

Committee of the Whole (2) Report

DATE: Tuesday, February 14, 2023 **WARD:** 4

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

FROM:
Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole for Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041 (Tesmar Holdings Inc.) on the subject lands shown on Attachment 1. The Owner proposes to permit a 30-storey residential apartment building on a 6-storey podium with 301 residential units, 360 parking spaces, and a Floor Space Index ('FSI') of 6.74 times the area of the lot, and to eliminate the requirement of 5,000 m² of non-residential uses, as shown on Attachments 3 to 5.

Report Highlights

- The Owner proposes to amend the Vaughan Official Plan 2010 and Zoning By-law 1-88 to permit a 30-storey residential apartment building with 301 units, a Floor Space Index of 6.74 times the area of the lot and 360 parking spaces.
- The Owner proposes to eliminate the required 5,000 m² of non-residential uses (commercial).
- Official Plan and Zoning By-law Amendments are required to permit the development on the Subject Lands.
- Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041 have been appealed to the OLT (File OLT-22-002653 and OLT-22-002655). Council direction is requested for staff to attend the OLT Hearing in support of the Recommendations in this report.
- The Development Planning Department supports the proposed development, subject to the Recommendations in this report, as it is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2022, and the development is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT the OLT be advised the Vaughan Council ENDORSES the following Recommendations:

1. THAT Official Plan Amendment File OP.21.020 (Tesmar Holdings Inc.) BE APPROVED, to amend Vaughan Official Plan 2010, specifically the policies of Vaughan Official Plan Volume 2, Vaughan Mills Centre Secondary Plan;
 - a) Permit a maximum building height of 30-storeys;
 - b) Permit up to a maximum of 301 apartment dwelling units;
 - c) Permit a maximum Floor Space Index of 6.74 times the area of the lot;
 - d) Eliminate the required minimum 5,000 m² of non-residential uses; and
 - e) Include policies regarding any required noise mitigation measures for residential uses.
2. THAT Zoning By-law Amendment File Z.21.041 (Tesmar Holdings Inc.) BE APPROVED, to amend Zoning By-law 1-88 to include site-specific exceptions identified in Table 1 of this report;
3. THAT Zoning By-law Amendment File Z.21.041 (Tesmar Holdings Inc.) BE APPROVED, to amend Zoning By-law 001-2021 to rezone the Subject Lands

from “SC Service Commercial Zone” subject to site-specific Exception 14.701, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 of this report;

4. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands proposed to be rezoned RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)” under Zoning By-law 1-88 or RM3(H) Multiple Unit Residential Zone, with the Holding Symbol “(H)” under Zoning By-law 001-2021, or any portion thereof, until the following conditions have been satisfied; and
 - a) The Owner is required to submit a detailed noise and vibration feasibility study and provide any recommended noise control measures, to the satisfaction of the City;
 - b) If necessary, the execution and registration on title of agreements between the Owner and owners(s) of neighbouring lands contain stationary noise sources to secure, maintain, and operate any noise mitigation measures which may be required;
 - c) That the Owner shall address, if required, the comments provided through the peer review of the Noise and Vibration Feasibility Study, to the satisfaction of Canadian National Rail and Magna International;
 - d) The Owner shall obtain approval from Vaughan Council for a Class 4 Noise Classification and in accordance with the Minutes of Settlement Condition 20, the Owner is required to provide proof of communication to confirm that Granite Real Estate Investment Trust, Granite REIT Inc. and 805062 Ontario Limited (collectively ‘Granite’), Magna International Inc., and Canadian National Railway have reviewed and/or been provided architectural drawings/noise correspondence and written confirmation/certification of installation of all noise mitigation measures for the Development;
 - e) The Owner shall submit and obtain approval of a Site Development application to facilitate the Development from the Deputy City Manager, Planning and Growth Management or designate, addressing all the comments provided through Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041;
 - f) Water supply and sewage capacity being identified and allocated by Vaughan Council for the Subject Lands;
 - g) The Owner shall provide a recent hydrant flow and pressure test confirming adequate pressure and flow to support the development; and
 - h) The Owner shall provide a signed letter outlining how all the relevant conditions in the Minutes of Settlement have been addressed, to the satisfaction of the City of Vaughan Development Engineering Department.
5. THAT Vaughan City Staff, as required, be directed to attend the Ontario Land Tribunal hearing in support of the Recommendations contained in this report.

Background

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. No buildings are located on the Subject Lands, however, a privately owned publicly accessible open space area exists and has been built in accordance with the development approval on the adjacent lands south of the Subject Lands. The Subject Lands and the surrounding land uses are shown on Attachment 1.

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

Tesmar Holdings Inc. (the 'Owner') has submitted the following applications (the "Applications") for the Subject Lands, shown on Attachment 1 to permit a 30-storey residential apartment building containing 301 dwelling units, 360 parking spaces within five levels of underground parking, and an FSI of 6.74, with no commercial Gross Floor Area ('GFA') (the 'Development'), as shown on Attachments 3 to 5:

1. Official Plan Amendment File OP.21.020 to amend the policies of VOP 2010 Volume 2, Vaughan Mills Centre Secondary Plan ('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 of 6.74, and eliminate the requirement of a minimum 5,000 m² of non-residential uses.
2. Zoning By-law Amendment File Z.21.041 to:
 - a. amend Zoning By-law 1-88 to include site-specific zoning exceptions identified in Table 1 of this report to permit a building height of 30-storeys, increase the maximum permitted number of units, and eliminate the required 5,000 m² of non-residential uses, in the manner shown on Attachment 1;
 - b. amend Zoning By-law 001-2021 to rezone the "SC Service Commercial Zone" subject to site-specific Exception 14.701, to "RM3 Multiple Unit Residential Zone" in the manner shown on Attachment 2, and permit site-specific exceptions as identified in Table 2 of this report.

