

## Committee of the Whole Report

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**DATE:** Tuesday, May 07, 2019

**WARD:** 4

**TITLE: PENGUIN-CALLOWAY (VAUGHAN) LTD.  
OFFICIAL PLAN AMENDMENT FILE OP.18.018  
ZONING BY-LAW AMENDMENT FILE Z.18.030  
SITE DEVELOPMENT FILE DA.18.074  
VICINITY OF JANE STREET AND PORTAGE PARKWAY**

**FROM:**

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

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole to permit on the subject lands shown on Attachment 1, a mixed-use development in the Vaughan Metropolitan Centre ('VMC'), as shown on Attachments 13 to 24.

**Report Highlights**

- The Owner proposes to develop the Subject Lands with a mixed-use development consisting of three residential towers of varying heights, being 45-storeys (Building B1), 36-storeys (Building B2, which the Owner proposes to be rental housing) and 50-storeys (Building B3), with six storey podiums with integrated retail at grade, and three levels of underground parking
- The Owner proposes an increase in building height and density in return for the following community benefits totaling \$3,450,000.00, pursuant to Section 37 of the *Planning Act*.

## **Report Highlights (Continued)**

a) On-site contributions including the following:

- \$500,000.00 enhancements to, with full public access over, the Privately-Owned Public Space, including the two corner plazas and large central courtyard
- \$650,000.00 towards a gateway feature installation at the corner of Jane Street and Portage Parkway, in accordance with the VMC Culture and Public Art Framework
- \$250,000.00 towards streetscape enhancements above the City's service levels to support the creation of a high-quality pedestrian oriented urban environment
- \$350,000 towards development of a community pavilion on the north-west corner plaza to be designed in collaboration with the City that will be privately-owned and may include a small ancillary retail component, along with a dedicated community space for use by the City, to be further detailed in the Site Plan Agreement

b) Off-site contributions including the following:

- \$1,500,000.00 towards architectural enhancements to screen the Toronto Transit Commission ('TTC') emergency egress building in the TTC Plaza, with potential long-term bike storage, subject to TTC approval or an alternate contribution to such enhancements in the TTC Plaza, Transit Square or SmartCentres Place Bus Terminal Plaza. Any works beyond the contribution shall be at the sole cost of the Owner
- a \$200,000.00 contribution to the green wall and foyer features in the City's Community Centre/Library
- The deletion of a local road from the VMC Secondary Plan is required to facilitate the proposed Development. Staff are supportive of this road deletion because the Development includes a large privately-owned public space and enhanced pedestrian realm, and the deletion will have a minimal impact on the transportation network.
- The Development Planning Department supports the approval of the proposed development as it is compatible with the existing and planned uses of the surrounding area and represents good planning, subject to the conditions of this report.

## **Recommendations**

1. THAT Official Plan Amendment File OP.18.018 BE APPROVED; to amend Vaughan Official Plan 2010 and Volume 2 of the Vaughan Official Plan 2010, specifically the Vaughan Metropolitan Centre Secondary Plan, to:
  - a) amend Schedules “A” to “J” to delete the planned north-south local street on the Subject Lands
  - b) modify Schedule “K”, Site Specific Policy Areas, to:
    - i) identify the Subject Lands located at the southwest corner of Jane Street and Portage Parkway as Area H
    - ii) permit the proposed building heights of 36, 45 and 50-storeys and a maximum density of 7.1 times the area of the lot (Floor Space Index - ‘FSI’), whereas a maximum building height of 30-storeys and density of 5 FSI is permitted
    - iii) to identify the east west local street on the south side of the Subject Lands and specifically identified on Schedule “C”, Street Network, as a special 17 m wide local street, with both a 1.5 m streetlight easement and a POPS on either side that will accommodate the streetscape elements of the local road, whereas a local a 20 to 22 m wide local street is planned.
2. THAT Zoning By-law Amendment File Z.18.030 BE APPROVED to:
  - a) amend Zoning By-law 1-88, to rezone the Subject Lands lands from “C10(H) Corporate District Zone” with the Holding Symbol “(H)”, and subject to site-specific Exception 9(959) to “C10 Corporate District Zone”, thereby removing the Holding Symbol “(H)” shown on Attachments 1 and 13 and to permit site-specific development standards identified in Table 1 of this report
  - b) permit the bonussing for increased building height and density for the proposed development shown on Attachments 1 and 13 in return for the following provision of community benefits totaling \$3,450,000.00, pursuant to the *Planning Act*, the policies of the VOP 2010 and the VMC Secondary Plan, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*.
    - i) On-site contributions including the following:
      - \$500,000.00 enhancements to, with a full and permanent public access easement over, the Privately-Owned Public Space, including the two corner plazas and large central courtyard

- \$650,000.00 towards a gateway feature installation at the corner of Jane Street and Portage Parkway, in accordance with the VMC Culture and Public Art Framework
- \$250,000.00 towards streetscape enhancements above the City's service levels to support the creation of a high-quality pedestrian oriented urban environment
- \$350,000 towards development of a community pavilion on the north-west corner plaza to be designed in collaboration with the City that will be privately-owned and may include a small ancillary retail component, along with a dedicated community space for use by the City, to be further detailed in the Site Plan Agreement

ii) Off-site contributions including the following:

- \$1,500,000.00 towards architectural enhancements to screen the TTC emergency egress building in the TTC Plaza, with potential long-term bike storage, subject to TTC approval or an alternate contribution to such enhancements in the TTC Plaza, Transit Square or SmartCentres Place Bus Terminal Plaza. Any works beyond the contribution shall be at the sole cost of the Owner
- a \$200,000.00 contribution to the green wall and foyer features in the City's Community Centre/Library.

3. THAT the implementing Official Plan and Zoning By-law Amendments include the provision for a contribution, pursuant to Section 37 of the *Planning Act*, for the contributions identified in Recommendation 2b), which will be implemented through the Section 37 Density Bonusing Agreement between the Owner and the City of Vaughan to be executed prior to the enactment of the implementing Official Plan and Zoning By-law Amendments. The \$3,450,000.00 Section 37 contribution, in the form of a \$200,000.00 payment for the contribution to the City's Community Centre/ Library and a \$3,250,000.00 Letter of Credit shall be provided to the City prior to the enactment of the implementing Official Plan and Zoning By-law Amendments. \$650,000.00 of the Letter of Credit shall be applied to the Public Art Agreement, identified in Recommendation 4. The Owner shall pay to the City the Section 37 Agreement surcharge fee in accordance with the Tariff of Fees for Planning Applications, prior to the execution of the Section 37 Agreement.
4. THAT prior to the issuance of the first above grade Building Permit, the Owner and the City shall execute a Public Art Agreement, which will detail the

commissioning process and installation of a gateway feature installation at the corner of Jane Street and Portage Parkway as a public art contribution with a budget of \$650,000.00, secured through the \$650,000.00 Letter of Credit identified in and provided through the Section 37 Density Bonusing Agreement, consistent with the principles of Site 6 - Gateways as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City. The Public Art Agreement shall detail the following, but not limited to, public art contribution options; public art contributor triggers/timing; public art program requirements; the Owner and City responsibilities; accounting requirements; and copyright and maintenance. The Owner shall develop a Public Art Program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Owner will own and maintain the gateway installation.

5. THAT prior to the enactment of the implementing Zoning By-law, the Mayor and the City Clerk be authorized to execute the Section 37 Density Bonusing Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of the community benefits identified in Recommendations 2(b) and 3.
6. THAT the Mayor and the City Clerk be authorized to execute the Public Art Agreement for the implementation of the gateway feature installation at the corner of Jane Street and Portage Parkway identified in Recommendation 4.
7. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law comes into effect to permit adjustments to the implementing zoning by-law.
8. The road allowances included within Development shall be named to the satisfaction of the City and York Region.
9. THAT Site Development File DA.18.074, BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS; to the satisfaction of the City, to permit the proposed development:
  - a) prior to the execution of the Site Plan Agreement:
    - i) The Vaughan Development Planning Department shall approve the final site plan, building elevations, landscape cost estimate, landscape plans and wayfinding / signage design. The building elevations shall demonstrate the appropriate treatment and articulation of the built form to ensure activation of the public realm edges, including the interface with the Privately-Owned Public Space

- ii) the Owner shall submit a detailed wind tunnel model and sun/shadow analysis, to the satisfaction of the City, which shall include existing and planned neighbouring buildings and demonstrate the incorporation of mitigation measures to ensure favourable microclimatic conditions for people sitting, standing and walking within the public realm
- iii) the Owner shall submit an analysis of tree soil volumes demonstrating that each tree planted has met the minimum requirement 20 cubic meters of growing medium in a shared tree pit or 30 cubic meters of growing medium in a stand-alone tree pit to encourage the growth of large caliper shade trees, to the satisfaction of the City
- iv) the Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, dewatering plan, external lighting plan, the utility coordination plan, environmental noise report, shoring and tie-back design, construction schedule and phasing plan, construction logistics plan, Urban Transportation Study, Transportation Demand Management Plan, construction parking management plan and Pavement Markings and Signage Plan
- v) The Owner shall detail the access, use, programming and any other considerations related to the of the dedicated community space within the community pavilion on the north-west corner plaza
- vi) the Owner shall enter into a Development Agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscape and fencing. The said Agreement shall be registered against the lands to which it applies.
- vii) The site plan shall be amended to:
  - Remove the proposed lay-by lane on Portage Parkway;
  - Reconfigure the east-west local road as required to accommodate the geometrics of the intersection with Jane street to the satisfaction of the City and York Region

- viii) the Owner shall submit to the City a copy of an RSC filed on the environmental site registry and acknowledged by the Ministry of the Environment, Conservation, and Parks (MECP) covering the entire site plan lands. The Owner should note that the certification date of the RSC should occur only after the last day of use as a commercial parking lot
- ix) the Owner shall pay the Development Engineering Complex Site Plan fee, pursuant to the Fees and Charges By-law 198-2016, as amended, to the satisfaction of the Development Engineering Department
- x) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Management Division and the Owner is advised that upon a successfully completed application, site inspection and executed agreement as determined by the Environmental Services Department, Solid Waste Management Division, the future condominium corporation will be eligible for municipal waste collection services. Should the future condominium corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future condominium corporation
- xi) the Owner agrees to submit an application to Public Works, Environmental Services Department for any permanent dewatering system that is required for the building, and enter into an agreement and/or permit to discharge groundwater as required by the City
- xii) the Owner shall submit to the City the final 3D digital model of the proposed development, which shall include the accurately geo-referenced digital data, as outlined in the final VMC Submission Protocol, to the satisfaction of the Development Planning Department. If the 3D digital model of the proposed development has not been completed by the Owner and provided to the City prior to the execution of the Site Plan Agreement, the Owner shall provide a separate Letter of Credit in a format satisfactory to the City of Vaughan in the amount of \$12,000.00 to guarantee the completion of the 3D digital model
- xiii) the Owner shall satisfy all requirements of Alectra Utilities Corporation

