

## Committee of the Whole (1) Report

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**DATE:** Tuesday, April 4, 2023

**WARD:** 5

**TITLE:** DANIELS BAIF THORNHILL INC.  
ZONING BY-LAW AMENDMENT FILE Z.22.033  
7950 BATHURST STREET  
VICINITY OF BATHURST STREET AND BEVERLEY GLEN  
BOULEVARD

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.22.033 (Daniels Baif Thornhill Inc.) on the subject lands shown on Attachment 1. The Owner proposes to permit the additional ground floor commercial uses of an Eating Establishment – Take Out, Eating Establishment – Convenience, Regulated Health Professional Office or Clinic, Personal Service Shop, Pet Grooming Establishment, Pharmacy, and a Bank or Financial Institution, within the approved high-rise mixed-use residential apartment buildings on the Subject Lands, as shown on Attachment 2.

**Report Highlights**

- The Owner proposes to permit additional ground floor commercial uses in the site-specific zoning by-law for the subject lands.
- No increase to the permitted commercial gross floor area ('GFA') is proposed.
- No revisions to the approved site plan are proposed.
- The Development Planning Department supports the approval of the proposed amendment as it is consistent with and conforms to Provincial Policy, conforms to the York Region Official Plan 2022, the Vaughan Official Plan 2010, and is compatible with the surrounding area context.

## **Recommendation**

1. THAT Zoning By-law Amendment File Z.22.033 BE APPROVED, to amend Zoning By-law 1-88 and 001-2021 to permit additional commercial uses on the Subject Lands as shown on Attachments 1 and 2, as follows:
  - An Eating Establishment – Take Out;
  - Eating Establishment – Convenience;
  - Regulated Health Professional Office or Clinic;
  - Personal Service Shop;
  - Pet Grooming Establishment;
  - Pharmacy; and
  - Bank or Financial Institution.

## **Background**

The subject lands ('Subject Lands') shown on Attachment 1 are municipally known as 7950 Bathurst Street and are located on the northwest corner of Bathurst Street and Beverley Glen Boulevard. The Subject Lands are approximately 1.4 ha in area and are currently under construction.

### ***Previous applications for an Official Plan Amendment, Zoning By-law Amendment, Lifting of the Holding Symbol (H) By-law and Site Development Applications were approved***

Council, on January 20, 2015, approved Official Plan and Zoning By-law Amendment Files OP.12.019 and Z.12.047 to permit four high-rise mixed-use residential buildings with maximum building heights of 15-storeys, 25-storeys, 12-storeys and 6-storeys for buildings "A", "B", "C", and "D" respectively, as shown on Attachment 2, with a floor space index ('FSI') of 4.35, a maximum of 797 dwelling units, and 586 m<sup>2</sup> GFA of at grade retail and convenience retail uses. OPA#748 (By-law 179-2015) and By-law 180-2015 were enacted by Vaughan Council on November 17, 2015.

By-law 174-2019, to lift the Holding Symbol "(H)" (File Z.19.014) was enacted by Vaughan Council on November 19, 2019.

Site Development Application File DA.19.011 was approved for the Subject Lands by Council on October 23, 2019.

## **Previous Reports/Authority**

Previous reports related to the Application are available at the following web link:

[Daniels Baif Thornhill Inc. File Z.22.033 - Committee of the Whole \(Public Meeting\) Report December 6, 2022](#)

## **Analysis and Options**

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

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use, and management of resources, and protecting public health and safety. The Application seeks to include a wider range of commercial uses to serve the needs of the future residents of the Subject Lands and the surrounding community. Development Planning Staff are satisfied that the Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”).

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

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting, and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. The Development is consistent with the policy framework of the Growth Plan as the proposed additional commercial uses utilizes the Subject Lands efficiently, makes efficient use of existing infrastructure, and provides for commercial uses that are supportive of the Growth Plan objectives.

### ***The Development conforms to the York Region Official Plan 2022***

The Subject Lands are designated “Urban Area” by Map 1 – Regional Structure of the York Region Official Plan 2022 which permits a wide range of uses, including employment uses and mixed-use buildings. The Subject Lands are designated Community Area on Map 1A – Land Use designations and are located within Protection Major Transit Station Area 53 Atkinson BRT Station.

Policy 4.2.1 states that Community Areas are where the majority of residents, personal services, retail, arts, culture, and recreation facilities will be located. Employment opportunities are also encouraged.