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 VMCSP, 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 VM CSP.

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 VM CSP. Tesmar Holdings Inc. ('the Owner') received OLT approval of Phases 1A and 1B of Block b5 through Site Development File DA.14.037 for 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.

The Vaughan Official Plan does not permit the Development

The Subject Lands are designated "High-Rise Mixed-Use" within the VM CSP, Volume 2, Section 11.7, subject to Section 18.4 "Special Provision Governing the Development of Block b5". This designation permits residential uses to have a total maximum GFA of up to 45,000 m² and a maximum of 600 residential units. This designation also requires that a minimum of 5000 m² of non-residential uses be provided, including office uses having a minimum GFA of 4,200 m², and commercial uses having a maximum of 800 m² with no outdoor storage, a maximum FSI of 3.7, and at grade private amenity space having a minimum size of 1,840 m² with public access in favour of the City of Vaughan.

A portion of Block b5, (File DA.14.037), has been approved to permit two residential apartment buildings with heights of 23-storeys and 20-storeys having a total of 568 residential units (Phases 1A and 1B). The approval also included an 1,840 m² POPS, a portion of which is located on the Subject Lands.

The applications have been appealed to the OLT

The Owner, on March 1, 2022, appealed the Applications to the OLT, pursuant to Sections 22(7) and 34(11), respectively, of the *Planning Act* for Vaughan Council's failure to make a decision on the Applications within the timelines prescribed by the *Planning Act*. The OLT Lead Case No. is OLT-22-002653 with related Case No. OLT-22-002655. Hearing dates have been scheduled from July 31, 2023 to August 25, 2023.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol. Communications were received at the Public Hearing and written submissions were submitted to the Development Planning Department

The City on January 7, 2022, mailed a Notice of Public Meeting (the 'Notice') 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. A copy of the Notice was also posted on the

City's website at www.vaughan.ca and a notice sign was installed on the Subject lands along Jane Street, in accordance with the City's notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on February 2, 2022, to receive comments from the public and the Committee of the Whole. Vaughan Council, on February 15, 2022, ratified the recommendations of the Committee of the Whole (Public Meeting) to receive the Public Meeting Report and to forward a comprehensive technical report to a future Committee of the Whole meeting.

The following written communications were received by the Committee of the Whole (Public Meeting) at the February 2, 2022, meeting and by the Office of the City Clerk:

Written Submissions

- Alan Heisey, Papazian Heisey Myers Barristers & Solicitors, King Street West, Toronto, representing Canadian National Railway, dated January 27, 2022
- Andrea Skinner, Aird Berlis, Bay Street, Toronto, representing Granit Real Estate Investment Trust, Granite REIT Inc. and 805062 Ontario Limited (collectively "Granite"), and Magna International Inc., dated March 11, 2022

The following is a summary of the comments provided in the written submissions received. The comments have been organized by theme as follows:

Noise Report

A review of the noise study submitted in support of the applications is required with respect to the Minutes of Settlement and agreement on title with the Owners and Canadian National Railway.

Minutes of Settlement ("Minutes") between the City of Vaughan, Granit, Magna Tesmar Holdings Inc. Rutherford Land Development Corp., Caldari Land Development Corp., executed January 25, 2018

The Minutes which, which are discussed further below, were executed on behalf of the City of Vaughan on January 25, 2018. They resulted in the resolution of certain OLT and other matters, and they contain certain requirements that require continued or ongoing attention and compliance. There is an expectation that the Minutes will be complied with in their entirety and these applications need to be monitored and the parties expect to be provided with written notice.

The Vaughan Development Planning Department on February 7, 2023 emailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Previous Reports/Authority

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

[October 20, 2015, Committee of the Whole \(Closed Session\) \(Item 2, Report No. 36\)](#)

[August 27, 2018, LPAT Decision Case No.: PL140839 and PL070347](#)

[June 22, 2021, Committee of the Whole\(1\) \(Item 9, Report No. 29\)](#)

[February 2, 2022 Committee of the Whole \(Public Meeting\) \(Item 1, Report No. 5\)](#)

Analysis and Options

The Development is consistent with Bill 23, Building More Homes Faster

On November 28, 2022, the Province of Ontario passed Bill 23 the More Homes Built Faster Act, 2022. Bill 23 requires that local municipalities update their Comprehensive Zoning By-laws to align with Protected Major Transit Station Areas ('PMTSA') and Future Major Transit Station Areas ('MTSA') policy outlined in the local municipal Official Plan. The Subject Lands are in proximity to the Future MTSA 77 – Vaughan Mills BRT Station, located at Jane Street and Rutherford Road, and adjacent to the Jane Street Transit Corridor, therefore, future intensification within this MTSA is expected.