- xiv) the Owner shall satisfy all requirements and conditions of the York Region Community Planning and Development Services Department
  - xv) the Owner shall obtain final clearance for the proposed building heights, to the satisfaction of NavCanada and Bombardier Aerospace
  - xvi) the Owner shall satisfy all requirements of Bell Canada
  - xvii) the Owner shall address the requirements of the Canadian National Railway, to the satisfaction of the City
  - xviii) the Owner shall satisfy all requirements of Canada Post.
- b) the Site Plan Agreement shall include the following provisions:
- i) “The Owner shall convey a public access easement to the City free of costs and encumbrances over the Privately-Owned Public Space, including the two corner plazas and large central courtyard, registered on title and the Owner shall indemnify and save harmless the City and/or their employees from all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the Privately-Owned Public Space or service provided, in accordance with Section 37 Density Bonus Agreement, to the satisfaction of the City.”
  - ii) “The Owner shall enter into Reciprocal Easement and Operations Agreements (“REOA”) with the future Condominium Corporations for Buildings B1, B2 and B3 for parking, access, operations, and maintenance of the underground parking structure, which shall include provisions to ensure that a minimum of 221 visitor parking spaces (0.15 parking spaces per unit) shall be permitted within the on-site commercial parking facility and may be utilized as shared off-site residential, commercial, and commercial paid parking spaces for Buildings B1, B2, and B3 in perpetuity within the development block to satisfy the minimum zoning requirements. The agreement(s) shall be registered on title, if required, to the satisfaction of the City.”
  - iii) “For high-density residential Development, the Owner shall convey land at the rate of 1 hectare 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 hectare per 500 units, or at a fixed unit



rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu Policy."

- iv) "The Owner shall pay to the City of Vaughan all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board."
- v) "Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division."
- vi) "If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division."
- vii) "The Owner shall grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication and telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements."
- viii) "The Owner shall provide, in conjunction with an application for a Building Permit, a certification by a noise consultant that the noise attenuation measures identified in the approved environmental noise report have been included in the building plans. Furthermore, prior to the registration of a Draft Plan of Condominium, the Owner's noise consultant shall certify that the noise attenuation measures identified in the approved environmental noise report have been incorporated into the building, all to the satisfaction of the Development Engineering Department."
- ix) The following warning clauses shall be included in the Agreement of Purchase and Sale, condominium declarations, condominium agreement and Development Agreement:

- "Purchasers/tenants are advised that sound levels due to increasing road traffic may be audible and may occasionally interfere with some activities of the dwelling occupants."
  - "This dwelling unit has been supplied with a central air conditioning system which will allow windows closed and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
  - "Purchasers/tenants are advised that this development is in proximity to various commercial developments including the York Region Rapid Transit Bus Terminal, and that sound levels may at times be audible."
- x) "Prior to the issuance of the first above grade Building Permit for the proposed development, the Owner and the City shall execute a Public Art Agreement, which will detail the commissioning process and installation of a gateway feature installation at the corner of Jane Street and Portage Parkway as a public art contribution with a budget of \$650,000.00, secured through the \$650,000.00 Letter of Credit identified in and provided through the Section 37 Density Bonusing Agreement, consistent with the principles of Site 6 - Gateways as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City. The Public Art Agreement shall detail the following, but not limited to, public art contribution options; public art contributor triggers/timing; public art program requirements; the Owner and City responsibilities; accounting requirements; and copyright and maintenance. The Owner shall develop a Public Art Program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Owner will own and maintain the gateway installation."
- c) The Development Agreement shall include the following provisions:
- i) the construction, and servicing of the east-west 17.0 m wide local road with 1.5 m wide public easements on both sides of the private lands for street lights, to the satisfaction of the Development Engineering Department
  - ii) the interim and ultimate streetscape along the south side of Portage Parkway from Millway Avenue to Jane Street at a standard urban level of service to the satisfaction of the City

- iii) the streetscape along the east side of Millway Avenue from Portage Parkway to the east-west local road at a premium level of service to the satisfaction of the City
- iv) the streetscape along the east-west local road from Millway Avenue to Jane Street at an enhanced level of service to the satisfaction of the City
- v) the streetscape along the west side of Jane Street from Portage Parkway to the east-west local road at an enhanced level of service to the satisfaction of the City and the Region
- vi) the Owner shall convey the east-west local road and associated daylight triangles to the City free of costs and encumbrances to the satisfaction of the Development Engineering Department
- vii) the Owner shall convey road widening on Portage Parkway and associated daylight triangles to the City free of costs and encumbrances to the satisfaction of the Development Engineering Department
- viii) the Owner shall convey a public easement to the City free of costs and encumbrances over the 1.5 m wide street lights along the east-west local road to the satisfaction of the Development Engineering Department
- ix) The road allowances included within the Plan shall be dedicated as public highways without monetary consideration
- x) The Owner shall prepare plan and profile construction drawings for the east-west local road, to the satisfaction of the Development Engineering Department. The Owner shall adjust the limits of the east-west road Right-of-Way, if required, to reflect the final road design, to the satisfaction of the City

10. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage capacity:

“THAT Site Plan Development Application DA.18.074 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 1,472 residential apartment units (3,253 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City’s current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed to registration within a reasonable timeframe.”

## **Background**

The subject lands are located at the southwest corner of Jane Street and Portage Parkway (the 'Subject Lands') with the surrounding land uses shown on Attachment 1.

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

On January 22, 2019, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands and posted online as follows:

- a) the City's Online Calendar in December 2018 and January 2019
- b) On the City Page, which was posted on the City's website in December 2018 and January 2019

Three Notice Signs were also installed on the Subject Lands along Portage Parkway, Millway Avenue and Jane Street, in accordance with the City's Notice Signs Procedures and Protocols. At the January 22, 2019, Public Hearing, deputations and written submissions were received from the following:

- a) Ms. Paula Bustard, SmartCentres, representing the Owner
- b) Mr. Keith MacKinnon and Ms. Christine Halis, KLM Planning Partners Inc., Jardin Drive, Concord, representing Aspen Ridge Holdings Inc.

The comments identified at the Public Hearing related to support by Aspen Ridge Holdings Inc. ('Aspen'), the landowners of northwest corner of Jane Street and Regional Road 7, municipally known as 7800 Jane Street, of the north-south local street deletion on the Subject Lands. Aspen added that the intent of this street is unclear and would create a "short-cut" for south bound commuters that would service automobiles as opposed to pedestrians and cyclists.

The Owner originally proposed the deletion of the north-south local street from Portage Parkway to Apple Mill Road. Following the Public Hearing, the Owner scoped Official Plan Amendment File OP.18.018 to propose deletion of the said north-south local street from Portage Parkway to the proposed mid-block east-west local street. The remaining north-south local street between the mid-block east-west local street and Apple Mill Road represents an important link in the overall road network, as it intersects at Apple Mill Road and provides for a full moves intersection.

The Development Planning Department, in consultation with the Development Engineering and Parks Development Departments, have no objection to the deletion of the phase one north-south local street. Its deletion would introduce an alternative form of open space, a Privately-Owned Public Space ('POPS') that includes two corner

plazas and large central courtyard, that would contribute to the overall open space plan in the downtown, augment the planned parks and open space network, enhance the public realm and contribute to the pedestrian and cycling network. The Owner, through the Section 37 negotiations, has agreed to convey and register on title a public access easement over the POPS to the City free of cost and encumbrances, which is included in the Recommendations of this report. The Owner has committed to providing a POPS along the south side of the east-west road as part of the future phase 2 development application. The size and extent of the POPS will be determined through the future review of the phase two development application.

The Recommendations of the Committee of the Whole to receive the January 22, 2019, Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Council on January 29, 2019.

***Official Plan Amendment, Zoning By-law Amendment and Site Development Applications have been submitted to permit the Development***

The proposed mixed-use development (the 'Development') is shown on Attachment 13, and consists of the following:

- a) three residential apartment (future condominium) buildings with building heights of 45-storeys (Building B1), 36-storeys (Building B2, which the Owner proposes to be rental housing) and 50-storeys (Building B3), with six storey podiums with integrated retail at grade
- b) 1,472 residential dwelling units
- c) a Gross Floor Area ('GFA') of 120,007 m<sup>2</sup>, including 117,971 m<sup>2</sup> residential and 2,038 m<sup>2</sup> retail
- d) provisions for an additional 185 m<sup>2</sup> of retail kiosk space to be located within the westerly corner plaza, with an additional 215 m<sup>2</sup> for community space
- e) 934 parking spaces, (including 19 barrier-free) provided in three levels of underground parking
- f) 937 bicycle parking spaces (162 short-term and 775 long-term)
- g) 4,516 m<sup>2</sup> of common indoor amenity areas
- h) a new 17 m wide east-west local street for vehicles and pedestrians, with 1.5 m public easements on both sides of the private lands for street lights
- i) one Type G loading area (13 m x 4 m x 6.5 m high) located in Building B2
- j) a maximum density of 7.1 times the area of the Subject Lands (Floor Space Index - 'FSI').

