

## Committee of the Whole Report

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**DATE:** Tuesday, March 05, 2019

**WARD(S):** 5

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.012  
ZONING BY-LAW AMENDMENT FILE Z.18.019  
REENA C/O BRYAN KESHEN  
VICINITY OF CLARK AVENUE WEST AND BATHURST STREET**

**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 for Official Plan and Zoning By-law Amendment Files OP.18.012 and Z.18.019 for the Subject Lands shown on Attachments 1 and 2 to permit the development of a six-storey rental apartment building/Supportive Living Facility containing 79 units, and social, educational and job skills training space, as shown on Attachments 2 to 4.

**Report Highlights**

- The Owner proposes to develop the Subject Lands with a six-storey rental apartment building containing 79 units, and social, educational and job skills training space.
- Amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88 to permit the development.
- The Development Planning Department supports the approval of the Official Plan Amendment and Zoning By-law Amendment applications, subject to the Recommendations of this report, as the applications will permit a development that is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan, and the York Region Official Plan, and is compatible with the existing and planned land uses in the surrounding area.

## **Recommendations**

1. THAT Official Plan Amendment File OP.18.012 (Reena c/o Bryan Keshen) BE APPROVED, to amend Vaughan Official Plan 2010 ("VOP 2010"), Volume1, for the Subject Lands shown on Attachments 1 and 2, as follows:
  - a) Amend Schedule 13-Land Use, to redesignate the Subject Lands from "Low Rise Residential" to "Mid-Rise Residential" with a maximum permitted building height of 6-storeys and a maximum Floor Space Index of 2.3 times the area of the lot.
2. THAT Zoning By-law Amendment File Z.18.019 (Reena c/o Bryan Keshen) BE APPROVED, to amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments 1 and 2, from "A Agricultural Zone" to "RA3 Residential Apartment Zone", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. THAT Vaughan Council approve the implementing Draft Official Plan Amendment No. 37 (Reena c/o Bryan Keshen), attached as Attachment 5, subject to minor modifications required to implement the final development.
4. THAT the implementing Zoning By-law not be enacted until such time that Vaughan Council has approved a Site Development Application for the development.
5. THAT prior to the execution of the Site Plan Letter of Undertaking the Owner shall successfully obtain approval from Committee of Adjustment for a Consent Application for any required easement(s) for access and shared parking over the adjacent lands to the west of the Subject Lands. The Committee's decisions regarding the Consent Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.
6. 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 for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law, if required.

## **Background**

The subject lands (the 'Subject Lands') are located on the south side of Clark Avenue West and west of Bathurst Street, as shown on Attachments 1 and 2. The Subject Lands are currently vacant. The surrounding land used are shown on Attachment 2.

The Toby and Henry Battle Developmental Centre (the 'Battle Centre'), a Reena Facility, is located on the property immediately west of the Subject Lands, as shown on Attachment 3. The Battle Centre provides day and evening programs for children and adults with developmental disabilities. The proposed development is intended to provide rental apartment units for persons with special needs and includes an area devoted to Reena-operated social, educational and job skills training programs.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit a six-storey rental apartment building/Supportive Living Facility ('apartment building') containing 79 units, and social, educational and job skills training space (the 'Development') shown on Attachments 3 and 4:

1. Official Plan Amendment File OP.18.012 to amend the Vaughan Official Plan 2010, to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential", in the manner shown on Attachment 3.
2. Zoning By-law Amendment File Z.18.019 to amend Zoning By-law 1-88 to rezone the Subject Lands from "A Agricultural Zone" to "RA3 Residential Apartment Zone", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

***Public Notice for the Applications was provided in accordance with the Planning Act and Council's Notification Protocol for the Official Plan and Zoning By-law Amendment Applications***

On December 14, 2018, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Hearing was posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols. The Public Hearing for the Applications was held on January 22, 2019, where the recommendation of the Committee was to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting. Vaughan Council on January 29, 2019, ratified the recommendation of the Committee of the Whole.