The Development is consistent with the PPS

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 ('PPS'). The PPS 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 of and management of resources and protecting public health and safety. The Planning Act requires the Council’s planning decisions be consistent with the PPS. The Development is consistent with the PPS, specifically the following:

- Section 1.0 - Building Strong Healthy Communities
- Section 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. This Section of the PPS requires that land use planning is cost effective, efficiently uses infrastructure, minimizes land consumption and is transit supportive
- Section 1.1.3.3 states, in part: Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development,

accommodating a significant supply and range of housing options through intensification and redevelopment

- Section 1.4 Housing includes policies such as 1.4.3, in part: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents
- Section 1.6 Infrastructure and Public Service Facilities, specifically Section - 1.6.7.4 states: A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The Development shown on Attachments 3 to 5 is located within a settlement area as defined by the PPS. The Subject Lands are located along Jane Street which is a Regional road and listed as a Future Major Transit Station Area and a Rapid Transit Corridor in the York Region Official Plan 2022. The Development would facilitate residential intensification in proximity to existing York Region Transit facilities along Jane Street and Viva station Service along Rutherford Road. Consistent with Sections 1.1, 1.1.3.3, 1.4 and 1.6, the Development would provide apartment units that:

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

On this basis, the Development is consistent with the PPS.

The Development conforms to the Places to Grow: Growth Plan of the Greater Golden Horseshoe, 2019, as amended

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) as amended, is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provide 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 decision are required by the Planning Act to conform, or not conflict with, the Growth Plan. The Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands more efficiently,

make more efficient use of existing infrastructure, and provide housing at a density supportive of the Growth Plan objectives, specifically:

- Section 1.2.1 - Guiding Principals
- Section 2.2.1 – Managing Growth
- Section 2.2.2 – Delineated Built-up Areas
- Section 2.2.4 – Transit Corridors and Station Areas
- Section 2.2.6 - Housing

In consideration of the Growth Plan policies, the Owner seeks to permit a high-rise residential building in a settlement area with existing or planned municipal water and wastewater systems, where there is existing vacant land to accommodate population growth, as well as providing a variety of housing units (Section 2.2.1, and 2.2.6). In addition, allowing for a more intensified land use supports and promotes transit-supportive density which is considered to be appropriate. The Owner has also provided a POPS (Section 2.2.1.4) through the development of the adjacent phase 1 lands, and a portion of the POPS space is located on the Subject Lands.

The proposed Development is adjacent to an existing transit along Jane Street (Section 2.2.4), and within a Future MTSA listed in the York Region Official Plan 2022, Appendix 2. The Development would be required to provide travel demand management and active transportation measures to support alternative modes of transportation. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the policies of the York Region Official Plan 2022 ('YROP')

York Region Official Plan 2022 (YROP 2022) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” on Map 1 – “Regional Structure” and are located on the east side of Jane Street. The Subject Lands are within a Community Area as shown on Map 1A -“Land Use Designations”

The Development is within a Future Major Transit Station Area as shown on Map 1B-“Urban Systems Overlays”, MTSA 77 – Vaughan Mills BRT Station ('MTSA').

The Development is consistent with the policy framework of the YROP 2022 as the proposed density and built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide a range and mix of housing, specifically:

- Section 4.1.1 – The Urban System Policies, focusing on structural elements such as the Urban Area, Towns and Villages and Centers and Corridors and distinguishing the Urban System and community uses
- Section 4.2.17 That major transit station areas and transit corridors shall be the focus of higher densities and intensification
- Section 4.4.8 – That intensification shall include a variety of medium and high density dwelling unit type and sizes to provide house choice.
- Section 4.4.10 e. Plan for a range and mix of housing that is commensurate with the planned density and local context considering affordable house needs
- Section 4.4.36 (in part) - That the most intensive and widest range of uses with Regional Corridors be directed to major transit station areas
- Section 4.4.42 c. – Policies to achieve the objectives of transit supportive development including the planning for transit supportive densities, uses, multimodal access and active transportation connections in support of the Region’s transit infrastructure investments
- Section 6.3.36 – To limit direct vehicle access from developments adjacent to Regional roads by:
 - a. Providing connections to local streets; and,
 - b. Creating shared driveways by creating interconnections between adjacent properties
- Section 6.4.23 – That water and wastewater systems be sized to consider the potential for expansion of the service area, intensification and increased servicing allocation where permitted by the York Region Official Plan, Your Region Master Plans, local municipal official plans and Provincial plans

The Subject Lands are designated Urban Area in the YROP. The Development is located along Jane Street which is a Regional road. The Development is located within a built-up area of the Urban Area, and would provide a mix of housing types and sizes conforming to policies 4.2.17, 4.4.4 and 4.4.10. The Development is an urban form and design that is compact, oriented to the street, pedestrian and cyclist-friendly and transit supportive and will contribute to achieving the objectives of transit supportive development including the planning for transit supportive densities conforming to YROP Policies 4.4.35, 4.4.36 and 4.4.42. On this basis, the Applications conform to the YROP.

An amendment to VOP 2010 is required to permit the Development, which is supported by the Development Planning Department

The Subject Lands are identified on Schedule 13 – Land Use of VOP 2010 as an area subject to a Secondary Plan being the VMCSPP – Section 11.7, subject to Section 18.4 “Special Provisions Governing the Development of Block b5”. The Subject Lands are designated “High-Rise Mixed-Use” within the VMCSPP. This designation permits

residential uses having a total maximum 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 offices uses with a minimum GFA of 4,200 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 ('POPS') having a minimum size of 1,840 m² and public access in favour of the City of Vaughan.