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit the Development, as shown on Attachments 13 to 24:

1. Official Plan Amendment File OP.18.018 to amend Vaughan Official Plan 2010 and Volume 2 of the Vaughan Official Plan 2010, specifically the Vaughan Metropolitan Centre Secondary Plan, to:
  - d) amend Schedules “A” to “J” to delete the planned north-south local street on the Subject Lands
  - b) modify Schedule “K”, Site Specific Policy Areas, to:
    - i) identify the Subject Lands located at the southwest corner of Jane Street and Portage Parkway as Area H
    - ii) permit the proposed building heights of 36, 45 and 50-storeys and a maximum density of 7.1 times the area of the lot (Floor Space Index - ‘FSI’), whereas a maximum building height of 30-storeys and density of 5 FSI is permitted
    - iii) to identify the east west local street on the south side of the subject lands and specifically identified on Schedule “C”, Street Network, as a special 17 m wide local street, with both a 1.5 m streetlight easement and a POPS on either side that will accommodate the streetscape elements of the local road, whereas a local a 20 to 22 m wide local street is planned.
2. Zoning By-law Amendment File Z.18.030 to:
  - a) amend Zoning By-law 1-88, to rezone the Subject Lands from “C10(H) Corporate District Zone” with the Holding Symbol “(H)”, and subject to site-specific Exception 9(959) to “C10 Corporate District Zone”, thereby removing the Holding Symbol “(H)” shown on Attachment 13 and to permit site-specific development standards identified in Table 1 of this report
  - b) permit the bonussing for increased building height and density for the proposed development shown on Attachments 1 and 13 in return for the following provision of community benefits totaling \$3,450,000.00, pursuant to the *Planning Act*, the policies of the VOP 2010 and the VMC Secondary Plan, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*.
    - i) On-site contributions including the following:
      - \$500,000.00 enhancements to, with a full and permanent public access easement over, the Privately-Owned Public Space, including the two corner plazas and large central courtyard

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ii) Off-site contributions including the following:

- \$1,500,000.00 towards architectural enhancements to screen the Toronto Transit Commission ('TTC') emergency egress building in the TTC Plaza, with potential long-term bike storage, subject to TTC approval or an alternate contribution to such enhancements in the TTC Plaza, Transit Square or SmartCentres Place Bus Terminal Plaza. Any works beyond the contribution shall be at the sole cost of the Owner
- a \$200,000.00 contribution to the green wall and foyer features in the City's Community Centre/Library

3. Site Development File DA.18.074 to permit the Development on the Subject Lands.

## **Previous Reports/Authority**

[January 22, 2019, Public Hearing Report](#)

## **Analysis and Options**

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

The *Provincial Policy Statement* (the 'PPS') 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean, safe, livable, and healthy environment. Part V - "Policies" of the PPS states (in part) the following:

### **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

#### ***1.1.1 Healthy, livable and safe communities are sustained by (in part):***

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- e) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; and*
- f) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.*

The Development is consistent with the policies of the PPS and contributes to a healthy, livable and safe community in the following manner:

- the Development would intensify the existing underutilized site located in a designated settlement area with a compact built form and density that would contribute to the overall range of housing options, including one, two and three-bedroom units and rental housing, in the VMC
- the proposed intensification utilizes the Subject Lands efficiently, takes advantage of existing and planned infrastructure within the built-up area, and reduces land consumption and servicing costs
- the Development will be designed in compliance with the standards set by the Accessibility for Ontarians with Disabilities Act ("AODA") providing for accessibility for residents and visitors
- the future residents of the Development are part of the VMC Mobility Hub and would have direct access within a 5-minute walking distance to the Edgeley Pond and Park ('EPP'), together providing areas for programmed activities that would encourage an active and healthy lifestyle.

#### 1.1.3.2 Settlement Areas

*The vitality of settlement areas is critical to the long term economic prosperity of communities. It is in the interest of all communities to use land and resources efficiently, to promote efficient development patterns, protect resources, and ensure effective use of infrastructure.*

#### 1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) *densities and a mix of land uses which:*



- i) *efficiently use land and resources;*
  - ii) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
  - iii) *support active transportation;*
  - iv) *are transit-supportive, where transit is planned, exists or may be developed; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

- 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*
- 1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*
- 1.1.3.5 *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*
- 1.1.3.6 *New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*
- 1.1.3.7 *Planning authorities shall establish and implement phasing policies to ensure that specific targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas.*

The Development is consistent with the settlement area policies of the PPS as follows:

- the Subject Lands are located in an area that is serviced by infrastructure that is existing, under construction, and planned, which efficiently utilizes land and resources at a density in a designated growth area that would support the surrounding transit investments within the VMC, being the SmartCentres Place

Bus Terminal, the VMC Subway Station, and the VivaNext Bus Rapid Transit ('BRT') along Regional Road 7 (the 'higher-order transit')

- the intensification of the Subject Lands provides opportunities to reduce the negative impact of climate change by promoting active transportation through reduced parking ratios and the proximity to public transportation, pedestrian and bicycle friendly environments that encourage walking and cycling
- the VMC is an identified intensification area where municipal services are available and planned to accommodate higher density developments that support population and employment growth projections in the City. The Subject Lands are currently underutilized, and the Development contributes to the improvement and efficient utilization of the existing and planned infrastructure
- density targets have been established in the VMC Secondary Plan that are exceeded by the Development, subject to Section 37 contributions.

#### Housing (in part)

1.4.3. *planning authorities shall provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents of the regional market area by:*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

The Development is consistent with the housing policies of the PPS as it includes 1,472 residential units comprised of one, two and three-bedroom units and rental housing in high-rise built forms at a density that efficiently uses land, infrastructure and services. The Development is transit-supportive and would promote active transportation given its locational advantage within the VMC Mobility Hub.

#### Public Spaces, Recreation, Parks, Trails and Open Space (in part)

1.5.1.a) *Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.*

The Development is consistent with the public spaces, recreation, parks, trails and open space policies as follows:

- Residents of the Development will have direct access to the POPS and is located within the VMC Mobility Hub and is adjacent to the EPP (a 5-minute walking distance), together providing areas for programmed activities that would encourage an active and healthy lifestyle and social interactions. Residents will also have immediate access within the VMC's Mobility Hub, which offers recreational programs and amenities within community facilities and public spaces. Long and short-term bicycle parking and storage, in addition to cycling facilities, are proposed to be easily accessed to encourage healthy and active travel options. The entire VMC area is being implemented as a pedestrian-oriented and walkable urban downtown.

#### Infrastructure and Public Service Facilities (in part)

- 1.6.3 *Before consideration is given to developing new infrastructure and public service facilities, the use of existing infrastructure and public service facilities should be optimized.*

The Development is consistent with and will support the Infrastructure and Public Service Facilities policies as it is near significant existing transit infrastructure, the planned EPP, the VMC Mobility Hub's community centre and library and the future park systems in this quadrant of the VMC. Together these facilities become important civic infrastructure that will encourage pedestrian connectivity, focal points for interaction and greater use for the higher-order transit.

#### Long-Term Economic Prosperity (in part)

- 1.7.1 *Long-term economic prosperity should be supported by:*
- a) *promoting opportunities for economic development and community investment-readiness;*
  - b) *optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*
  - c) *maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;*
  - d) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes*

The Development is consistent with the long-term economic prosperity policies of the PPS as the VMC is the City's emerging downtown. A range of residential unit types are offered, including rental units, that would accommodate additional population within the VMC to support the existing and planned commercial, office and cultural uses.

The Development is consistent with the policies of the PPS, which promotes the efficient use of land, housing options, social interaction, long-term economic prosperity, and supports a healthy community. The Development will take advantage of the public investment in higher-order transit and support alternate modes of transportation such as transit, cycling and walking while using existing infrastructure more efficiently and minimizing land consumption.

***The Development conforms to the Provincial Growth Plan for the Greater Golden Horseshoe (2017) (the ‘Growth Plan’)***

The *Provincial Growth Plan for the Greater Golden Horseshoe* (the ‘Growth Plan’) is intended to guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types, including rental units.

Managing Growth

*Policies 2.2.1.1 and 2.2.1.2 of the Growth Plan state that the forecasted population and employment growth identified will be used for planning and managing growth to the horizon of the Growth Plan, and the forecasted growth will be allocated based on the following:*

- a) *the vast majority of growth will be directed to settlement areas that:*
  - i) *have a delineated built boundary;*
  - ii) *have existing or planned municipal water and wastewater systems;*  
*and*
  - iii) *can support the achievement of complete communities;*
- b) *growth will be limited in the settlement areas that:*
  - i) *are undelineated built-up areas;*
  - ii) *are not serviced by existing or planned municipal water and wastewater systems; or*
  - iii) *are in the Greenbelt Area;*
- c) *within settlement areas, growth will be focused in:*
  - i) *delineated built-up areas;*
  - ii) *strategic growth areas;*
  - iii) *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
  - iv) *areas with existing or planned public service facilities;*

- d) *development will be directed to the settlement areas, except where the policies of the Growth Plan permit otherwise; and*
- e) *development will be generally directed away from hazardous lands.*

*Policy 2.2.1.4 further states that the Growth Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
  - i) *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii) *public service facilities, co-located and integrated in community hubs;*
  - iii) *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
  - iv) *healthy, local, and affordable food options, including through urban agriculture;*
- e) *ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;*
- f) *mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and*
- g) *integrate green infrastructure and low impact development.*

The Development includes a mix of housing types, including rental units, that would assist in improving social equity with access to residential units within the means of users with and at varying incomes and stages of life. The Development would also achieve the population targets set out in the Growth Plan within the VMC and the City's urban boundary and would benefit from the existing and planned infrastructure. The Development focuses new growth through the intensification of an underutilized vacant

site that provides a residential development with a pedestrian-friendly environment located near higher-order transit.

The Development would contribute to achieving a complete community by introducing a housing form in the VMC that has direct access to open spaces (POPS) and amenity areas to serve its residents. The building designs and streetscape would promote a high-quality of life that is focused on the pedestrian scale where the demand for vehicles is reduced because of the proximity of the Subject Lands to higher-order transit, which would reduce greenhouse gas emissions, and promote walkability and other forms of transportation.

#### Delineated Built-up Areas

*Policy 2.2.2.1 states that by 2031, and for each year thereafter, a minimum of 60% of all residential development occurring annually within York Region will be within a delineated built-up area.*

The regional and municipal Official Plans currently do not conform to the Growth Plan policies respecting the intensification target of 60% within built-up areas. York Region's conformity exercise has commenced, with the City's conformity exercise to begin shortly thereafter. In the interim, the Development would assist York Region and the City in meeting the general intensification objectives contained in the in-effect Official Plans, which are based on the 40% intensification target identified in the Growth Plan (2006), while simultaneously contributing to the 60% intensification target in the Growth Plan, by proposing a total of 1,472 residential units within an identified Urban Growth Centre ('UGC').

#### Urban Growth Centres

*Policy 2.2.3.1 states that Urban Growth Centres will be planned:*

- a) as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses;*
- b) to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit;*
- c) to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and*
- d) to accommodate significant population and employment growth.*

The Development supports the UGC designation by providing residential uses in the VMC that have access to higher-order transit facilities. The residents of the Development would be well-served in the VMC by a full range of uses, including office, commercial and community facilities within walking distance, thereby reducing the need of vehicles, as the downtown builds out.