The following is a list of individuals who made a deputation at the Public Hearing, or submitted written correspondence regarding the Development:

### Deputations

- Mr. Brian Keshen, Highcliffe Drive, Thornhill
- Ms. Gail Blackman, Eddy Green Court, Thornhill
- Mr. Kevin Hanit, Queensbridge Drive, Concord
- Mr. Yahya Hashmi, Lebovic Campus Drive, Maple
- Mr. Michael Isenberg, Peter Andrew Crescent, Thornhill

### Communications

- Mr. Kurt Franklin, Weston Consulting, Millway Avenue, Vaughan
- Ms. Gail Blackman, Eddy Green Court, Thornhill

The following comments were received at the Public Hearing and in the written submissions received by the Development Planning Department. The Development Planning Department offers the following responses to these comments:

- a) A multi-use pathway is needed through the subject site to provide access from McMorran Crescent/Tansley Road to Clark Avenue

A resident in the area would like a pedestrian/cycling connection from Clark Avenue West through the Subject Lands that connects the existing residential subdivision to the south.

#### Response

There is an existing City of Vaughan multi-use pathway located approximately 142 m west of the Subject Lands which provides access from Tansley Road north to Clark Avenue West and from Tansley Road south to Downham Green Park. The design of this walkway is to be enhanced as a condition of approval of the townhouse development to the east of the Subject Lands (Wycliffe Clark Ltd. Files Z.16.037, 19T-16V008, DA.16.079 and 19CDM-16V005). In addition, there is an existing walkway from McMorran Crescent to Bathurst Street 260 m east of the Subject Lands.

- b) A recently approved townhouse development immediately east of the Subject Lands may be impacted by shadowing from the proposed mid-rise building.

#### Response

A shadow study is required in support of the Site Development application and will be reviewed by the Vaughan Urban Design and Cultural Heritage

Department. The potential shadow impacts will be evaluated through the Site Development process.

- c) Individuals appeared before the Committee of the Whole to express support for the proposed project.

On February 22, 2019, a courtesy notice of this Committee of the Whole Meeting was sent to all individuals who made a deputation at the Public Hearing, submitted correspondence to the Development Planning Department, or those individuals who requested notification regarding these applications.

### **Previous Reports/Authority**

January 22, 2018, Committee of the Whole Public Hearing:

<https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=8927>

### **Analysis and Options**

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

The Owner has submitted the following Applications for the Subject lands shown on Attachments 2 and 3 to permit a residential development consisting of a six-storey rental apartment building containing 79 units, and social, educational, and job skills training space, as shown on Attachments 3 and 4 (the 'Development'):

1. Official Plan Amendment File OP.18.012 to amend the policies of Vaughan Official Plan 2010 to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential".
2. Zoning By-law Amendment File Z.18.019, to rezone the Subject Lands, shown on Attachments 2 and 3 from A Agricultural Zone to RA3 Residential Apartment Zone, in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

The Development Planning Department has reviewed the Development shown on Attachments 3 and 4 in consideration of the following policies:

***The Development is consistent with the Provincial Policy Statement, 2014 (the “PPS”)***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2014 (“PPS”)*. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS policies state, as follows (in part):

a) Section 1.1 - “Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns”

Section 1.1 of the PPS requires that development accommodate an appropriate range of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs and promotes cost effective development patterns and standards to minimize land consumption and servicing costs.

b) Section 1.1.3 - “Settlement Areas”

1.1.3.1 - “Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

c) Section 1.2.1 - “Coordination”

“A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including (in part) managing and/or promoting growth and development.

d) Section 1.4.3 - “Housing”

“Planning Authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by (in part):

a) permitting and facilitating:

1. All forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
2. All forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

b) 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;

- c) promoting densities for new housing which efficiently use lands, 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; and
- d) establishing development standards for residential intensification, redevelopment and new residential development which minimize that cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

The Development shown on Attachments 3 and 4 for a residential rental apartment dwelling (rental) within a settlement area adds to the range and mix of housing types in the community, and efficiently utilizes the Subject Lands.

The site-specific Official Plan Amendment to redesignate the Subject Lands from “Low-Rise Residential” to “Mid-Rise Residential”, to permit a 6-storey residential apartment building, facilitates a built form that is consistent with the Housing policies of the PPS. The Development also includes social, educational and job skills training space for the special needs community it is intended to serve. The Development includes apartment units for a special needs community that promotes an efficient use of land, and supports a healthy and safe community.