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. Section 18.4 Special Provisions Governing the Development of Block b5 was added to the VMCSPP in accordance with the OLT Orders.

Approval for a portion of Block b5 (Phase 1A and 1B) has been granted through File DA.14.087 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 VMCSPP to permit a residential building have a maximum building height of 30-storeys including 301 dwelling units, 6.74 FSI and no non-residential GFA.

Market Study

The Owner has submitted an Office Market Analysis, Jane & Rutherford, City of Vaughan dated December 19, 2022, prepared by Altus Group Economic Consulting (the 'Market Study'). In 2013 Altus Group was retained by the City to model the feasibility issues that office construction presents to prospective developers. The 2013 report recommended that the City of Vaughan encourage office buildings in the Vaughan Metropolitan Centre by providing financial incentives to overcome financial hurdles. The Market Study states that, "since the study was completed in 2013 the issues with office building feasibility have been exacerbated by the COVID-19 pandemic and the increased usage of work from home or hybrid work arrangements. Over the past two years, the City's office market has seen a stagnation of rental rates, and a rise in vacancy rates across the Vaughan office market. It is still unknown what the long-term effects of the pandemic and work from home will be on the office market. "

The Market Study concludes that, "the requirement to construct 4,200 m² of office space (and 5,000 m² of commercial space), is growing increasingly difficult to deliver upon, given changing office market conditions, the financial feasibility concerns for building

new office space, and from a City-building perspective, would run counter to City objectives to maximize office construction with the Vaughan Metropolitan Centre.”

The Development Planning Department can support the redesignation of the Subject Lands in consideration of the following Goals and Polices of VOP 2010:

- Section 1.5 - Goal 1: Strong and Diverse Communities, in part, direct well designed, context-sensitive growth to strictly defined areas, and provide for a wide range of housing choices and a full range of community services and amenities within each community
- Section 1.5 Goal 5: Moving Around without a car, in part, the Viva bus rapid transit and regional bus network and increased GO Transit service will provide a strong foundation for Vaughan’s public transit infrastructure. With this foundation, the Official Plan will focus on implementing planning and design policies that make walking, cycling and transit use realistic options for moving around
- Section 1.5 Goal 8: Directing Growth to Appropriate Locations, in part, this means a shift in emphasis from the development of new communities in greenfield areas to the promotion of intensification in areas of the City with the infrastructure capacity and existing or planed transit service to accommodate growth
- Section 2.1.3.2, To address the City’s main land use planning challenges and to manage future growth by: in part, identifying Intensification Areas, consistent with the intensification objectives of this Plan and the Regional Official Plan, as the primary locations for accommodating intensification
- Section 2.2.5, Intensification Areas, in part, Regional Intensification Corridors will link Regional Centres both in Vaughan and beyond and are linear places of significant activity. They may accommodate mixed-use intensification or employment intensification
- Section 7.5.1, Ensuring a Range of Housing Options, in part, ensuring there is a diversity of housing options to accommodate all those who choose to make Vaughan their home.

Section 7.5.1 of VOP 2010, Ensuring a Range of Housing Options, states that increasing housing choices in terms of housing type, tenure and affordability is required. The Development includes condominium stacked back-to-back townhouses and apartment units to provide unit type options with a range of sizes.

Directing growth to a Future MTSA is appropriate, as MTSAs are planned for intensification. VOP 2010 Schedule 1 - Urban Structure identifies Rutherford Road as a Primary Intensification Corridor. VOP 2010 Section 2.2.1.1 states that Primary Intensification Corridors will be places to accommodate intensification on lands which are adjacent transit supportive corridors. The addition of high-rise land uses at the along

Jane Street intersection is appropriate because it supports the policies regarding intensification. The Development has limited impact in consideration of the immediate surrounding land use context, as the Subject Lands are bounded by a Regional Roads, employment lands, approved and existing high-rise development.

VOP 2010 Section 4.1.1 includes policies to support mobility options. The Development is located adjacent to the Jane Street BRT, which is part of York Region's transit infrastructure. The Development will aide in mobility without a car, as robust Travel Demand Management ('TDM') and Active Transportation measures will be required such as bicycle parking standards, and reduced parking rates.

The findings of the Market Study also provide support for the Application.

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

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filling an appeal to the Ontario Land Tribunal (OLT) in respect of By-law 001-2021 was November 15, 2021.