## Transit Corridors and Station Areas

*Policy 2.2.4.6 states that within Major Transit Station Areas on priority transit corridors or subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited. Policy 2.2.4.8 states that all Major Transit Station Areas will be planned and designed to be transit supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:*

- a) connections to local and regional transit services to support transit service integration;*
- b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and*
- c) commuter pick-up/drop-off areas.*

*Policy 2.2.4.9 further states that within all Major Transit Station Areas, development will be supported, where appropriate, by:*

- a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit service levels;*
- b) fostering collaboration between public and private sectors, such as joint development projects;*
- c) providing alternative development standards, such as reduced parking standards; and*
- d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.*

The Development is within a 5-minute walking distance to higher-order transit and contributes to achieving the density target for the VMC. The location of the Subject Lands within a Major Transit Station Area encourages and supports the use of alternative modes of transit, reduces the need for parking, and promotes alternative modes of transportation such as walking, cycling through the provision of bicycle parking facilities within the Development and planned cycling infrastructure within the roadways in the VMC.

The policies of the Growth Plan require the achievement of complete communities that feature a diverse mix of land uses, improved social equity and overall quality of life, provide a diverse range and mix of housing options, including rental units, access to a range of transportation options, mitigation of climate change impacts and reduced greenhouse gas emissions, and ensure the development of compact built form with an attractive and vibrant public realm.

The Development provides housing options within the VMC that are conveniently accessible. The proximity to higher-order transit facilities, the Mobility Hub, the EPP and the planned park and open space system in the VMC would offer transportation options and promote an active and healthy quality of life for residents and visitors, as Vaughan's emerging planned downtown community.

The Development conforms with the policy framework of the Growth Plan as it makes efficient use of the Subject Lands and existing infrastructure, is located near existing and under construction/planned higher-order transit and provides housing options at a density that supports the transportation investments in the VMC.

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

The Subject Lands are designated "Urban Area" by the York Region Official Plan (the 'YROP') and located within a "Regional Centre."

Objective: To promote an appropriate mix and range of acceptable housing to meet the needs of residents and workers

*Policy 3.5.4 of the YROP requires the local municipal Official Plans and Zoning By-law permit a mix and range of housing types, unit sizes and levels of affordability with the mix and range of housing being consistent with the Regional forecasts, intensification and density requirements. Furthermore, Policy 3.5.20 encourages the construction of new residential units with a full mix and range of unit sizes, including family-sized and smaller units.*

The Development consists of 1,472 residential units that range from one-bedroom to three-bedroom unit sizes in a high-rise built forms, and includes rental units, that are dense and compact and contribute to a diverse housing stock in York Region. The Development supports the Regional objective regarding the provision of a mix and range of housing.

Objective: To support Regional Centres and Corridors as a focus of economic activity and culture in York Region

*Policy 4.2.4 requires a mixed-use pedestrian environment in Regional Centres and Corridors that promote transit use and enhances these areas as destinations for business, entertainment and recreation.*

Objective: To create high-quality, sustainable communities

*Policy 5.2.5 of the YROP encourages a balance of residential and employment uses to promote working and living in close proximity.*

The Development provides a mix of residential uses immediately adjacent to existing and planned employment and commercial uses and near planned open spaces and community facilities. The Development is accessible to higher-order transit, which would



promote the use of the public transit by its residents. The combination of the enhanced streetscape and the introduction of the residential units would complement the existing and planned surrounding commercial, office, retail and community facility uses, thereby contributing to the success of the VMC as a complete community. Objective: To create vibrant and sustainable urban areas

*Policy 5.3.4 of the YROP states that the distance to a transit stop in the Urban Areas is within 500 m for 90% of residents and no more than 200 m for 50% of residents.*

The Development is located near higher-order transit (within a 5-minute walk), which would provide transit opportunities and choices (i.e. subway, bus terminal, and rapid transit along Regional Road 7) for the future residents to meet their mobility needs.

Objective: To achieve an urban, integrated and connected system of Regional Centres and Corridors

*Policy 5.4.5 states that development within Regional Centres and Corridors be of an urban form and design that is compact, mixed-use, oriented to the street, pedestrian- and cycle-friendly, and transit supportive. Policy 5.4.9 states that all new buildings shall front onto streets with main entrances designed to face a public street and provide a pedestrian-friendly urban form. Furthermore, Policy 5.4.16 requires the provision of facilities to encourage an increase in the mode share of cycling trips, such as covered bicycle storage and lockers.*

The Development is urban and compact in form and located within the VMC Mobility Hub. The apartment buildings are oriented and designed to include the main entrances facing public streets, being Portage Parkway, Jane Street and Millway Avenue, while introducing a large POPS at a scale that encourages walking and bicycling. The Development is enhanced by the high-quality streetscape, public realm and architecture and includes a series of on-site long-term and short-term bicycle storage facilities to support and encourage active modes of transportation.

Objective: To achieve complete, diverse, compact, vibrant, integrated and well-designed Regional Centres that serve as focal points for housing, employment, cultural and community facilities, and transit connections

*Policy 5.4.19 states that the Regional Centres will contain a wide range of uses and activities, and be the primary focal points for intensive development, that concentrates residential, employment, live-work, mobility, investment, and cultural and government functions. Policy 5.4.20 further identifies that the planning and implementation of Regional Centres will provide the following:*

- a) the greatest intensity of development within the Region;

- b) *a diverse mix of uses and built form, to create vibrant and complete communities including living, working, shopping, and entertainment opportunities; and*
- c) *mobility choices and associated facilities for all residents and employees for walking, cycling, transit, and carpooling, which shall be supported through the preparation of a mobility plan.*

*Policies 5.4.23 and 8.2.3 (Implementation) state that Regional Centres contain the highest development densities and greatest mix of uses in the Region, and shall achieve a minimum density of 3.5 FSI per development block, at and adjacent to, the Vaughan Metropolitan Centre Station on the Spadina Subway Extension.*

The Development contributes to the mix of uses planned in the VMC. It would deliver a density that can support the existing surrounding employment and commercial uses, encourages and optimizes the uses of higher-order transit, and facilitates the success of the planned cultural functions (e.g. community facilities) of the VMC. The commercial use proposed at-grade would help meet the immediate needs of the residents of the Development and the visitors to the VMC.

The Development conforms to the YROP as it includes a mix of unit types and contributes to a range of housing choices, including rental, in the City to meet the needs of residents and workers of York Region. It would also support and achieve an urban and integrated transportation system within a Regional Centre as a focus of economic activity and culture and contribute to a high-quality and sustainable community in the VMC.

***Amendments to Vaughan Official Plan 2010 and Volume 2 of Vaughan Official Plan 2010 (the VMC Secondary Plan) are required to permit the Development***

Vaughan Official Plan 2010 ('VOP 2010') and Volume 2 of the VOP 2010 (the VMC Secondary Plan) designates the Subject Lands "Station Precinct", which permits a broad mix of uses and a wide variety of building types, including residential dwellings (apartment units), retail and service commercial. The Development is mixed use and includes residential and commercial retail uses.

The VMC Secondary Plan permits a maximum building height up to 30-storeys and a density up to an FSI of 5, times the area of the lot on the Subject Lands. The Development represents a density of 7.1 FSI and is subject to Section 37 contributions. To facilitate the Development on the Subject Lands, the following are required:

- a) amendments to Schedules "A" to "J" to delete the planned north-south local street on the Subject Lands
- b) a modification to Schedule "K", Site Specific Policy Areas, to specifically:

- i) identify the subject lands located at the southwest corner of Jane Street and Portage Parkway as Area H
- ii) permit the proposed building heights of 36, 45 and 50-storeys and a maximum density of 7.1 FSI, whereas a maximum building height of 30-storeys and density of 5 FSI is permitted
- iii) to identify the east west local street on the south side of the subject lands and specifically identified on Schedule “C”, Street Network, as a special 17 m wide local street, with both a 1.5 m streetlight easement and a POPS on either side that will accommodate the streetscape elements of the local road; whereas, a 20 to 22 m wide local street is planned.

***The Development Planning Department supports the proposed amendments to the VMC Secondary Plan***

*Section 1.5 of the VOP 2010, The Vision for Transformation: Goals for the Official Plan, identified the VMC as a provincially designated UGC, given the location along Regional Road 7 and the terminus of the Toronto-York Subway Extension. The VMC is envisioned to become Vaughan’s downtown with the highest density node in the City and a focus for civic activities, business, shopping, entertainment, and living. Policy 2.1.3.2, Defining Vaughan’s Transformation: Key Planning Objectives, addresses Vaughan’s main land use planning challenges and the management of future growth by directing a minimum of 29,300 residential units through intensification within the built boundary, promoting public transit use by encouraging transit-supportive densities and an appropriate mix of uses along transit routes, and providing a diversity of housing opportunities. Policy 2.2.5, Intensification Areas, identifies the VMC as the City’s downtown that consists of the widest range of uses and buildings of various sizes, including the tallest buildings in Vaughan.*

The Subject Lands have access to higher-order transit, which can support the density being proposed. The proposed unit mix, including the proposed rental units, would provide housing opportunities at a density target within the VMC that would support public transit and housing diversity in the City.

*The VMC Secondary Plan provides the following objectives for the VMC:*

- 3.1 *Establish a distinct downtown for Vaughan by 2031 containing a mix of uses, civic attractions and critical mass of people*
- 3.2 *Establish complete neighbourhoods containing a variety of housing*
- 3.5 *Optimize existing and planned investments in rapid transit*
- 3.10 *Ensure all development exhibits a high-quality of urbanity, materials and design*

The VMC Secondary Plan permits a maximum building height of 30-storeys and a maximum density FSI of 5 times the area of the lot. The Subject Lands are accessible to higher-order transit. The Development is designed to capitalize on the surrounding public infrastructure and higher-order transit investments within the UGC and the VMC Mobility Hub and contributes an additional 1,472 units that will bring a critical mass to the VMC to support the establishment of a complete neighbourhood (e.g. residential, commercial, community facilities and public transit). The Development satisfies these objectives of the VMC Secondary Plan.

*Policy 4.3.5, Street Network, states that new streets identified in Schedule C and streets to be widened shall be identified in all approved plans within the VMC and shall be conveyed to the municipality as a condition of approval of draft plans of subdivision. Where the City and the applicant agree that a plan of subdivision is not required for an initial phase of development, the City may permit a street to be conveyed through the rezoning and/or site plan approval process, at no cost to the City.*

The VMC Secondary Plan includes a new east-west local street that connects Jane Street with Millway Avenue to support the development block. The Owner proposes to replace the planned 20 to 22 m wide local street with a 17 m wide local street, with 1.5 m easements for street lights on either side. The City is amenable to this approach as the local street would be flanked on both the north and south sides with enhanced levels of streetscape and POPS, as secured through the Section 37 negotiations, which would be designed seamlessly with the local street.