The Subject Lands are located on Clark Avenue West, just west of Bathurst Street which is served well by transit facilities. Bathurst Street is identified as a “Regional Rapid Transit Corridor” by the YROP and is a Dedicated Rapidway in the York Region Transportation Master Plan. A transit station is also currently under construction on the east side of Bathurst Street, north of Regional Road 7. In addition, the York Region Transportation Master Plan identifies Bathurst Street from Centre Street to Kirby Road as a Frequent Transit Network. The Subject Lands are located in proximity to existing retail, restaurant, entertainment, community service, and institutional uses at Bathurst Street and Clark Avenue West. In addition, the Bathurst Clark Resource Library and Pierre Elliott Trudeau Park are located on the north side of Clark Avenue West directly across from the Subject lands. Downham Green Park is located in the existing residential community south of Tansley Road which is south of the Subject Lands.

The location of the Development on Clark Avenue West supports alternate modes of transportation, such as transit, cycling and walking, and utilizes existing infrastructure and community facilities more efficiently and minimizes land consumption. The Development would provide apartment units serving the special needs community.

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

***The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”)***

The Growth Plan is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form and housing. The Growth Plan requires that all decisions made on or after July 1, 2017, in respect of the exercise of any authority that affect a planning matter will conform to the Plan. The Growth Plan promotes intensification of existing built-up areas, with a focus on urban growth centres, intensification corridors and major transit stations. Concentrating intensification in these areas provides a focus for transit infrastructure investment to support growth and for building compact, transit-supportive communities.

The Growth Plan directs population and employment growth to be accommodated within the built-up areas, and the development of complete communities with a mix of land uses, a range and mix of employment and housing types, high quality open spaces, and easy access to local stores and services.

The Growth Plan includes the following policies:

a) “1.2.1 Guiding Principles (in part)

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

b) “2.2 Policies for Where and How to Grow (in Part)

2.2.1 Managing Growth

Applying the policies of this 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; and



- d) 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.

#### 2.2.2 Delineated Built-up Areas

- 1. By the year 2031, and for each year thereafter, a minimum of 60 per cent of all residential development occurring annually within each upper or single-tier municipality will be within the delineated built-up area.
- 2. By the time the next municipal comprehensive review is approved and in effect, and each year until 2031, a minimum of 50 per cent of all residential development occurring annually within each upper or single-tier municipality will be within the delineated built-up area.

#### 2.2.6 Housing

- 1. Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will each develop a housing strategy that:
  - a) Supports the achievement of the minimum intensification and density targets in the Plan, as well as the other policies of the Plan by:
    - i. Identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and
    - ii. Establishing targets for affordable ownership housing and rental housing.”
- 2. Notwithstanding policy 1.4.1 of the PPS, 2014, in preparing a housing strategy in accordance with policy 2.2.6.1, municipalities will support the achievement of complete communities by:
  - i. Considering a range and mix of housing options and density targets in the PPS;
  - ii. Planning to diversify their overall housing stock across the municipality

#### c) “3.2.3 Moving People (in part)

- 1. Public transit will be the first priority for transportation infrastructure planning and major transportation investments.

2. All decisions on transit planning and investment will be made according to the following criteria:
  - a) aligning with, and supporting, the priorities identified in Schedule 5 - Moving People - Transit of the Growth Plan;
  - b) prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;
  - c) increasing the modal share of transit; and
  - d) contributing toward the provincial greenhouse gas emissions reduction targets.”

In consideration of the Growth Plan policies, the Applications to amend to the Official Plan and Zoning By-law to permit the proposed Development conform to the Growth Plan by directing growth to a built-up area, as stated in section 2.2.2, where there is existing vacant land to accommodate the expected population growth. The Development conforms to section 2.2.6 of the Growth Plan by promoting an alternative rental housing project to serve a range of incomes and households, and by promoting a transit-supportive density as stated in section 3.2.3, as the Subject Lands are located on Clark Avenue West which has York Region Transit service. In addition, the Subject Lands are located approximately 328 m west of Bathurst Street which is a planned Regional Transit Corridor with a York Region Transit regular service bus route.

***The Development conforms with the York Region Official Plan (the “YROP”)***

The Subject Lands are designated “Urban Area” by the YROP. Section 5.3 of the YROP outlines policies for development within the urban structure by encouraging residential development to occur within the built-up area as defined by the Province’s Built-Up Area Boundary in the Growth Plan. Well-designed, pedestrian-friendly and transit-oriented built form is encouraged. The Development will assist in achieving these goals as it includes rental residential apartment units with a range of unit sizes, utilizing a compact built form that makes more efficient use of the Subject Lands.