Zoning By-law 001-2021 was appealed to the OLT. The OLT issued an Order on December 28, 2022, as supplemented on January 18, 2023, 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. 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 both Zoning By-laws. To the extent that By-Law 001-2021 applies, 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 October 26, 2021, and deemed complete on November 26, 2021, the transition provisions under Section 1.6 of Zoning By-law 001-2021 do not apply and therefore the Application was 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-laws 1-88 and 001-2021 are required to permit the Development

The Subject Lands are zoned "RA3(H) Apartment Residential Zone" with a Holding Symbol "(H)" by Zoning By-law 1-88, subject to site-specific Exception 9(1467). This

zone does not permit the proposed residential uses or high-rise buildings. The Owner proposes to include the following site-specific zoning exceptions in Table 1 to permit the Development:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
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 Accessible Private Amenity Space”	<p>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 Planning Act, R.S.O. 1983 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</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 a 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 lots lines. Where both lot lines are of equal length or where the lot abuts more than</p>	<p>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 Planning Act, 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 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>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
		<p>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 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</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 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</p>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
		<p>used for human habitation, and includes a private garage or carport</p> <p>vi. PUBLICLY ACCESSIBLE PRIVATE AMENITY SPACE – n/a</p>	<p>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 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</p>
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 of 22,000 m ² and a maximum of 301 residential units
d.	Minimum Parking Requirements	<p style="text-align: center;"><u>Residential</u></p> <p style="text-align: center;">1.5 spaces/unit x 301 units = 452 spaces</p> <p style="text-align: center;"><u>Visitor</u></p>	<p style="text-align: center;"><u>Residential</u></p> <p style="text-align: center;">0.85 spaces/one- bedroom unit x 159 units = 136 spaces</p> <p style="text-align: center;">0.95 spaces/two-bedroom unit x 136 units = 130 spaces</p> <p style="text-align: center;">1.0 spaces/three-bedroom unit x 6 units = 6 spaces</p> <p style="text-align: center;"><u>Visitor</u></p>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
		<p>0.25 spaces/unit x 301 units = 76 spaces</p> <p>Total Parking Required = 528 spaces</p>	<p>0.2 spaces/unit x 301 units = 61 spaces</p> <p>Total Parking Provided = 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	<p>159 One Bedroom Unit x 20 m²/unit = 3,180 m²</p> <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>	<p>Provide a total amenity area of 16,000 m² including the publicly accessible privately-owned amenity space having a minimum area of 1,840 m² and subject to an easement for public access in favour of the City</p>
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 center line as follows:</p> <p>One-way - 5.4 m to 7.4 m</p> <p>Two-way – 7.5 m</p> <p>Where the driveway is a mutual two-way driveway</p>	A two-way access driveway shall be provided with a maximum width of 15 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
		with an adjoining property, the combined driveway shall be a minimum of 15 m	
h.	Loading Space Requirements	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.	Loading and unloading shall only be permitted between a building and Caldari Road provided it is incorporated into the building design
i.	Minimum Landscape 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	The minimum setback from a lot line to the nearest building or structure below finished grade shall be 0 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
		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	
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 structure shall be subject to the same minimum yard and setback requirements for the main building or use, provided 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. 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>The maximum Gross Floor Area of all accessory buildings and structures shall not exceed 500m², 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.</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. 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</p>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
			measured to the top of the roof surface and shall not be included in determining the overall building height of the podiums
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 Ontario Building Code: 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 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>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
			<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 Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning</p>

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) Apartment Residential Zone was not carried forward in Zoning 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 3, together with the following site-specific zoning exceptions:

Table 2

	Zoning By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
a.	Definition of “Landscape”, “Lot”, “Lot Line, Front”, “Parking Space”, “Underground Parking	LANDSCAPE – Means an area of land used exclusively for soft landscape.	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

	Zoning By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
	<p>Structure”, “Accessory Building”, and “Publicly Accessible Private Amenity Space”</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>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>	<p>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 Planning Act, 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 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 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
		<p>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</p> <p>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 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>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>

	Zoning By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
		<p>UNDERGROUND PARKING STRUCTURE – not defined</p> <p>ACCESSORY BUILDING – not defined</p> <p>PUBLICLY ACCESSIBLE PRIVATE AMENITY SPACE- not defined</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 and shall not include a private garage or carport</p> <p>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</p>

	Zoning By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
			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
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	The minimum setback of a below grade parking structure shall be a 0 m to all lot lines

	Zoning By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
		interior side lot line or rear lot line shall be 0 m	
f.	Minimum Parking Requirements	<p><u>Residential</u> 1 spaces x 301 units = 301 spaces</p> <p><u>Visitor</u> 0.2 spaces x 301 units = 61 spaces</p> <p>Total Required Parking = 362 spaces</p>	<p><u>Residential</u> 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><u>Visitor</u> 0.2 spaces/unit x 301 units = 61 spaces</p> <p>Total Parking Calculated = 333 spaces</p> <p>360 Parking Spaces are proposed</p>
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

	Zoning By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirements	Proposed Exceptions to the RM3 Multiple Unit Residential Zone
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 Plane Requirements	A 45-degree angular plane shall be required in 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	A 45-degree angular plane shall not be required

Minor modifications may be made to the zoning exceptions identified in Tables 1 and 2 prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

The Development Planning Department can support the zoning exceptions identified in Tables 1 and 2, on the basis that the proposed site-specific zoning standards identified would facilitate a development that is consistent with the policies of the PPS, and conforms to the Growth Plan and YROP. The site-specific development standards will

enable a compact built form and pedestrian realm relationship that is supported within the VMCSF.

Should the Applications be approved by the OLT, Staff Recommend the Subject Lands be zoned with the Holding Symbol “(H)”

A Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issues discussed throughout this report.

The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the conditions included in the Recommendation section of this report are addressed to the satisfaction of the City.

A condition to this effect is included in the Recommendations of this report.

Should the Applications be approved, Site Development and Draft Plan of Condominium applications are required to permit the Development

The Owner recently submitted a Site Development application to the Development Planning Department, File DA.22.074. The Owner will be required to obtain approval of the Site Development application for the Development should the Applications be approved for the Subject Lands.