The requirement to convey the local street through a plan of subdivision application was determined to not be required in this case as the location of the local street is situated above an existing 10 m wide city-owned easement containing a large stormwater box culvert. Given this site-specific context, the City would permit the Owner to design, in consultation with York Region and the City, and convey the local street to the City through a separate Development Agreement, which is included in the Recommendations of this report.

*Policy 4.3.15, Street Network, states that in addition to the public streets identified in Schedule C, the City may encourage and permit other Local Streets, Mews and laneways to serve development and support the establishment of a fine-grain network of streets in the VMC. Additional Local Streets, Mews and laneways may be public or private. The need for them, and their location, function and character, shall be determined during the preparation and review of Block Master Plans and development applications.*

The north-south local road is being proposed to be eliminated from the VMC Secondary Plan proposed road network to provide a unique opportunity of additional publicly accessible open space while retaining access to the Development from Portage Parkway. The impact on the transportation network functionality and operation is

expected to be minimal because this link would only provide limited network permeability for the East Block due to the turn restrictions imposed on the local roads and no real “shortcut” or “relief” to the adjacent regional and collector roads. Several scenarios with and without the north-south link have been examined which confirms minimum impacts of link elimination to the capacity and traffic operations of the road network. Furthermore, network connectivity for pedestrians will be enhanced through the site by sidewalks or pedestrian pathways within landscaped open spaces and the access points for the cyclists will remain intact.

The deletion of the north-south local street is proposed to be replaced by a driveway access to the Development. This driveway is supported as access to Portage Parkway from the planned north-south local street would have been restricted to right-in/right-out movements only for safety reasons given its proximity to Jane Street. The Subject Lands location within the VMC Mobility Hub afforded the opportunity to address a paradigm shift in modes of transportation from a vehicular to a pedestrian and transit-oriented development that is supported by public access easements over the proposed central courtyard and corner plazas (POPS), which still satisfies the objectives of the VMC Secondary Plan to optimize connectivity while providing flexibility for a range of development scenarios.

*Policy 4.6.3, Parking, states that transit-supportive parking standards for residential and non-residential uses shall be adopted by the City to facilitate development in the VMC and encourage non-automobile travel.*

Section 3.8.1 of Zoning By-law 1-88 includes specific parking requirements that reflect the VMC as a high-density and transit-oriented area. The Owner proposes a parking ratio to capitalize on the existing infrastructure that has the capacity to accommodate the Development.

The Owner has confirmed that a Reciprocal Easement and Operations Agreement (“REOA”) with the future Condominium Corporations for Buildings B1, B2 and B3, will be entered for parking, access, operations, and maintenance of the shared underground parking structure, which will include provisions that a minimum of 221 visitor parking spaces (0.15 parking spaces per unit) shall be permitted within the on-site commercial parking facility and may be utilized as shared off-site residential, commercial, and commercial paid parking spaces for Buildings B1, B2, and B3 in perpetuity within the development block to satisfy and secure the zoning requirements. A condition to this effect is included in the Recommendations of this report.

*Section 6.0, Parks and Open Spaces, states that the development of parks and other open spaces in the VMC will be as important as the development of buildings. They will not only provide places for recreation choices and natural features but will also contribute to the character and identity for the downtown that is more complex and appealing than one comprising only high-density buildings. A rich and diverse open*

*space network will be vital to attracting a diverse population and employment to the VMC and making it a civic and tourist destination. The policies in this section support the objectives set out in Section 3.0, specifically Objectives 3.1- 3.3, 3.7 - 3.8 and 3.10. The further general intent of the policies in this section is to:*

- Ensure there are parkland and other open spaces adequate for a range of recreational activities and passive enjoyment within walking distance of VMC residents and workers.*
- Provide central neighbourhood gathering and recreation spaces.*
- Provide civic open spaces capable of accommodating events with city-wide appeal.*
- Ensure the VMC develops with a variety of public open spaces, including neighbourhood parks and urban squares, as well as courtyards, gardens and naturalized spaces.*
- Significantly enhance the image of the VMC.*
- Integrate natural features and open space with development.*

The Development and the proposal for the POPS has been reviewed in accordance with Section 6.0, which would augment the planned park and open space network in the VMC.

*Policy 8.1.2, General Land Use and Density Policies, states that the VMC is intended to accommodate a minimum of 1,500 new retail and service jobs by 2031 as street-related uses on the ground floors of mixed-use buildings. Policies 8.1.3 and 8.1.4 state that the VMC is intended to accommodate a minimum of 12,000 residential units to contribute to the projected population growth to 2031. The policies also encourage a diverse housing mix, including a significant number of households with children.*

The Development would accommodate for the planned residential population growth in the VMC with 1,472 new residential units of varying sizes and built forms. The proposed commercial uses and the POPS within the Development, together with the adjacency to community facilities (e.g. VMC Mobility Hub, Community Center and Library and EPP) would support varying households, including those with children.

*Section 8.7, Built Form, of the VMC Secondary Plan includes policies for building setbacks, ground floors, building height, massing, and building exteriors. The policies, specifically Policies 8.7.1 to 8.7.25, relate to building design that promotes pedestrian comfort through building façade treatments, lobby frontages, podium and tower designs, and building materiality.*

The Owner and the City have made significant effort to ensure the building elevations of the Development would be well articulated with a comfortable pedestrian realm along all frontages of the Subject Lands. This entails a well-articulated podium expression and tower massing, and the specific placement of the building entrances at the ground level

with high-quality streetscape treatments. The proposed density and building height increases are subject to contributions through Section 37 of the *Planning Act*, which will be discussed later in this report.

Policy 8.7.18, Massing, further requires tower elements of high-rise residential buildings to be slender and spaced apart from one another to minimize shadow impacts and the loss of sky views, maintain privacy and contribute to an interesting skyline. The maximum residential tower floor plate shall be approximately 750 m<sup>2</sup>, which would allow limited shadow impacts on the streetscape and skyline.

The Development would contribute to a varied skyline within the VMC and satisfy the objectives of the VMC Secondary Plan to optimize connectivity while providing flexibility for a range of development scenarios, including the existing context of the Development. Building setbacks, material treatments, architectural features, and public realm design have been utilized to encourage a comfortable streetscape, varied street wall, and a pedestrian-first experience.

***The Development represents good planning. The Owner will provide community benefits in exchange for increased building height and density, pursuant to Section 37 of the Planning Act***

To facilitate the Development, the Owner proposes to amend the VMC Secondary Plan to increase the permitted density from an FSI of 5 to FSI of 7.1 and the permitted maximum building height from 30-storeys to 36-, 45- and 50-storeys. Pursuant to Section 37 of the *Planning Act*, the policies of the VMC Secondary Plan and VOP 2010, and the “City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*”, Vaughan Council may authorize an increase in density and building height in return for the provision of community benefits. The Owner proposes an increase in building height and density in return for the following community benefits totaling \$3,450,000.00, pursuant to Section 37 of the *Planning Act*.

a) On-site contributions including the following:

- i) \$500,000.00 enhancements to, with a full and permanent public access easement over, the Privately-Owned Public Space, including the two corner plazas and large central courtyard
- ii) \$650,000.00 towards a gateway feature installation at the corner of Jane Street and Portage Parkway, in accordance with the VMC Culture and Public Art Framework
- iii) \$250,000.00 towards streetscape enhancements above the City’s service levels to support the creation of a high-quality pedestrian oriented urban environment

- iv) \$350,000 towards development of a community pavilion on the north-west corner plaza to be designed in collaboration with the City that will be privately-owned and may include a small ancillary retail component, along with a dedicated community space for use by the City, to be further detailed in the Site Plan Agreement
- b) Off-site contributions including the following:
  - i) \$1,500,000.00 towards architectural enhancements to screen the Toronto Transit Commission ('TTC') emergency egress building in the TTC Plaza, with potential long-term bike storage, subject to TTC approval or an alternate contribution to such enhancements in the TTC Plaza, Transit Square or SmartCentres Place Bus Terminal Plaza. Any works beyond the contribution shall be at the sole cost of the Owner
  - ii) a \$200,000.00 contribution to the green wall and foyer features in the City's Community Centre/Library.

Sections 10.1.2.9 of VOP 2010 and 8.1.23 of the VMC Secondary Plan include policies to permit bonusing for increased density and building height in return for the provision of community benefits in the form of facilities, services or other matters provided that the following criteria are met:

a) Good Planning

The Development must represent good planning, be consistent with the other objectives of VOP 2010 and the VMC Secondary Plan and ensure consistency with applicable built form and neighbourhood compatibility objectives.

The Development capitalizes on the VMC's locational advantage, being the convergence of the regional bus network (the SmartCentres Place Bus Terminal and the VivaNext BRT) with the Spadina Subway extension into the VMC. The proximity of the Subject Lands to higher-order transit and community facilities is vital in the creation of a high-quality downtown where transit supportive residential and employment densities are developed as vibrant places of activity and major regional destinations.

The Development is consistent with the PPS and conforms to the Growth Plan and the YROP. The increase in the maximum density and building height reflected in this Development is proposed through Section 37 of the *Planning Act*. Several iterations of design development were required to ensure that the proposed form of development met the policies of the VMC Secondary Plan, to be supported as good planning.

