

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 6, 2023      **WARD:** 5

**TITLE:** PROMENADE LIMITED PARTNERSHIP  
ZONING BY-LAW AMENDMENT FILE Z.22.026  
1 PROMENADE CIRCLE  
VICINITY OF BATHURST STREET AND CENTRE STREET

**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 Application Z.22.026 for the subject lands shown on Attachment 1 to permit a 6-storey office building with at-grade retail uses, two levels of underground parking and a public park encumbered by underground parking, as shown on Attachments 2 to 5.

**Report Highlights**

- The Owner proposes to develop the subject lands with a 6-storey office building with at-grade retail uses and a public park encumbered by underground parking.
- A Zoning By-law Amendment Application is required to permit the development.
- The Development Planning Department supports the development subject to conditions as outlined in this report.

**Recommendations**

1. THAT Zoning By-law Amendment File Z.20.026 (Promenade Limited Partnership) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachment 1, from “C5 Community Commercial Zone” and “RA5 High Density Residential” subject to site-specific Exception 9(480) to “C5 Community Commercial Zone” and “OS2 Open Space Park Zone” in the manner shown on Attachment 2 and 3, together with the site-specific zoning exceptions identified in Table 1 (Attachment 6) of this report.

2. THAT Zoning By-law Amendment File Z.20.026 (Promenade Limited Partnership) BE APPROVED, to amend Zoning By-law 001-2021, to rezone the Subject Lands shown on Attachment 1, from “GC General Commercial Zone” and “RM2 Residential Multiple Zone” subject to site-specific Exception 14.281 to “HMU High-Rise Mixed-Use Residential Town Centre Zone” and “OS1 Public Open Space Zone” in the manner shown on Attachments 2 and 3, together with the site-specific zoning exceptions identified in Table 2 (Attachment 7) of this report.
3. THAT the implementing Zoning By-law for Comprehensive Zoning By-law 001-2021 be withheld until the City of Vaughan receives confirmation that the Owner has withdrawn its appeal to Comprehensive Zoning By-law 001-2021 (OLT-22-002104, Appeal No. 002789) as it relates to the subject lands shown on Attachment 1, or there is an alternative arrangement for scoping the comprehensive zoning by-law appeal satisfactory to the City Solicitor.

## **Background**

Location: 1 Promenade Circle (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1. The Subject Lands are located within the existing surface parking area of the Promenade Mall.

### ***A Zoning By-law Amendment Application has been submitted to permit the development***

Promenade Limited Partnership (the ‘Owner’) has submitted a Zoning By-law Amendment File Z.22.026 (the ‘Application’) for the Subject Lands to amend Zoning By-law 1-88 and 001-2021 to permit a 6-storey office building having a total gross floor area (‘GFA’) of 11,519 m<sup>2</sup> with 1,302 m<sup>2</sup> of at-grade retail and two levels of underground parking with a total of 389 spaces and a 2,537 m<sup>2</sup> public park encumbered by and underground parking garage(the ‘Development’) as shown on Attachments 2 to 5 as follows:

- a) to rezone the Subject Lands from “C5 Community Commercial Zone” and “RA5 High Density Residential” subject to site-specific Exception 9(480) by Zoning By-law 1-88 as shown on Attachment 1, to “C5 Community Commercial Zone” and “OS2 Open Space Park Zone” in the manner shown on Attachment 2 and 3, together with the site-specific zoning exceptions identified in Attachment 6 of this Report.
- b) To rezone the Subject lands from “GC General Commercial Zone” and “RM2 Residential Multiple Zone” subject to site-specific Exception 14.281 in Zoning By-law 001-2021 as shown on Attachment 1, to “HMU High-Rise Mixed-Use Residential Town Centre Zone” and “OS1 Public Open Space Zone” in the manner shown on Attachment 2 and 3, together with the site-specific zoning exceptions identified in Attachment 7 of this Report.

### ***Related Site Development Application DA.22.050***

Related Site Development Application DA.22.050, has been submitted. In accordance with Bill 109 More Homes for Everyone Act, 2022 and By-law 123-2013, as amended by 141-2022, the approval of Site Development Applications has been delegated to the City of Vaughan Deputy City Manager, Planning and Growth Management or designate for approval.

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

- Date of Notice: August 19, 2022 (Circulated 300 m from Subject Lands)
- Location of Notice Sign: along Bathurst Street
- Date of Public Meeting: September 19, 2022, date ratified by Council September 28, 2022

There were no concerns raised by the Committee of the Whole regarding the Application at the public meeting other than ensuring that there was retail at-grade of the office building, which is included in the Development.

