

# Committee of the Whole (1) Report

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**DATE:** Tuesday, September 12, 2023

**WARD:** 5

**TITLE:** DANIELS BAIF THORNHILL INC.  
ZONING BY-LAW AMENDMENT FILE Z.22.033 (CITY INITIATED)  
7950 BATHURST STREET AND 8 BEVERLEY GLEN BOULEVARD  
VICINITY OF BATHURST STREET AND BEVERLEY GLEN  
BOULEVARD

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek Council approval of a City initiated Zoning By-law Amendment to bring forward site-specific Zoning By-law 1-88 (“1-88”) permissions into the new City of Vaughan Comprehensive Zoning By-law 001-2021 (“CZBL”) for the subject lands, as shown on Attachment 1 (the “Subject Lands”).

**Report Highlights**

- The CZBL was passed by Council on October 20, 2021, and ordered in force by the Ontario Land Tribunal (“OLT”) (in part) on March 28, 2023, with exceptions.
- The CZBL, as adopted, fails to recognize the previous approvals for the Subject Lands which were not carried forward from 1-88 into the CZBL.
- A City initiated amendment to the CZBL is proposed to bring forward the 1-88 site-specific approvals into the CZBL for the Subject Lands.

**Recommendation**

1. THAT Zoning By-law Amendment File Z.22.033 (Daniels Baif Thornhill Inc.) BE APPROVED, to amend Zoning By-law 001-2021, to bring forward site-specific Zoning By-law 1-88 permissions into the new City of Vaughan Comprehensive Zoning By-law 001-2021 for the lands at 7950 Bathurst Street and 8 Beverley Glen Boulevard.

## **Background**

Location: 7950 Bathurst Street and 8 Beverley Glen Boulevard (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

***On October 20, 2021, Council adopted the new CZBL. The OLT ordered the CZBL into force by its Order on December 28, 2022 and as corrected on March 28, 2023, with exceptions.***

The CZBL affects all properties within the City of Vaughan, with the exception of lands in the vicinity of Yonge Street and Steeles Avenue West. The CZBL replaces 1-88 with the exception of matters of transition pursuant to section 1.6 of the CZBL and the Yonge-Steeles Corridor Secondary Plan Area.

The CZBL has been appealed to the OLT by a number of appellants. Daniels Baif Thornhill Inc. did not appeal the CZBL.

The OLT issued an Order on December 28, 2022, which was subsequently corrected on March 28, 2023, bringing into effect sections of the CZBL that have not been appealed.

***Previous applications to amend 1-88 were approved for the Subject Lands***

Council, on January 20, 2015, approved Official Plan and Zoning By-law Amendment Files OP.12.019 and Z.12.047 to permit four high-rise mixed-use residential apartment buildings with maximum building heights of 15-storeys, 25-storeys, 12-storeys and 6-storeys for Buildings "A", "B", "C" and "D" respectively as shown on Attachment 2, with an FSI of 4.35 times the area of the lot, a maximum of 797 dwelling units, and 586 m<sup>2</sup> of GFA of at-grade retail and convenience retail uses. Official Plan Amendment ("OPA") #748 (By-law 179-2015) and 1-88 Zoning By-law 180-2015 were enacted by Council on November 17, 2015. By-law 174-2019, to lift the Holding Symbol "(H)" (File Z.19.014), was enacted by Council on November 19, 2019.

***On May 16, 2023, Council adopted By-law 055-2023, amending By-law 180-2015, to permit additional uses.***

Zoning By-law Amendment File Z.22.033 was approved by Council on April 25, 2023, to amend the original site-specific 1-88 approvals under By-law 180-2015 to permit additional ground floor commercial uses of an Eating Establishment – Take Out, Eating Establishment – Convenience, Regulated Health Professional Office or Clinic, Personal Service Shop, Pet Grooming Establishment, Pharmacy, and a Bank or Financial Institution within the existing development on the Subject Lands.

By-law 055-2023, adopted by Council on May 16, 2023, amends 1-88 to permit the additional uses.

***The CZBL, as adopted, fails to recognize the previous approvals for the Subject Lands which were not carried forward from 1-88 into the CZBL.***

The 1-88 site-specific approvals granted under By-laws 180-2015 and 055-2023 (collectively, the “1-88 Approvals”) were not carried forward into the CZBL for the Subject Lands.

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

- May 5, 2023 (Circulated 150 m from Subject Lands and to the expanded polling area as shown on Attachment 1)
- Location of Notice Signs: Bathurst Street and Beverley Glen Boulevard
- Date of Public Meeting: May 30, 2023, date ratified by Council June 20, 2023
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: September 5, 2023

***Public Comments were received***

The following is a summary of the comments provide and received to date:

**Parking:**

- the parking rates should not be reduced for this development; and
- the vehicles generated by the construction of the development should park in the designated parking areas outlined in the construction management plan and not on City streets.