The Owner will be required to submit a Draft Plan of Condominium application following approval of the future Site Development application and will need to receive approval from Council to establish the standard condominium tenure for the Development, where applicable.

The Design Review Panel (‘DRP’) has not reviewed the Proposal, DRP review is required at the Site Development application stage

These applications have not been presented to DRP. The Development will be scheduled for a DRP meeting through Development Application File DA.22.074.

The Urban Design and Cultural Heritage Division has provided comments regarding the Development

Urban Design staff have reviewed the Development and provide the following comments which will need to be addressed at the Site Development application stage:

Site Plan

4. Public Road B (Abeja Street) is a local road and is a more suitable road to provide parking access and loading access for the Development as it already accommodates parking and loading access for development on the north side.

To fulfil the requirements of VOP 2010 policy 9.1.2.1 b) of minimizing the impact of new developments on the public realm, the parking and loading access needs to be relocated toward Abeja Street as the proposed location facing the POPS and Caldari road is not justified. Caldari Road is identified as a Minor Collector road and Abeja Street is identified as a Local Road on Schedule F of the VMCSPP.

2. The separation distance between the 6-storey podium and the 6-storey residential building approved for Phase 1b does not meet the minimum requirement of 15 metres for facing habitable windows (Citywide Urban Design Guidelines performance standard 5.3.7b). Reduce the setback along the Caldari Road frontage to create a defined street wall and provide the required distance between the two mid-rise blocks.
3. All the utilities such as the transformer and the exhaust and air shafts should be located away from the public frontages and /or incorporated within the building's massing.
4. Address the street frontages by adhering to a consistent front and exterior side yard setback of 3 metres (at ground level). Specifically, be mindful of the character of Caldari Road as a pedestrian oriented road that connects multiple POPS to the future neighbourhood park. Consider incorporating ground related residential units fronting the street (see Vaughan Mills Centre Secondary Plan Schedule I).

Architecture

1. Provide a 3 metre step back for the tower from the podium edge along public streets, as per the VMCSPP, Appendix B, Built Form Guideline.
2. Consider providing further variation in the podium proportions using the materials to break up the verticality of the tower and contribute to the pedestrian realm.
3. Bird friendly treatment is required for the exterior glazing on the first floors for the building and the first 16 metres facing any roof top planting.

Landscape

1. The landscape area facing Phase 1b must address the residential units in that development as well as the proposed programs on the ground floor for this phase. The Owner must expand the extent of the landscape plan to include the

previous phases and provide a consolidated design that will address both phases of development.

2. The Owner is encouraged to resolve the access and privacy issues by other means than providing fencing along the boundaries of the Subject Lands.
3. The proposed landscaping needs to consider the relationship of this development with the POPS.
4. The proposed driveway facing the POPS should be revised to a pedestrian access, acting as an extension of the POPS. This is consistent with the approved OLT decision to enhance the public character of the POPS that is currently fenced from the street and visually screened behind a landscape berm.

Arborist Report

1. The Owner must submit a tree preservation plan, as the drawing referred to in the Arborist Report as prepared by Strybos Barron King, dated October 8, 2021, has been omitted.

Sustainability Metrics

1. The Development is meeting the minimum requirement for achieving bronze level. The score must be reevaluated and verified at the site plan stage.

Pedestrian Level Wind Study

1. A wind tunnel analysis will be required at the site plan stage.

Forestry has reviewed the Applications and provided comments

Forestry has reviewed the Arborist Report provided by Strybos Barron King, dated October 8, 2021. The report states that 4 newly planted trees allocated in the POPS space will need to be removed to facilitate the proposed construction of the underground parking structure, should the Applications be approved. In addition, 4 newly planted trees on Abeja Street and 2 newly planted trees on Caldari Road are within close proximity to the Subject Lands and may incur negative impact due to the construction.

Provided the 4 trees in the POPS space are replaced as per the approved POPS drawings and that tree protection hoarding is installed prior to construction for the trees located on Abeja Street and Caldari Road, Forestry has no concerns with the Applications.

The Development Engineering Department ('DE') has provided comments regarding the Development

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

Water Servicing

Proposed domestic 150 mm and fire 250 mm services with an inverted-h configuration will be connected to an existing 400 mm watermain along Caldari Road.

A recent hydrant flow and pressure test is required to confirm adequate pressure and flow in support of the proposed development.

Sanitary Servicing

A sanitary service connection to an existing sanitary sewer on Caldari Road is proposed. An updated sanitary analysis has confirmed sufficient capacity in the receiving sewers on Caldari Road.

Stormwater Management

Site storm servicing, stormwater management quantity and quality controls will be provided within the shared stormwater management tank and quality treatment unit located within Phase 1.

Discharge of groundwater and pre-treatment of ground water will be serviced via infrastructure located within Phase 1.

A service easement agreement among the owners of Buildings, "A", "B" and "C" is required for utilization, operation and maintenance of the shared stormwater management and ground water discharge infrastructure. The above noted easement shall be stated in the site plan agreement and condominium declaration of each condominium corporation. The shared facilities shall be clearly identified in the proposed Draft Plan of Condominium, should the Applications be approved.