In Section 3 of the City's *Guidelines for the Implementation of Section 37 of the Planning Act*, "good planning" includes addressing all other policies contained in



the Official Plan, including urban design policies and objectives, the relationship of the Development to its context, the adjacent streets, the creation of a good public realm, improvements to the public realm adjacent to the site, including off-site improvements and adequate infrastructure. Following a series of collaborative design workshops with the Owner to ensure that the above objectives were met, the Development as shown on Attachments 1 and 13 to 24, is determined to represent good planning. The Development is aligned with the following objectives contained in the VMC Secondary Plan:

- i) A downtown: “to establish a distinct downtown for Vaughan by 2031 containing a mix of uses, civic attractions and a critical mass of people.”
  - A critical objective of the VMC Plan is to concentrate development in the new downtown. The Development would contribute to achieving the required critical mass that would develop a strong identity, sense of place, and a population to support the investments in the transit infrastructure and the land uses (i.e. commercial, office, etc.) that would contribute to the diversity of land uses required to create a successful downtown.
- ii) Neighbourhoods: “establish complete neighbourhoods containing a variety of housing.”
  - Residential neighbourhoods play an important role in the vibrancy of a downtown including the establishment of distinct, transit-oriented neighbourhoods that provide a range of housing forms to attract a variety of household types at varying incomes. The Development includes a variety of residential units, including rental units with convenient access to community amenities and parkland.
- iii) High transit usage: “optimize existing and planned investments in rapid transit.”
  - The density and proximity of the Development to higher-order transit makes the creation of a high-density downtown possible. The short walking distances to the higher-order transit through the planned network of streets and open spaces would contribute to prioritizing transit and walking as the preferred modes of daily travel in the VMC.
- iv) Generous Open Space System: “develop a generous and remarkable open space system.”
  - The VMC Secondary Plan recognizes the importance of diversity of open spaces in distinguishing the VMC as attractive and livable. It

specifically identifies the linked system of parks along Millway Avenue that would provide areas of civic events and that everyone in the VMC should live 5-minutes of a park. The Development proposes POPS within the central courtyard above what is contemplated in Schedule D, Major Parks and Open Spaces, of the VMC Secondary Plan.

v) Design excellence: “ensure all Development exhibits a high quality of urbanity, materials and design.”

- The Development incorporates an architectural form that frames and addresses the streets. Connectivity has been integrated into the design of the development block with enhanced pedestrian connections and a comfortable at-grade amenity area within the central courtyard. Though refinements will be required along the public realm edges, specifically where the built form interfaces the public streets, the Development Planning Department is satisfied with the overall built form.

The Development is considered good planning in consideration of the overall existing and planned area context. Therefore, the proposed increase in the maximum density and building height in return for the provision of community benefits is appropriate.

b) Community Benefits

The community benefits must bear a reasonable planning relationship to the increase in building height and density of the Development. In accordance with Section 37 of the *Planning Act*, Vaughan Council may authorize an increase in building height and/or density of Development otherwise permitted in Schedule I of the VMC Secondary Plan, in return for the provision of community benefits in the VMC. The Official Plan identifies community benefits that may qualify, including:

- Public art contributions
- Cultural facilities, such as a performing arts centre, amphitheatre or museum
- Streetscape, mews and open space design enhancements that are above the City's standard levels of service
- Upgrades to community facilities that are beyond the City's standard levels of service
- Special park facilities and improvements identified by the City as desirable for the area, but which are beyond the City's standard levels of service or facilities

- Other community facilities identified by the City as desirable for the VMC, but which are not accommodated in the City's standard levels of service.

In accordance with the City's "Guidelines for the Implementation of Section 37 of the *Planning Act*", the City and the Owner have agreed to the increase in maximum density and building height in return for a community benefit, pursuant to Section 37 of the *Planning Act*, that includes enhancements equivalent to \$3,450,000.00 as noted above. These on-site and off-site contributions are supported by the objectives of the VMC Secondary Plan and would directly benefit and service the additional population and workers in the VMC.

c) Adequate Infrastructure

It is the City's intent to deliver the planned and orderly development of the VMC through the provisions of adequate infrastructure that support the increase in density and building height. The infrastructure improvements through the nearby higher-order transit facilities that are currently built or under construction, are all infrastructure improvements that support the Development. The Owner's on-site and off-site Section 37 contribution would benefit the future residents of the Development and the visitors to the VMC. The City's goal is to achieve a community within a true mixed-use downtown.

Should the Applications be approved, the Owner and the City shall execute a Section 37 Density Agreement to permit an increase in the maximum permitted density and building height, prior to the enactment of the implementing site-specific Official Plan and Zoning By-law. The Owner shall pay to the City the Section 37 Agreement surcharge fee, in accordance with the Tariff of Fees By-law for Planning Applications. Additionally, prior to the issuance of the first above grade Building Permit, the Owner and the City shall execute a Public Art Agreement. Conditions to this effect is included in the Recommendations of this report.

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

The Subject Lands are zoned C10(H) Corporate District Zone with the Holding Symbol "(H)" by Zoning By-law 1-88, subject to site-specific Exception 9(959), as shown on Attachment 13. The Holding Symbol "(H)" is historically tied to a previous development application for the Owner's entire land holdings and its removal is subject to Council's approval of a corresponding Site Development application.

To permit the Development, the Subject Lands are proposed to be rezoned to C10 Corporate District Zone, subject to site-specific Exception 9(959). The Owner proposes to remove the Holding Symbol "(H)" from the Subject Lands, which may occur with the approval by Vaughan Council of Site Development File DA.18.074. The following site-specific zoning exceptions to Zoning By-law 1-88 are required to implement the Development:

Table 1

	<b>Zoning By-law 1-88 Standards</b>	<b>C10 Corporate District Zone Requirements</b>	<b>Proposed Exceptions to the C10 Corporate District Zone</b>
a.	Permitted Uses	The C10 Zone does not permit an apartment building.	<p>Permit the following, in addition to all the uses permitted in the C10 Zone:</p> <ul style="list-style-type: none"> <li>• Apartment Dwelling</li> <li>• Commercial Parking Lot</li> <li>• Dry Cleaning Establishment</li> <li>• Equipment Sales/Rental Establishment</li> <li>• Health Centre</li> <li>• Pet Grooming Establishment</li> <li>• School, Technical or Commercial</li> <li>• Store, Convenience Retail</li> <li>• Studio</li> <li>• Supermarket</li> <li>• Tavern</li> <li>• A maximum of 185 m<sup>2</sup> of non-residential gross floor area for a retail pavilion in the north-west plaza, with an additional 215 m<sup>2</sup> for community space shall be permitted</li> </ul>
b.	Definition of “Lot”	Lot” - means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent (severance) contemplated by Section 49 of the <i>Planning Act</i> ,	The Subject Lands are deemed to be one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of plan of condominium,

	<b>Zoning By-law 1-88 Standards</b>	<b>C10 Corporate District Zone Requirements</b>	<b>Proposed Exceptions to the C10 Corporate District Zone</b>
		R.S.O. 1983, would not be required for its conveyance.	consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted.
c.	Minimum Parking Space Size	2.7 m x 6 m	2.7 m x 5.7 m
d.	Minimum Parking Requirements	<p><u>Residential:</u></p> <p>One-bedroom: 814 units @ 0.7 spaces/unit = 570 spaces</p> <p>Two-bedroom: 647 units @ 0.9 spaces/unit = 583 spaces</p> <p>Three-bedroom: 11 units @ 1 space/unit = 11 spaces</p> <p>Residential Visitor: 1,472 units @ 0.15 space/unit = 221 spaces</p> <p><u>Commercial Retail:</u></p> <p>2,038 m<sup>2</sup> @ 2 spaces / 100m<sup>2</sup> = 41 spaces</p> <p><u>Total Required Parking:</u></p> <p>= 1,426 spaces</p>	<p><u>Residential:</u></p> <p>1,472 units @ 0.41 spaces/unit = 604 spaces (934 spaces are provided on site)</p> <p>A minimum of 221 visitor parking spaces (0.15 parking spaces per dwelling unit) shall be permitted within the on-site commercial parking facility and may be utilized as shared off-site residential, commercial and commercial paid parking spaces, for Buildings B1, B2, and B3 within the development block.</p>
e.	Minimum Amenity Area	<p>One-bedroom: 814 units @ 20 m<sup>2</sup>/unit = 16,280 m<sup>2</sup></p> <p>+</p> <p>Two-bedroom:</p>	The minimum amenity area shall be 1 m <sup>2</sup> per dwelling unit anywhere on the Subject Lands.

	<b>Zoning By-law 1-88 Standards</b>	<b>C10 Corporate District Zone Requirements</b>	<b>Proposed Exceptions to the C10 Corporate District Zone</b>
		647 units @ 55 m <sup>2</sup> /unit = 35,585 m <sup>2</sup>  +  Three-bedroom: 11 units @ 90 m <sup>2</sup> /unit = 990 m <sup>2</sup>  Total Required Minimum Amenity Area = 52,855 m <sup>2</sup>	
f.	Minimum Setback to Portions of Buildings Below Grade	1.8 m (Jane Street, Portage Parkway and local street)	0 m
g.	Minimum Landscape Strip Width	Jane Street: 6 m All other streets: 3 m	Jane Street: 0.8 m Portage Parkway: 1.5 m
h.	Minimum Setback Requirements	Rear Yard: 3 m	Rear Yard: 2 m (Millway Avenue)
i.	Maximum Building Height	15 m	Building B1: 151.5 m (45-storeys)  Building B2: 120.5 m (36-storeys)  Building B3: 164.5 m (50-storeys)
j.	Maximum Density	0.6 FSI	7.1 FSI at 120,460 m <sup>2</sup> , with potential for an additional 929 m <sup>2</sup> being devoted to mechanical uses located underground

The Development Planning Department can support the zoning exceptions in Table 1 on the following basis.

a) Definition of Lot

The proposed zoning exception to the definition of a “lot” is required to ensure that for zoning purposes, the Subject Lands are deemed to be one lot regardless of future conveyances and to avoid future technical zoning amendments.

b) Site-Specific Development Standards

The proposed zoning standards identified in Table 1 would permit a development that creates a compact built form and pedestrian realm relationship that is supported in an intensification area with access to higher-order transit. The site-specific development standards (setbacks, amenity area, portions of buildings below grade, landscape strip widths, density, building height) are consistent with the approved development standards related to other high-density developments located in the VMC and will enable the compact built form that is supported by the Development Planning Department. The indoor amenity areas are augmented by a large courtyard and corner plazas, POPS, to which the City will have exclusive access to through public access easements.

c) Additional Uses

The introduction of the additional uses is consistent with the policies and the permitted uses in the VMC Secondary Plan, are considered compatible with the planned surrounding uses and implements the VMC Secondary Plan.

d) Vehicular Parking and Loading Space Requirements

The Transportation Division of the Development Engineering Department has reviewed the Development and has no objection to the proposed parking space size. The 0 spaces per 100 m<sup>2</sup> GFA for commercial retail uses can be supported as the Subject Lands are adjacent to and within the VMC Mobility Hub and the Development is designed to be pedestrian-oriented.

The development proposes a total of 330 shared parking spaces (remaining in SmartCentre’s ownership) to be located off-site for the combined uses devoted to residential visitor parking spaces, commercial paid public parking spaces, and commercial retail parking spaces. Within this total amount, a minimum of 221 visitor parking spaces are required by Zoning By-law 1-88 to serve Buildings B1, B2, and B3 within the development block. The shared nature of this pool of parking enables flexible use of the spaces throughout weekdays and evenings, which is reflective of best practices in an urban context.