**Previous Reports/Authority**

Previous reports related to the application and/or Subject Lands can be found at the following links:

[January 13, 2015, Committee of the Whole, Files OP.12.019 and Z.12.047 \(Item 1, Report No. 2\)](#)

[October 7, 2019, Committee of the Whole, Files Z.19.014 and DA.19.011 \(Item 2, Report No. 29\)](#)

[October 13, 2021, Committee of the Whole, CZBL, \(Item 9, Report No. 46\)](#)

[December 6, 2022, Committee of the Whole \(Public Meeting\) File Z.22.03 \(Item 4, Report No. 44\)](#)

[April 4, 2023, Committee of the Whole, File Z.22.033 \(Item 3, Report No. 16\)](#)

[May 30, 2023, Committee of the Whole, File Z.22.033 \(Item 3, Report No. 26\)](#)

[By-law - 180-2015](#)

[By-law - 174-2019](#)

[By-law 055-2023](#)

## **Analysis and Options**

### ***A City Initiated Zoning By-law Amendment to the CZBL is proposed to carry forward the 1-88 Approvals into the CZBL for the Subject Lands***

Carrying forward the 1-88 Approvals into the CZBL is intended to ensure that future tenants, residents, and business owners are not adversely impacted by legal non-conforming status or discrepancies between 1-88 and the CZBL with respect to the Subject Lands.

The approval sought in this report will carry forward the 1-88 site-specific development standards and mapping into the CZBL to accurately reflect the zoning applicable to the Subject Lands as previously approved. Specifically, a new Section 14 Zone Exception will be added to the CZBL, together with a new E-Figure and a consequential amendment to Map 58 in Schedule A of the CZBL, as it relates to the Subject Lands, is also required. No new development or additional uses or changes to the existing development are being sought by this Amendment.

### ***The proposed amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan, York Regional Official Plan and Vaughan Official Plan 2010***

#### **Provincial Policy Statement, 2020 (“PPS”)**

The PPS provides direction on matters of Provincial interest related to land use planning and development and includes building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The proposed amendment is consistent with the policies of the PPS. Correcting the discrepancy between the 1-88 Approvals and the CZBL, as enacted, as it relates to the Subject Lands is consistent with the PPS. In particular, the proposed amendment provides for a coordinated approach to dealing with planning matters in a manner consistent with the PPS.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The proposed amendment is consistent with the PPS policies that direct municipalities to facilitate a compact urban form through the intensification of underutilized lands in the City’s established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

#### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the ‘Growth Plan’)**

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041.

The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are located on Bathurst Street which is a planned 'Regional Rapid Transit Corridor', located within a built-up area and includes a mixed of apartment units including accessible units. The Subject Lands are within a Major Transit Station Area ('MTSA'), the Atkinson BRT Station. The Growth Plan defines a MTSA as the area within an approximate 500 to 800 m of a transit station.

The proposed amendment, as shown on Attachment 2 conforms to the Growth Plan policy direction to support the achievement of complete communities, including the improvement of social equity and overall quality of life for people of all ages, ability and incomes and providing a diverse range and mix of housing options to accommodate people at all stages of life.

The Growth Plan directs that land use planning matters, including infrastructure investment and transportation planning, are coordinated. Correcting the discrepancy between the 1-88 Approvals and the CZBL, as enacted, as it relates to the Subject Lands conforms with the Growth Plan direction to take a coordinated approach to dealing with planning matters.

#### York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the 'Atkinson BRT Station MTSA. Regional Centres and MTSA's are focal points for the highest densities and most intensive development. The proposed amendment will establish denser and more intense development on lands designated for such uses and in close proximity to existing transit facilities. As such, the proposed amendment conforms to YROP 2022.

#### York Region Official Plan 2010 ('YROP 2010')

The YROP 2010 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the 'Atkinson BRT Station MTSA. Regional Centres and MTSA's are focal points for the highest densities and most intensive development. The proposed amendment, which conforms to the YROP 2010 by providing, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

#### Vaughan Official Plan 2010 ('VOP 2010')

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

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010

- “High-Rise Mixed Use” on Schedule 13 – “Land Use” of VOP 2010

As shown on Attachment 2, the proposed amendment will establish four apartment buildings ranging in height from 6 to 25-storeys with 585.64 m<sup>2</sup> of commercial GFA and yield an FSI of 4.35 times the area of the lot. The proposed amendment reflects the uses and development standards approved in the 1-88 Approvals and as such, conforms with VOP 2010. No new development or changes to the existing development or additional uses are being proposed. A decision to approve the proposed amendment conforms to VOP 2010 to accurately reflect the previously approved zoning applicable to the Subject Lands.

### **Financial Impact**

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

### **Operational Impact**

The proposed amendment has been prepared and reviewed in consultation with the Development Planning, Building Standards, and Legal Services Departments.

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

The proposed site-specific amendment to the CZBL is a matter of local significance and does not affect Regional planning policies or interests.

### **Conclusion**

The Development Planning Department supports the site-specific amendment of the CZBL set out in Attachment 2 which is intended to correct the 1-88 Approvals that were not carried forward into the CZBL for the Subject Lands.

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

### **Attachments**

1. Context Location Map
2. Site Plan

### **Prepared by**

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**Approved by**



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**Reviewed by**



Nick Spensieri, City Manager