### **Previous Reports/Authority**

Previous reports related to the application can be found at the following links:  
[September 19, 2022, Committee of the Whole Public Meeting \(Report No.35, Item No.4\)](#)

### **Analysis and Options**

***The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP and VOP 2010***

#### **Provincial Policy Statement, 2020 ('PPS')**

The 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 Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Development facilitates a compact urban form through the intensification of underutilized lands (surface parking lot) in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, the addition of a mix and range of employment uses (office and retail), and the introduction of a public park meet the needs of current and future residents and employees are consistent with the PPS. Staff are satisfied that the Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

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 regarding development in settlement areas, promoting economic development and competitiveness, and directing growth to Major Transit Station Areas ('MTSAs'). The Subject Lands are located within a settlement area and a delineated built-up area where existing municipal water and wastewater systems can be efficiently utilized. The York Region Official Plan 2022 includes the Subject Lands within the 57 Disera-Promenade BRT Station MTSA and has an overall planned target density of 200 persons and jobs per hectare. The Development will help in meeting the minimum MTSA density targets. The Development also better utilizes the Subject Lands (existing surface parking lot) to better meet economic goals and attract investment opportunities in the area. The existing and future community will also benefit from the public parkland proposed as part of the Development. The Development conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

The Subject Lands are designated "Urban Area" on Map 1 - Regional Structure by the YROP which permits a range of residential, industrial, commercial, and institutional uses. The Subject Lands are located along Centre Street and Bathurst Street which are identified as Regional Corridors in the YROP 2022. The Development would add a park, office and additional retail uses to the Subject Lands, thereby increasing the mixed-use function of the Subject Lands, located on a Regional Corridor and within a MTSA. The Development is designed with a compact, mixed-use oriented, pedestrian friendly and transit supportive built form. The Development is compatible with and supports the existing and planned uses within the area. The Development conforms to the YROP 2022.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Regional Intensification Corridor" and "Primary Centre" on Schedule 1 – "Urban Structure" of VOP 2010
- "High-Rise Mixed-Use" on Schedule 13 – "Land Use" of VOP 2010 with no maximum height of floor space index requirement

- “Required Secondary Plan Area” on Schedule 14A – “Areas Subject to Secondary Plans” of VOP 2010

The High-Rise Mixed-Use designation permits residential units, home occupations, community facilities, cultural uses, including commercial galleries and theatres, retail uses, office uses up to a maximum of 12,500 m<sup>2</sup> in non-intensification areas, parking garages, hotels; and gas stations. Parks and Open Spaces are permitted in all land use designations, including the “High-Rise Mixed-Use” designation. The “High-Rise Mixed-Use” designation permits both mid-rise buildings (5-12 storeys in height) and high-rise buildings (generally over 12 storeys in height).

The Development proposes a 6-storey office building with at-grade retail (11,519 m<sup>2</sup> of GFA of which 1,302.49 m<sup>2</sup> of retail GFA), an FSI of 3.78 times the area of the lot (excluding the public park). The Application conforms with VOP 2010.

***The Development is consistent with the York Region approved Promenade Centre Secondary Plan Area***

On November 25, 2022, York Region Council approved the Promenade Centre Secondary Plan” (‘PCSP’). On September 28, 2022 Vaughan City Council adopted the PCSP. The Subject Lands are designated “Mid-Rise Mixed-Use,” “Park” and “Community Commercial Mixed-Use” in the PCSP. The proposed office building is located within the “Mid-Rise Mixed-Use” designation with a maximum height of 12-storeys and density of 6.5 times the area of the lot. The Development aligns with the land use policies for the Subject Lands as approved by York Region.

It is noted that the PCSP is currently subject to appeal at the Ontario Land Tribunal.

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

The current Application will amend both Zoning By-law 1-88 and Zoning By-law 001-2021 as Zoning By-law 001-2021 is not in force for the Subject Lands due to it being under appeal.