Sewage and Water Allocation

Should the Applications be approved, a resolution for sewage and water allocation will be required at the Site Plan stage. A recommendation to this effect is included in the Recommendation Section of this report and is a Condition to lift the Holding Symbol "(H)".

Environmental Site Assessment

Phase One and Two ESA reports and filing of a Record of Site Conditions for the Subject Lands were completed under application DA.14.037. No further assessments recommended.

2018 Minutes of Settlement

The Owner shall provide a signed letter outlining all the relevant conditions in the Minutes of Settlement and how each condition has been satisfied. A recommendation to this effect has been included in the Recommendation Section of this report.

Noise Report

The Owner has submitted a Noise and Vibration Feasibility Study – Building C, Jane Street and Riverrock Gate, City of Vaughan, Ontario, prepared by HGC Engineering dated October 7, 2021. The report concludes that with the incorporation of the mitigation requirements stipulated in the report the Development is feasible for the Subject Lands.

The Owner shall provide a detailed Environmental Noise and Vibration Report at the site plan stage, should the Applications be approved.

The Owner shall provide proof that the Noise and Vibration Report has been delivered to adjacent landowners as per the Minutes of Settlement.

On March 18, 2014 Council designated the Subject Lands as Class 4 Area, under the MECP guidelines NPC-300. The Noise Study has identified that the Development is feasible from a noise and vibration perspective with the inclusion of appropriate acoustical features and warning clauses. Due to the proposed change in land use from commercial to residential, a peer review of the noise report is required. A condition to this effect is included in the Recommendation Section of this report and is a Condition to lift the Holding Symbol “(H)”.

Road Network/Accesses

Access to the subject site will be facilitated through Caldari Road and pedestrian connections within the site will be provided to the surrounding sidewalk network. Several of the local roads are either currently being build or will be built in the near future. These include that following:

- The extension of Caldari Road from the current terminus at Riverrock Gate north to intersect with Rutherford Road. This extension includes two bends to allow Caldari Road to intersect with Rutherford Road further to the east;

- The construction of a new east-west road along the northern boundary of the subject Lands. This road will provide a connection between the Caldari Road extension and Jane Street. This road will function as a right-in/right-out where it intersects with Jane Street;
 - Recently constructed Bass Pro Mills Drive extension to Jane Street will allow access from the site and surrounding areas to the Bass Pro Mills Drive interchange with Highway 400.

Transit and Active Transportation ('AT') Networks

Overall, the site is well serviced by transit. York Region Transit (YRT) provides proper transit service in the vicinity of the site. The main attributes of the existing transit service near the site are:

- The Vaughan Mills transit terminal 250 metres from the site. This allows for approximately 10 bus connections travelling all directions.
- The Rutherford GO station is approximately 2.5 km east along Rutherford Road.
- YRT route 20 provides a direct connection to the VMC subway stop south along Jane Street.

The region's 5-year and 10-year transit plans show the following:

- Jane street will have curbside VIVA service within 5 years.
- Rutherford Road (approximately 150 metres north of the site) will become part of the frequent transit network within 5 years.

The development is within a very short walking distance to planned green space, major transit hub (Vaughan Mills) and shopping (Vaughan Mills, west of Jane Street). Sidewalks are available at both sides of the surrounding roads. Currently there is little cycling facilities near the site. However, in-boulevard cycling lanes will be available along Janes Street, Caldari Road extension, as well as Rutherford Road in the future.

Parking and Travel Demand Management ('TDM')

The Development will be served by 190 bicycle spaces and 360 parking spaces that are proposed within five (5) levels of underground parking. Parking supply deviates from the Zoning By-law 1-88 requirements but are consistent with the IBI Draft Comprehensive Review of Parking Requirements report as well as requirements applicable to Phase 1 of the Subject Lands. TDM measures will be required at the site plan stage.

Traffic Impacts

Several movements at a number of intersections within the study area especially at Jane Street and Rutherford Road intersection are operating near capacity and are expected to reach capacity in future. The reason for this capacity constraint is the

planned developments in the area that also included the Development. However, if this Development is considered individually, it can be stated that the site traffic causes minimal difference to the operation of the named intersections. To mitigate the capacity constraints, the Owner has proposed signal optimization as well as other improvements in addition to the TDM measures.

External Improvements

Signal optimizations are proposed at all signalized intersections in the area that resulted in moderated improvements in the experienced traffic delay at those intersections. Furthermore, exclusive bike lanes in each boulevard will be built along the new Caldari Road extension. These will tie into the planned bicycle lanes along Riverrock Gate south of the site. Sidewalks, 2 m wide, will be constructed in each boulevard along the Caldari Road extension and the new public road located along the north side of the building.

Environmental Services have reviewed and provided comments on the Applications

The Owner must ensure that a vertical clearance of 7.5 m is maintained throughout the loading area for the Development. The Owner will be required to submit the following at the Site Plan Stage:

- Provide a three-stream chute system for waste and reflect this three-stream chute system on the design drawings;
- Provide a separate room for the storage of additional waste such as bulky items, furniture and oversize cardboard;
- Provide a letter from a certified Engineer stating the supported structure on the property can support a fully loaded collection vehicle weighing 35,000 kg.

The Parks Infrastructure Planning and Development Department ('PIPD') have reviewed and provided comments on the Applications

PIPD have reviewed the submitted Community Services and Facilities Impact Study ('CSFIS') and do not have any comments or requests for revisions.