The Development seeks to provide additional commercial uses within an approved residential and commercial mixed-use development. The Application conforms to the York Region Official Plan.

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

The Subject Lands are located within a Community Area on Schedule 1 – Urban Structure by VOP 2010 and are designated “High-Rise Mixed-Use” by VOP 2010 Schedule 13 – Land Use, with a maximum building height of 25-storeys and a Floor Space Index (‘FSI’) of 4.35. This designation permits ground floor commercial uses.

The Application seeks to permit additional commercial uses on the ground floor of the approved mixed-use building which is consistent with VOP 2010 policy 9.2.2.6 which promotes retail uses on the ground floor frontages of high-rise mixed-use buildings facing arterial and collector streets. Retail uses are subject to the policies of subsection 5.2.3 which encourage “a broad range of shopping opportunities for local residents and employees.” The Development conforms to VOP 2010.

***Council enacted By-law 001-2021 on October 20, 2021 as the new Vaughan Comprehensive Zoning By-law***

As the Application was received on October 7, 2022, and deemed complete on October 26, 2022, the Application is transitioned under Zoning By-law 001-2021.

***An Amendment to Zoning By-law 1-88 is required to permit the Development***

The Subject Lands are zoned RA3 “Apartment Residential Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1429). This Zone permits a convenience retail store, and a retail store up to a combined maximum of 585.64 m<sup>2</sup>, in addition to the permitted residential uses. This Zone does not permit the proposed commercial uses. The Owner proposes to permit the following additional commercial uses (‘additional commercial uses’):

- An Eating Establishment – Take Out,
- Eating Establishment – Convenience,
- Regulated Health Professional Office or Clinic,
- Personal Service Shop,
- Pet Grooming Establishment,
- Pharmacy, and,
- Bank or Financial Institution

***The Development Planning Department supports the Proposal***

The Application permits additional commercial uses which conforms to the VOP 2010 and is considered compatible with the use of the Subject Lands and surrounding area. The Urban Design Department has no objection to the Application as no changes are proposed to the approved site plan and building elevations. The Cultural Heritage Division of the Development Planning Department has no objection to the Application as there are no cultural heritage concerns.

## **Financial Impact**

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

## **Operational Impacts**

### ***The Development Engineering Department has no objection to the Application***

The Development Engineering ('DE') Department has reviewed the Application and have no objection.

### ***Financial Planning and Development Finance have no objection to the Application***

The Financial Planning and Development Finance Department has reviewed the Application and have no objection as the additional commercial uses are proposed within the approved commercial GFA and no changes to the approved GFA are being proposed.

### ***Cash-in-lieu of the dedication of parkland was previously satisfied***

For high-density residential development, the Owner shall convey land at the rate of 1 ha per 300 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 500 units, or at a fixed unit rate, at Vaughan's discretion, prior to the issuance of a Building permit, in accordance with the *Planning Act* and the City of Vaughan 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 City's Community Benefits Charge By-law, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the calculation of the community benefits charge payment.

### ***The utility providers have no objection to the Application***

The utility providers including Hydro One, Bell Canada, Rogers Communications Inc., Enbridge Gas Distribution and Alectra Utilities Corporation have no objection to the Development.

### ***Canada Post has no objection to the Development***

Canada Post has no objection to the Application and advise that all street level residences and /or commercial and/or non-residential uses will receive mail at a centralized location, not directly to their door. Canada Posts requirements were met through the approval of Site Development Application DA.19.011. Canada Post

Conditions of approval will also be addressed through the Draft Plan of Condominium Applications.

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

York Region has advised that the Application is a matter of local significance and has no comments.

### **Conclusion**

The Development Planning Department is satisfied the Application is consistent with the PPS and conforms to the Growth Plan. The proposed amendment to Zoning By-law 1-88 and Zoning By-law 001-2021 are appropriate for the development of the Subject Lands. The Application is appropriate and compatible with the existing uses in the surrounding area. Development Planning can support the approval of the Application, subject to the Recommendations in this report.

**For more information**, please contact: Carol Birch, Planner, at extension 8485.

### **Attachments**

1. Context and Location Map
2. Site Plan and Proposed Zoning

### **Prepared by**

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

Nancy Tuckett, Director of Development Planning, ext. 8529.

### **Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

### **Reviewed by**



Nick Spensieri, City Manager