***The Owner has appealed Zoning By-law 001-2021***

It is noted that the Owner has filed an appeal to the Comprehensive Zoning By-law for the larger Promenade Shopping Centre lands (1 and 180 Promenade Circle), which includes the Subject Lands. Should Council approve amendments to Zoning By-law 1-88 and 001-2021 for the Subject Lands as contemplated in this Report, it is recommended that the Owner withdraw its appeal as it relates to the Subject Land shown in Attachment 2 prior to the implementing By-law for 001-2021 being passed. Alternatively, the Owner could scope its appeal through the Ontario Land Tribunal

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

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

- “C5 Community Commercial Zone” and “RA5 High Density Residential” by Zoning By-law 1-88, subject to site-specific Exception 9(480)
- These Zones do not permit the uses
- The Owner proposes to rezone the Subject Lands to “C5 Community Commercial Zone” and “OS2 Open Space Park Zone” together with site-specific zoning exceptions to permit the Development, as shown in Attachment 6

Zoning By-law 001-2021:

- “GC General Commercial Zone” and “RM2 Residential Multiple Zone” by Zoning By-law 001-2021, subject to site-specific Exception 14.281
- These Zones do not permit the uses
- The Owner proposes to rezone the Subject Lands to “HMU High Rise Mixed-Use Zone” and “OS1 Public Open Space Zone” together with the site-specific zoning exceptions to permit the Development, as identified on Attachment 7

The Development Planning Department can support the remaining zoning exceptions identified in Table 1 and Table 2 (Attachments 6 and 7) on the basis that the proposed site-specific zoning standards identified in Table 1 and Table 2 would facilitate a development that is consistent with the policies of the PPS and conforms to the Growth Plan. The site-specific development standards will enable a compact built form and a pedestrian realm relationship that has access to transit.

Minor modifications may be made to the zoning exceptions identified in Table 1 and 2 (Attachments 6 and 7) prior to the enactment of an implementing Zoning By-law, as required, should the Application be approved.

***Related Site Development Application DA.22.050 has been submitted***

In accordance with Bill 109, *More Homes for Everyone Act*, 2022, the approval of Site Development Applications has been delegated to the City of Vaughan Deputy City Manager, Planning and Growth Management or designate for approval and no longer requires Council approval.

Site Development Application DA.22.050 is currently being reviewed by internal City of Vaughan Departments and external agencies. The application will be reviewed in consideration of, but not limited to the following:

- appropriate building design and materials
- site design, massing, scale, height, building orientation, upgraded flankage building elevation designs, bird friendly design
- interface with the existing and planned surrounding development
- appropriate landscaping, amenity spaces and park design
- pedestrian and barrier free accessibility and circulation

- serving, grading, stormwater management
- appropriate provisions for waste management and snow storage areas

It is noted that the Site Development Application is being reviewed in consideration of the ultimate condition of the Subject Lands identified in the PCSP. The Owner is required to demonstrate that the Development will not hinder the implementation of the PCSP road and park network by providing both interim and ultimate drawings for review. Site Plan drawings showing the interim and ultimate condition are included as Attachments 2 and 3, with the primary difference being the PCSP road network being shown as implemented around the Subject Lands in the ultimate condition.

### **Financial Impact**

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

### **Operational Impact**

***The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report***

The DE Department has provided the following comments:

#### **Water Servicing**

The Subject Lands are situated within Pressure District 6 (PD6) of the York Water Supply System. In the interim condition, the Development is proposed to be serviced by a single 200 mm diameter connection with a 150mm diameter domestic line and a 200 mm diameter fire line. Once the PCSP is implemented in the ultimate condition, the Development will be serviced by a new 300 mm watermain located east of the Subject Lands within Promenade Circle, which will become a public right-of-way. The Owner will be required to work with DE staff to satisfy any remaining comments regarding the water servicing connections through the review of the Site Development Application DA.22.050.

#### **Sanitary Servicing**

In the interim condition, the Development will be serviced via an existing 200 mm sanitary connection east of the Subject Lands. Once the PCSP is implemented in the ultimate condition, the Development will be serviced by new sanitary sewers within the Promenade Circle public right-of-way, which will be sized to appropriately accept flows from this Development as well as future development in the Promenade Area. The Owner will be required to work with DE staff to satisfy any remaining comments regarding the sanitary servicing connection through the review of the Site Development Application DA.22.050.

#### **Storm Servicing**

In the interim condition, the Development will be serviced by an existing inlet control catch basin located within the parking lot of the Promenade Mall. There are four existing storm connections to the storm sewer network within Promenade Circle. Once the PCSP is implemented in the ultimate condition, the Development will be serviced by

new municipal storm sewer within the Promenade Circle public right-of-way, which will be sized to appropriately accept flows from this Development as well as future development in the Promenade area. The Owner will be required to work with DE staff to satisfy any remaining comments regarding the storm servicing connection through the review of the Site Development Application DA.22.050.