The proposed residential parking space requirement of 0.41 parking spaces per dwelling unit is acceptable and in line with previously approved applications, such as Transit City Towers 1, 2, and 3, and as well as the vision of the VMC with respect to achieving a 50/50 modal split by 2041. The proposed parking

standards have been supported by a Parking Study that has been reviewed by the Development Engineering Department. The findings of the Parking Study can be supported by the City.

***The Planning Act permits Vaughan Council to pass a resolution to permit a landowner to apply for future Minor Variance application(s), if required, within two years of a Zoning By-law coming into full force and effect***

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Vaughan Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) within two years of the passing of a by-law amendment.

Should Council approve Zoning By-law Amendment File Z.18.030, the Development Planning Department, in recognition of the complexity of this Development, has included a recommendation to permit the Owner to apply for a Minor Variance application(s), if required, prior to the two-year moratorium to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

***The Development Planning Department supports the Site Development Application***

a) Site Design

The proposed site plan shown on Attachment 13 includes a large central courtyard and two corner plazas (POPS) that focus on creating a pedestrian-first experience. The westerly corner plaza would be permitted commercial retail kiosks that would animate these spaces. As noted earlier, the local street is distinguished from other hierarchical types of streets identified in the VMC Secondary Plan as it would be seamlessly designed and integrated with the central POPS (on both the north and south sides of the local street) and incorporate enhanced levels of streetscape, along its north and south sides, that have been secured through the Section 37 negotiations with the Owner.

The Development includes three residential apartment buildings with building heights of 36, 45 and 50 storeys on six-storey podiums all flanking the POPS. The towers would contribute to a varied skyline in the VMC and are strategically placed to ensure an appropriate tower separation, which conforms with the policies of the VMC Secondary Plan, within the site and in relation to other adjacent developments.

The Owner has submitted a wind tunnel model analysis for the Development. The analysis must be revised to include the existing and planned neighbourhood buildings and demonstrate the incorporation of appropriate mitigation measures



to ensure favourable micro-climatic conditions for people sitting, standing and walking within the public realm. The final design must include confirmation that the recommended mitigation measures have been appropriately incorporated into the building design, to the satisfaction of the City.

The final site plan, including the signage and lighting plans, and the revised final detailed wind tunnel model analysis and adjustments to the design, if required, must be approved by the Development Planning Department. Conditions to this effect are included in the Recommendations of this report.

b) Site Access

Vehicular access to the Subject Lands includes two ramps to the underground parking garage. One is located at the mid-block along Portage Parkway between Jane Street and Millway Avenue and the other is located off the local street just east of Millway Avenue, within Building B2. All the services (loading and waste collection) are proposed to be internal to the Development, which minimizes vehicular impacts on the site, thereby maximizing the pedestrian and cycling activities. Staff have worked with the Owner to include comfortable commercial and retail accesses at grade along the corner plazas.

In addition to the pedestrian connections, cycling infrastructure and amenities are provided within and around the Development that encourage slower vehicular travel and promote active transportation. The proposed accessible bicycle parking facilities are well distributed throughout the Development and will encourage active transportation and assist in improving safety for cyclists.

c) Landscape

The Owner proposes a high-quality POPS with public access easements, secured through the Section 37 negotiations with the Owner. The public access easements would be secured over the central courtyard and the corner plazas that will be enhanced with high-quality landscape and will support a comfortable pedestrian realm. The Owner shall convey a public access easement to the City free of cost and encumbrances over the POPS, including the two corner plazas and large central courtyard, registered on title and the Owner shall indemnify and save harmless the City and/or their employees from all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the POPS or service provided, in accordance with Section 37 Density Bonus Agreement. A condition to this effect is included in the Recommendations of this report.

d) Building Elevations

The Subject Lands are situated within the VMC Mobility Hub with access to higher order transit with visible view corridors in the VMC. Architectural design of an exceptional quality is proposed in accordance with the vision of the VMC Secondary Plan and the City's Urban Design Guidelines.

The facades for each building are proposed to be distinguished and articulated through vertical and horizontal emphasis with unique balcony projections. All primary lobby entrances are located at-grade and are clearly visible and accessible from the public realm to activate all frontages and promote vibrant and pedestrian-friendly environments. Special design considerations with the inclusion of retail accesses and ground floor building articulation are made along the corner plazas to enhance the peripheral entry features to the central plaza and create a fine-grain and interesting street frontage. All three towers are proposed to be connected by bridge connections and will provide the residents with accesses to the roof top amenity areas.

The Development Planning Department is satisfied with the Development, as shown on Attachments 15 to 24, subject to the Owner continuing to work with Staff on fine-tuning the building elevations to demonstrate the appropriate treatment and articulation of the built form to ensure activation of the public realm edges, including the interface with the POPS. A condition to this effect is included in the Recommendations of this report.

***The Owner has addressed the Vaughan Design Review Panel's comments***

The Design Review Panel (the 'Panel'), on October 25, 2018, and January 31, 2019, considered the Development.

At the October 25, 2018 meeting, the Panel identified the challenge in understanding the overall function and performance of the entire project in absence of the development plans for phase two lands as it relates to massing, connectivity, traffic, shadow and wind impacts on the Subject Lands. Specifically, Panel expressed concern of shadowing impacts from the phase two lands on the central courtyard. Furthermore, the originally proposed eight-storey podium exceeded the policy requirements of the VMC Secondary Plan and did not achieve the desired pedestrian-friendly scale. Panel agreed that the expression and materiality of the podiums and towers should also be looked at to create more architectural diversity.

While the Panel supported the proposed POPS, there were concerns regarding wind speeds and shadow casting on these areas. Panel directed attention to the two corner plazas as they would appear to be under long-term shadowing for most of the year with concern of wind speeds at the pinch points and creation of unfavourable microclimate conditions. The Panel agreed that the expression of the towers required greater

variance as the design evolved. Reconsideration of the podium expression and materiality was identified as it was deemed to be lacking the finer grain qualities recommended in the City's Urban Design Guidelines. While the Panel liked how the landscaped central courtyard was framed from three sides, it was determined that a lower, six-storey podium would create a better, pedestrian-friendly scale on the overall composition of the space.

At the January 31, 2019 meeting, the Panel asked the Owner to carefully analyze the ground floor functionality throughout the site and its relationship with the public realm and commented that it is vital to protect the investment of the POPS and ensure that it is not jeopardized by the programming, design and built-form of the surrounding buildings, including phase two. Panel continued to express concern with the proposed massing on phase two with respect to the impact that it would have on the POPS and the larger open space design in terms of microclimate, shadow and sense of enclosure. The central courtyard is the heart of the project and how everything works around it will be key to the success of the Development.

The Owner has responded to the Panel's comments by reducing the podium heights to six-storeys and refining the central courtyard to create a stronger north-south connection with phase two. Following a series of design workshops to prioritize design matters raised by both the Panel and Staff, the Department is satisfied that the Owner has addressed the comments of the Panel through refinements in the Development, subject to the Recommendations in this report.

***The Development Engineering Department has no objection to the Development, subject to the Conditions of this report***

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

#### Road Network

The Subject Lands are bounded by Portage Parkway, Millway Avenue, and Jane Street. The VMC Secondary Plan requires a new east/west local road crossing the lands connecting existing Millway Avenue and Jane Street. Proposed road right-of-way widths and cross-section details shall be established to the satisfaction of the City, to meet the intent and vision of the VMC Secondary Plan.

The Owner originally proposed the deletion of the north-south local road from Portage Parkway to Apple Mill Road. Through detailed technical review and feedback from Staff, the road deletion was scoped to removal of the link from Portage Parkway to the east-west road.

The east-west local road shall be designed with a non-standard right-of-way and will consist of layby lanes for parking, unit pavers for surface treatment, and design

seamlessly with the adjacent privately-owned public space (POPS) area. A 1.5 m municipal easement is required outside of the right-of-way to accommodate street lighting. The Owner has expressed an interest in potential construction of an underground tunnel crossing underneath this local road connecting both the underground parking of this site plan to a future underground parking structure south of the road. Discussions are ongoing between the Owner and Staff to ensure that appropriate maintenance arrangements for the enhanced service levels are in place to be provided by the City upon assumption in the future.

A widening is required on Portage Parkway to accommodate a minimum 33.0 to 36.5 m right-of way as identified within the Portage Parkway EA. This major collector road will support future development growth within the VMC. To service the development, the Owner is required to design and construct road improvements and the interim and ultimate streetscape along the south side of Portage Parkway from Millway Avenue to Jane Street at a standard urban level of service. Funding for elements of the ultimate road improvements are identified in the 2018 City's Development Charges Background Study/Update and may, therefore, qualify for reimbursement for any ultimate roadworks and streetscape improvements from the City-Wide Development Charges funds.

The Development Engineering Department has no objection to the deletion of the north-south local road and the proposed east-west non-standard local road with respect to the above comments.

#### Noise Attenuation

The Owner has submitted an Environmental Noise and Vibration Feasibility Study, prepared by Aercoustics dated September 4, 2018, to identify the noise sources surrounding the Development, which also identified the noise control measures for the Development itself. The analysis considered the traffic on Jane Street, Regional Road 7, Highway 400, Highway 407, future YRRT Bus Terminal, CN railway yard, and the numerous surrounding employment, commercial and industrial uses.

The Owner shall incorporate the recommended noise attenuation measures from the approved noise report into the design and construction of the proposed buildings within the site including, but not limited to, upgraded façade windows, in order to achieve the Class 2 designation.

Prior to final approval of the plan, the Owner shall provide a final Environmental Noise and Vibration Impact Study for review and approval by the City, and the Owner shall agree in the site plan agreement to implement all recommendations of the final Environmental Noise and Vibration Impact Study to the satisfaction of the City.

## Municipal Servicing

The proposed development is within the north-west quadrant of VMC Area. The anticipated growth within the VMC Area will result in higher population densities, which will lead to an increased demand for water, increased wastewater production, and an increase in surface water run-off during rain events. To address this situation, the City has completed a Municipal Servicing Master Plan in 2012 which identifies the preferred strategy for water, wastewater and stormwater servicing for the planned growth within VMC Secondary Plan Area. The sanitary drainage area for the proposed development is tributary to the existing Jane Street trunk sewer.

