and other landowners. As such, the in-effect Official Plan on the Subject Lands is OPA 210, which designates the Subject Lands as "General Commercial Area" as discussed above.

VOP 2010, specifically Volume 2 which includes the YSCSP were adopted by Vaughan Council and endorsed, as modified, by York Region Council. The YSCSP is not in-effect on the Subject Lands, however, it represents Vaughan and Regional Councils' vision for the development of the area and how best to accommodate a balanced approach to city building and growth in this area.

VOP 2010 identifies the Subject Lands as being located within a Primary Centre (Schedule 1 - Urban Structure), being an area planned for intensification. On Schedule 10 - Major Transit Network, Yonge Street is identified with a subway extension and a subway station is identified at the intersection of Yonge Street and Steeles Avenue West, and Steeles Avenue West is identified as a "Regional Rapid Transit Corridor". The YSCSP designates the Subject Lands "High-Rise Mixed-Use" which permits a range of residential, retail and community uses with a "Office Priority Area" overlay with a maximum building height of 30-storeys and maximum density of 6.0 FSI.

The Applications propose amendments to the YSCSP to increase the maximum permitted building height from 30 to 65-storeys, increase the maximum permitted density from 6.0 to 14.3 FSI, eliminate the requirement for office uses, and reduce the requirement for a minimum building separation distance of 30 m.

VOP 2010 and the YSCSP proceeded through a thorough municipal comprehensive review. The strength of VOP 2010 is in balancing all the competing interests associated with an urbanizing municipality; including protecting and sustaining the planned urban structure and the natural heritage system. The Secondary Plan recognizes the importance of the intersection of Yonge Street and Steeles Avenue West as a gateway. The planned building heights and densities, especially the Office Priority Area overlay speaks to the planned vision of this intensification area.

The proposal to eliminate the office uses does not conform with the YSCSP. The intent of the YSCSP through policy 3.6.11 requires at least 50% of the gross floor area be devoted to non-residential uses to be located in a high-rise or mid-rise building devoted exclusively to office uses. The building is to provide a high-profile massing and architectural presence at the intersection of Yonge Street and Steeles Avenue West as a primary non-residential focus of a mixed-use development. The Development has a floor space distribution as follows: 88% residential, 8% hotel, and 4% retail.

VOP 2010 contains a planned urban structure to ensure orderly city building efforts, including a hierarchy of intensification areas that range in height and intensity of use as follows:

- a) the Vaughan Metropolitan Centre will be the major focus for intensification for a wide range of residential, office, retail, cultural and civic uses. The Vaughan Metropolitan Centre will be the location of the tallest buildings and most intense concentration of development.
- b) Regional Intensification Corridors will be a major focus for intensification on the lands adjacent to major transit routes, at densities and in a form supportive of the

adjacent higher-order transit. The Regional Intensification Corridors link the Vaughan Metropolitan Centre with other Intensification Areas in Vaughan and across York Region.

- c) Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use high-rise and mid-rise buildings, developed at an intensity supportive of transit.
- d) Local Centres will provide the mixed-use focus for their respective communities, in a manner that is compatible with the local context.
- e) Primary Intensification Corridors link together the various centres on transit supportive corridors and will be places to accommodate intensification in the form of mid-rise, and limited high-rise and low-rise buildings with a mix of uses.

The intent of VOP 2010 is to implement the planned urban structure, while limiting redevelopment in Community Areas and prohibiting development in Natural Heritage Areas. The VMC is a provincially defined Urban Growth Centre and YROP identified Regional Centre and intended for the highest level of intensification.

Schedule 5 of the YSCSP identifies new local street system within the YSCSP area. The street network represents a high priority for organizing the street system in the secondary plan that will establish a continuous link for pedestrians, cyclists and vehicles north of Steeles Avenue West and east to Yonge Street. The grid network of the local street pattern is fundamental to the efficient functioning of the Corridor transportation network and has been designed to minimize traffic penetration into the existing residential neighbourhood to the north and east.

The Development does not include a public north/south road at the west limit of the Subject Lands as indicated in the YSCSP. The Development Planning Department will continue to work with the Owner to address the comments received to date to respond to the development envisioned by the YSCSP. The Owner has indicated that they have recently consulted with surrounding landowners and residents as suggested by the Committee of the Whole at the Public Hearing. The Owner has also indicated that they are committed to working with all stakeholders to address the comments identified in this report and included on Attachments 5 and 6.