#### Lot Grading

The Owner will be required to submit updated grading, erosion and sediment control drawings that reflect upon all the structure necessary to service the Subject Lands through the review of Site Development Application DA.22.050. The Owner will also be required to inform the DE Department of any operations and maintenance obligations for future municipal or private infrastructure.

#### Noise Impact Study

The Owner may be required to submit a Noise Impact Study for the Subject Lands, to the satisfaction of the DE Department, detailing the noise impacts of the Subject Lands on the surrounding area upon implementation of the proposed Development.

#### Environmental Site Assessment ('ESA')

The Owner has submitted Phase One ESA Reports for the Subject Lands which have been reviewed to the satisfaction of the DE Department. The ESA reports conclude that the Development meets the applicable Ministry of Environment, Conservation and Parks Standards and is suitable for use. A Record of Site Condition was filed on September 23, 2020. The Owner will be required to work with DE staff to satisfy any remaining comments regarding the ESAs through the review of the Site Development Application DA.22.050.

#### Access and Road Network

Access to the Development is proposed via driveway located on the south side of the Subject Lands which will connect to a new east-west new public road which is identified as a collector road in the PCSP as shown on Attachments 2 and 3. In the interim condition, the new east-west public road will terminate at two private streets (High Street and Promenade Circle). In the ultimate build out of the PCSP, the new east west public road will be extended to Bathurst Street with signalized control and Promenade Circle will become a public collector street. According to the PCSP, the east-west collector road is not contemplated to have accesses. The Owner will be required to work with the DE Department and the Infrastructure Planning and Corporate Asset Management Department to finalize the access location through the review of the Site Development Application DA.22.050.

Through review of the Site Development Application DA.22.050, the Owner will also be required to submit an updated Transportation Impact Study that addresses all outstanding comments related to traffic analysis, transportation demand management, functional design drawings, loading and site-circulation, including the potential relocation of the driveway access.



### Parking and Loading

The Development meets zoning by-law 001-2021 parking requirements for the proposed office use. The Development requires a slight reduction from the parking zoning by-law 1-88 requirements for the proposed office use (416 spaces required whereas 389 spaces are provided). However, since the parking deficiency is less than 10% of the zoning by-law 1-88 requirement the DE Department has no concerns.

In the interim condition, loading activities for the Development will take place at-grade via the existing loading spaces in the Promenade Mall, located just east of the Subject Lands, as shown on Attachments 2 and 3. In the ultimate condition, loading activities will take place underground via a connection from the underground parking garage to the Promenade Mall. The underground garage will be built with knockout panels to facilitate the underground loading activities in the ultimate condition. The Owner will be required to work with staff to satisfy any remaining comments regarding loading through the review of the Site Development Application DA.22.050.

### ***The Parks Development Department has no objection to the Development***

The Parks Development Department has no objections to the approval of the Application subject to incorporating reduced setback requirements for the Open Space Zones, as shown in Tables 1 and 2 (Attachments 6 and 7). These reduced setbacks are necessary to provide flexibility in the ultimate design of the park and associated amenities (ie. shade structures, signage, etc.)

Parks Development staff will continue to work with the Owner to establish an acceptable park design including park layout and facility needs through the Site Development Application. The Park will be encumbered by an underground parking garage and is therefore considered a strata park. The Owner will also be required to convey the strata park to the City in accordance with the Parkland Dedication By-law 168-2022 and enter into a Strata Rights Agreement with the City through the Site Development Application. The City will seek temporary easements through the Site Development Application to ensure public access is secured until roads are conveyed to public ownership.

### ***Other external agencies and various utilities have no objection to the Development***

Canada Post, Alectra Utilities, Rogers, Bell Canada, Enbridge Gas Inc, and Hydro One have no objections to the Development.

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

The Application and submission materials have been circulated to York Region Community Planning and Development Services Department for review and comment. York Region has no objections to the Application and advises that technical comments will be provided by the Region's Development Engineering team as part of related Site Development File DA.22.050.

### **Conclusion**

The Development Planning Department is satisfied the Application is consistent with the

PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Application, subject to the recommendations in this report.

**For more information**, please contact Daniela DeGasperis, Planner, at ext. 8382

**Attachments**

1. Context and Location Map
2. Interim Site Plan and Proposed Zoning
3. Ultimate Site Plan and Proposed Zoning
4. Building Elevations - North and East
5. Building Elevations - South and West
6. Zoning By-law 1-88 Table 1
7. Zoning By-law 001-2021 Table 2

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