To meet dedication requirements under the *Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and current Parkland Dedication By-law, payment-in-lieu of parkland will be applicable at the time of building permit. A condition of approval will be applied at the site plan stage.

The Real Estate Department has no objection to the Applications

For high-density residential development, the Owner shall, prior to the issuance of a Building Permit, convey land at the rate of 1 ha per 600 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate at Vaughan's discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law.

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 Community Benefits Charge By-law. The Owner shall submit an appraisal of the Subject Lands, pursuant to the City's Community Benefits Charge By-law, prepared by an accredited appraisal shall form the basis of the calculation of the community benefits change payment.

Financial Planning and Development Finance

The Financial Planning and Development Finance Department have reviewed the Applications and will be providing comments at the site plan application stage, should the Applications be approved.

Toronto and Region Conservation Authority ('TRCA')

The Subject Lands are not located within TRCA's Regulated Area. A permit pursuant to Ontario Regulation 166/06 is not required from the TRCA for the Development.

The TRCA has provided advisory comments to the City of Vaughan Development Engineering Department regarding groundwater management. A significant aquifer is located underground which may produce significant quantities of water both during and after construction. A fully watertight foundation, longer term water level monitoring, and a pump test is recommended.

Canadian National Railway ('CN Rail') has reviewed the Applications and provided comments

Canadian National Railway state that the MacMillan Rail Yard is located to the north and south of Highway 7, north and south of Rutherford Road, east of Jane Street and west of Keele Street in the City of Vaughan. The northwest quadrant of the Yard is located to the east of the Subject Lands.

CN Rail has entered into Minutes of Settlement with the Owner and has registered an said Minutes of Settlement on title addressing its concerns with the development of the Subject Lands at that time.

CN is reviewing the noise study and additional material filed in support of the Applications. CN is a party to the present OLT Hearing.

Minutes of Settlement were entered into by Magna, Granite, the City of Vaughan, Tesmar Holding Inc. Rutherford Land Development Corp. and Caldari Land Development Corp.

Comments were provided from Granite Real Estate Investment Trust, Granite REIT Inc. and 805062 Ontario Limited (collectively 'Granite'), and Magna International Inc. ('Magna'). Granite is the owner of lands municipally known as 401 Caldari Road (Granite Lands). Magna is a long term tenant of Granite's and operates a heavy stamping plant on the Granite Lands which manufactures equipment parts for the automotive industry.

Minutes of Settlement ('Minutes') were entered into and executed on behalf to the City of Vaughan on January 25, 2018. These Minutes resulted in the resolution of certain Ontario Land Tribunal and other matters, and they contain certain requirements that require continued or ongoing attention and compliance.

Granite and Magna intend to monitor the Applications and have requested to be notified regarding these Applications. Granite and Magna are parties to the OLT Hearing.

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

Should the applications be approved, and in order to provide mail service to the Development Canada Post request that the Owner comply with the following conditions:

- The Owner will provide the building with its own centralized mail receiving facility. This lock-box assembly must be rear-loaded, adjacent to the main entrance and maintained by the Owner in order for Canada Post to provide mail service to the tenants/residents of the Development. For any building where there are more than 100 units, a secure, rear-fed mailroom must be provided.
- There will be not more than one mail delivery point to each unique address assigned by the municipality
- The Owner agrees to provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.

- The Owner is requested to contact Canada Post directly for Postal Code(s) as existing postal coding will not apply and new postal codes will be issued for the Development
- The Owner should contact Canada Post during the design stage of the Development to discuss a suitable mailbox/mailroom location

The School Boards have no comment

The York Region District School Board and York Catholic District School Board have no objection to the Application.

No comments were received from the Conseil Scolaire de District Catholique Centre Sud.

The various utilities have no objection to the Applications

Alectra Utilities, Rogers Communications, and Enbridge Gas, have no objection to the Applications.

Bombardier has no objection to the Development at the proposed 30-storeys.

Financial Impact

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

Broader Regional Impacts/Considerations

On February 17, 2022, York Region confirmed that they remain the approval authority for Official Plan amendment File OP.21.020. York Region will remain the approval authority until Bill 23 comes into force. Therefore, the requested exemption from York Region approval for File OP.21.020 is denied. However, since the Applications have been appealed to the OLT, the OLT decision will impact the outcome of the Applications.

York Region commented that the proposed net building density of 6.74 FSI may yield a population density of 1,656 persons per hectare which would be more appropriate in higher levels of the City of Vaughan intensification hierarchy. Deleting the required 3-story office/commercial building does not help create a complete community. The amendment has the potential to adversely affect Regional planning policies and interests including Regional servicing infrastructure such as roads, water and sewer, and Regional traffic flows.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS and conforms to the Growth Plan. The proposed amendments to VOP 2010 Zoning By-law 1-88 and Zoning By-law 001-2021 are appropriate for the development of the Subject Lands. The Applications are appropriate and compatible with the existing uses in the surrounding area and supports the Future MTSA 77 Vaughan Mills BRT Station.

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: Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Context and Location Map (By-law 1-88 Zoning)
2. Context and Location Map (By-law 001-2021 Zoning)
3. Proposed Zoning and Conceptual Site Plan
4. Conceptual Landscape Plan
5. Conceptual Building Elevations

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