The Vaughan Official Plan 2010 can be found here:

[Vaughan Official Plan 2010 Volume 1](#)

[Vaughan Official Plan 2010, Volume 2 - Yonge Steeles Corridor Secondary Plan](#)

The Ontario Municipal Board ('OMB') issued a Decision advising that the several appeals to height, density and built form should be dealt with together in the context of the YSCSP

The then OMB issued a decision on August 4, 2017, with respect to the appeals to the YSCSP. The OMB was agreeable with a phased approach to the hearing on the

YSCSP. The first phase of the hearing was held on June 11, 2018, (Decision issued July 3, 2018), wherein a consensus was reached on the modification to Section 8.6 of the YSCSP dealing with population “caps” and transportation studies. The second phase of the hearing has not been scheduled by LPAT and will deal with height, density and built form of the YSCSP. The appellants were encouraged to work together to consolidate issues before LPAT in anticipation of the scheduling of the next hearing.

Accordingly, the Owner is strongly encouraged to continue to work with the City and other appellants to the Yonge Steeles Corridor Secondary Plan to resolve the outstanding appeals before LPAT.

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

The Subject Lands are zoned “C1 Restricted Commercial Zone,” subject to site-specific Exceptions 9(865) and 9(331) by Zoning By-law 1-88, which does not permit the Development. The Owner proposes to amend Zoning By-law 1-88 to rezone the Subject Lands to “RA3 Residential Apartment Zone” together with site-specific zoning exceptions to permit the Development shown on Attachments 2 to 4.

The Owner has submitted a conceptual site plan in support of the Applications, as shown on Attachment 2. Other zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report at a future Committee of the Whole meeting.

The Applications include reports and studies to support the Development

The following reports/studies which are still undergoing review, were submitted in support of the Applications:

- Urban Design and Sustainability Brief
- Planning Justification Report
- Comprehensive Development Plan
- Community Services and Facilities Plan
- Phase 1 Environmental Site Assessment
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Hydrogeological Investigation
- Functional Servicing Report
- Noise and Vibration Feasibility Study
- Geotechnical Investigation
- Transportation Mobility Plan
- Draft Official Plan Amendment and Zoning By-law Amendment
- Aviation Aspects Report
- Environmental Report
- Architectural Drawings, including Precinct Plan and Landscape Plans

All material submitted in support of the Applications are available at the City's PLANit Viewer Website <https://maps.vaughan.ca/planit/> (Reference Files OP.18.016 and Z.18.028)

The Applications have been circulated to commenting agencies and City Departments

The Applications, together with the applicable reports/study and architectural drawings noted above, have been circulated to all appropriate agencies and City Departments. Comments received to date have been used to assist in evaluating the Applications and are attached hereto as Attachment 6 to this report, however, as noted throughout this report, the review has not been completed at this time.

Section 37 will be required for any potential height and density permissions exceeding those permitted in the Official Plan

The Development at its current height and density would be subject to Section 37 contributions under the *Planning Act*, which must be finalized to the satisfaction of the City.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has reviewed the Official Plan and Zoning By-law Amendment Applications and have provided comments dated January 8, 2019, as shown on Attachment 6. The Owner has not applied for an exemption from York Region approval for the Official Plan Amendment Application. The Official Plan Amendment Application will require approval by York Region.

Conclusion

This report provides an interim response with respect to Official Plan and Zoning By-law Amendment Files OP.18.016 and Z.18.028 for the Subject Lands shown on Attachment 1, where staff are currently not in a position to provide a final technical report to Council, but which could be appealed to the Local Planning Appeal Tribunal due to a lack of decision within the prescribed timeline (210 days) of the *Planning Act*.

The Applications have been reviewed in consideration of the policies of the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), the Vaughan Official Plan 2010, the Yonge Steeles Corridor Secondary Plan and the Thornhill Community Plan OPA 210. Based on the comments received to date, the Applications are not considered to be consistent with the policies of the PPS (2014) or in conformity with the Growth Plan (2017), the YROP, VOP 2010 and the YSCSP.

The Owner has committed to work with Staff and all stakeholders in the development review process to address the comments identified in this report. The Subject Lands are located at a gateway location in Vaughan, with a future planned extension of the

Yonge Subway line. The Subject Lands warrant intensification to take advantage of this strategic location and the substantial planned infrastructure at the location of two important streets and at a gateway into the City of Vaughan.

For more information, please contact: Mary Caputo, Senior Planner, Extension 8635.

Attachments

1. Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Elevation Plan
4. Landscape Plan
5. Written Submissions
6. Comments Received

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