The Applicant has submitted the revised Functional Servicing and Stormwater Management Report (FSR), prepared by SCS Consulting Group Ltd., dated March 2019, which confirms that the existing municipal services can be used to service the proposed plan. Staff reviewed the report and provided comments, therefore, the consultant is to revise the report accordingly. The foregoing provides an overview of the servicing strategy for the plan:

### a) Water Supply

The development lies within Pressure District 6 (PD6) of the York Water Supply System. In accordance with the VMC Servicing Strategy Master Plan, the servicing strategy for the proposed development includes installation of a new 300mm-dia. along the proposed local road connecting into existing Millway Avenue and Jane Street watermains.

### b) Sanitary Servicing

In keeping with the VMC Servicing Strategy Master Plan, the servicing strategy and the submitted functional servicing report for the proposed development recommended the installation of a new 375mm-dia sanitary sewer along the local road between Millway Avenue and Jane Street to service this development. The proposed sanitary sewer system will be connected to the existing sanitary sewer on Millway Avenue, which was designed to accommodate this development.

### c) Storm Drainage

The Vaughan Metropolitan Centre Master Servicing Strategy (VMCMSS) identified that the existing SWM facility (Edgeley Pond) located within the north-east quadrant is proposed to be retrofitted in the future to accommodate development within the VMC, which would provide water quantity, quality and erosion control of the north-east quadrant including this Development. As part of the VMCMSS, it identifies the requirement for on-site controls. As such, on-site stormwater quantity and water balance controls are required on the Subject Lands. With the on-site controls, the existing stormwater management pond has

adequate storage volume to service the Development and new road without the need for modification or expansion at this time.

The Development will be serviced by a new connection to the existing municipal 3600mm-dia by 1500mm-dia. storm sewer box culvert along the proposed local road which outlets into the Edgeley Pond. An on-site storm quantity control facility (underground storage tank) will be provided to achieve the TRCA Humber River Unit Flow Rates.

### Environmental Site Assessment

The proponent submitted Phase One and Two Environmental Site Assessment (ESA) reports which were reviewed by Development Engineering Department. The ESA reports identified no contaminants above the applicable Ministry of the Environment, Conservation and Parks (MECP) standards. Given that the lands subject to this site plan application are currently developed as a commercial parking lot, the proponent shall be required to obtain a MECP Record of Site Condition (RSC) prior to the development to the more sensitive residential property use, in accordance with O. Reg. 153/04. The City will require the proponent submit a copy of the RSC prior to the execution of the site plan agreement. A condition to this effect is included in the Recommendations of this report.

### Geotechnical and Hydrogeological Report

The applicant submitted a "Geotechnical Investigation Report: Proposed East-West Local Road" prepared by Terraprobe dated March 12, 2019 and a "Hydrogeological Investigation Report for the VMC Block 2" prepared by Terraprobe dated March 7, 2019 for the proposed Development. The Reports shall recommend the ground water control measures that need to be implemented during detail design and construction of the buildings and municipal services, and assessment of potential water quantity/quality effects due to dewatering activities on proposed and existing development.

### Servicing Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The current site plan proposal is for 1,472 residential apartment units.

Accordingly, servicing capacity to Site Plan DA.18.074 is available and unrestricted. Therefore, the following resolution to allocate capacity to the subject development may be recommended for Council approval:

"THAT Site Plan Development Application DA.18.074 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 1,472 residential apartment units (3,253 persons equivalent). The allocation of

said capacity may be revoked by Council resolution and/or in accordance with the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed to registration within a reasonable timeframe."

The above noted resolution is included in the Recommendations section of the Report.

### Energy Infrastructure

Policy 5.2 of the VMC Secondary Plan includes the provision for the implementation of a district energy system to serve public and public developments. This initiative and the infrastructure to support it have not been successfully pursued in the VMC. Therefore, the Owner has not proposed this energy infrastructure, which is acknowledged by the Development Engineering Department.

The DE Department has no objections to the Development and will continue to work with the Owner to finalize all plans and reports subject to the conditions identified in the Recommendations of this report.

### ***The Environmental Services Department, Solid Waste Management Division has no objection to the Applications***

The Environmental Services Department Solid Waste Management has no objection to the proposed waste collection proposed for the Development. Upon a successfully completed Application, site inspection and executed Agreement as determined by the City, the Condominium Corporation(s) may be eligible for municipal waste collection services. Should the Condominium Corporation(s) be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation(s). The following clause shall be included within the future Condominium Agreement:

"Prior to final approval, upon a successfully completed application, site inspection and executed registration of an Agreement with the Vaughan Environmental Services Department, Solid Waste Management Division, as determined by the City, the Condominium Corporation(s) will be eligible for municipal waste collection services. Should the Condominium Corporation(s) be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation(s)."

***The Financial Planning and Development Finance Department requires the Owner to pay the applicable Development Charges***

The Financial Planning and Development Finance Department assessed the Development and advised that the Owner shall enter into a Development Agreement with the City of Vaughan to satisfy all conditions, financial or otherwise, about such matters as the City may consider necessary, including Development Charges.

***The Urban Design and Cultural Heritage Division of the Development Planning Department supports the approval of the Development, subject to conditions***

In areas that have been cleared of concern for archaeological resources, the Owner is advised that:

- a) Should archaeological resources be found on the Subject Lands during construction activities, all construction activity and work must cease, and the Owner shall notify the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division immediately
- b) If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Consumer and Business Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

Should Council approve the Applications, a condition to include the above clauses in the Site Plan Agreement has been included in the Recommendations of this report.

***Office of the City Solicitor, Real Estate Department advises that land conveyance and/or cash-in-lieu of the dedication of parkland is required***

The Office of the City Solicitor, Real Estate Department has advised, "For high-density residential development, the Owner shall convey land at the rate of 1 hectare per 300 units and/or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a rate of 1 ha per 500 units, or at a fixed rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu Policy."

***The Owner is required to address the conditions of the Canadian National ('CN') Railway***

The Subject Lands are within the review area of CN. CN has reviewed the Owner's Noise and Vibration Feasibility Study. The Owner is required to address any requirements by CN, which is included in the Recommendations of this report.



### **NavCanada and Bombardier Aerospace have no objection to the Development**

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service and Bombardier Aerospace, owner and operator of the Toronto Downsview Airport, has advised in a letter dated February 4, 2019, of no objection to the Development.

### ***The Owner is required to fulfill the conditions of the Ministry of Transportation Ontario***

The Ministry of Transportation Ontario (the 'MTO') has indicated no objection to the Applications, subject to the conditions of draft plan approval, subject to the Recommendations of this report. The Development is located within the MTO permit control area. Therefore, the *Public Transportation and Highway Improvement Act* regulations apply.

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

Canada Post has indicated that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post specifications are met. The Owner is required to supply, install and maintain a centralized mailbox facility.

### ***The School Boards have no objection to the Development***

The York Catholic District School Board has advised that they will not require a public elementary school site within the Development. The York Region and the French School Boards have no comments or objections to the Development.

### ***The various utilities have no objection to the Development***

Alectra Utilities Corporation has indicated it has no objection to the approval of the Development. It is the Owner's responsibility to contact Alectra and discuss all aspects of the Development with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas Inc. has no objection to the Development and has advised that it is the Owner's responsibility to contact Enbridge Gas Inc. with respect to the installation and clearance requirements for service and metering facilities.

Rogers Communication Inc. has no objection to the Development.

Bell Canada ('Bell') has no conditions or objections the Development. The Owner is required to contact Bell prior to commencing any work to confirm that sufficient wire-line communication/telecommunication infrastructure is available. If such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

## **Financial Impact**

There are no requirements for new funding associated with these Applications.

## **Broader Regional Impacts/Considerations**

The York Region Official Plan 2010 ('YROP 2010') designates the Subject Lands as "Urban Area" and located within a "Regional Centre" by "Map 1 - Regional Structure." York Region has advised, in the letter dated April 18, 2019, that the amendments to VOP 2010 are a routine matter of local significance and in accordance with Regional Official Plan policy 8.3.8, and that the proposed Amendment does not adversely affect Regional planning policies or interests. On April 18, 2019, York Region exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council, which if approved, allows the proposed amendment to come into effect following its adoption by the City of Vaughan at a future Council date, and following the required appeal period if applicable.

York Region has indicated they have no objections to the Applications, subject to their comments included in Attachment 25. These comments must be addressed prior the execution of the Site Plan Agreement with York Region and in accordance with the Recommendations of this report.

## **Conclusion**

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment Files OP.18.018 and Z.18.030, and Site Development File DA.18.074 in consideration of the policies of the Provincial Policy Statement, the Growth Plan, the York Region and City Official Plan policies, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, the public and the surrounding area context. The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the VMC Secondary Plan.

The Development Planning Department opines that the Applications, when considered comprehensively, are consistent with the Provincial Policy Statement, 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017, and the York Region Official Plan and that the Applications represent good planning. The Development Planning Department recommends that the Applications be approved. On this basis, the Development Planning Department can support the approval of the Applications subject to the Recommendations in this report.

**For more information**, please contact Stephen Lue, Senior Planner, Extension 8210.

## **Attachments**

1. Location Map
2. Proposed Revised Schedule A - Vaughan Metropolitan Centre Boundaries
3. Proposed Revised Schedule B - Transit Network
4. Proposed Revised Schedule C - Street Network
5. Proposed Revised Schedule D - Major Parks and Open Spaces
6. Proposed Revised Schedule E - Community Services and Cultural Facilities
7. Proposed Revised Schedule F - Land Use Precincts
8. Proposed Revised Schedule G - Areas for Office Uses
9. Proposed Revised Schedule H - Areas for Retail, Service Commercial or Public Uses
10. Proposed Revised Schedule I - Height and Density Parameters
11. Proposed Revised Schedule J - Floodplain and Environmental Open Space
12. Proposed Modification to Schedule K - Site Specific Policy Areas
13. Site Plan and Proposed Zoning
14. Landscape Plan
15. Building B1 - North Building Elevation (along Portage Parkway)
16. Building B1 - East and West Building Elevations
17. Building B1 - South Building Elevation (along POPS)
18. Building B2 - North and West Building Elevations
19. Building B2 - East and South Building Elevations
20. Building B3 - East and South Building Elevations
21. Building B3 - North and West Building Elevations
22. Colour Perspective - Looking Southeast from Portage Parkway and Millway Avenue
23. Colour Perspective - Looking Northwest from Local street
24. Colour Perspective – Overall Looking from Local street
25. York Region Comments

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