Section 3.5 of the YROP, Housing our Residents, provides housing objectives which include and promote an integrated community structure and design that ensures a broad mix and range of lot sizes, unit sizes, housing forms and types and tenures that will satisfy the needs of the Region’s residents and workers.

In consideration of the above, the Development conforms with the policies of the YROP. The proposed residential intensification located on a transit corridor makes efficient use of the Subject Lands and existing services in a compact built form that provides rental housing units and is transit supportive.

York Region is satisfied with the Applications, however reserves the right to provide detailed technical comments and conditions at the site plan stage.

***An amendment to Vaughan Official Plan 2010 (“VOP 2010”) is required for the Development***

The Subject Lands are designated “Low-Rise Residential” by VOP 2010 and are located within a “Community Area” as identified on Schedule “1” Urban Structure, of VOP 2010. This designation permits low rise residential built form including single detached, semi-detach and townhouse dwellings with no prescribed maximum density, and a maximum building height of three-storeys.

VOP 2010 does not permit the proposed mid-rise residential apartment building on the Subject Lands. Therefore, an Official Plan Amendment is required to permit the proposed 6-storey building. The Applications were reviewed in consideration of the policies of VOP 2010, including the following:

VOP 2010 Goal 8: Directing Growth to Appropriate Locations includes (in part);

“Planning for the attractive, sustainable and prosperous city envisioned by this Plan will in large part be achieved by directing growth to appropriate locations that can support it. This means a shift in emphasis from the development of new communities in greenfield areas to the promotion of intensification in areas of the City with the infrastructure capacity and existing or planned transit service to accommodate growth.”

The Subject Lands are also located on Clark Avenue West served by a York Region Transit bus route and the Subject Lands are just west of Bathurst Street which is a planned Regional Transit Corridor. The Development is consistent with VOP 2010, as it accommodates growth within the current built up boundary of the City.

Section 2.1.3.2 (in part) - “To address the City’s main land-use planning challenges and to manage future growth by:

- B) directing a minimum of 29,300 residential units through intensification within the built boundary;”

The Subject Lands are located within the City’s built boundary. The proposed intensification of the Subject Lands will have direct access to a City of Vaughan public road, Clark Avenue West which is served by a York Region Transit bus route. Intensification is proposed on the Subject Lands, which is located along a York Region transit route that connects to Bathurst Street, which is a Regional Intensification Corridor. The full service YRT Bathurst Street #88 bus route travels along Bathurst Street, which connects with the existing YRT/Viva transit service that links to the Regional Road 7 and Centre Street bus terminal.

Section 2.2.3.3 states “That limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of this Plan. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.”

The proposed built-form is considered appropriate as the 45 degree angular plane will be maintained from the existing community to the south, Clark Avenue West is located to the north, private institutional uses are located to the west, and a new townhouse development is under construction to the east. A Shadow Study will be reviewed by Vaughan Urban Design and Cultural Heritage Division through the site plan approval process. A separate report for consideration by the Committee of the Whole regarding Site Development File DA.19.003 will be considered at a future date.

Section 7.5.1 states in part “Increasing housing choices means more options in three areas:

- Housing Type: adding a greater range of housing types and sizes, including more townhouse, stacked townhouse and multi-unit buildings, to the existing housing stock which still primarily consists of single-detached and semi-detached houses.
- Housing Tenure: adding more rental units, as currently only 7% of Vaughan’s current house stock is rental.
- Housing Affordability: adding more affordable housing options, as currently over a quarter of Vaughan residents spend more than 30% of their gross income on housing (a common threshold for affordability) and there are fewer than 500 units of social housing in the City.

The Development will provide rental apartment units and social, educational and job skills training space which contributes to the City of Vaughan’s range of housing type, size and tenure.

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

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, which permits only agricultural uses. A residential apartment building is not a permitted use in the “A Agricultural Zone”. The Subject Lands must be rezoned to “RA3 Apartment Residential Zone” in the manner shown on Attachment 3, together with the following site-specific zoning exceptions to the RA3 Zone to permit the Development:

Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Residential Apartment Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Residential Apartment Zone Requirements</b>
a.	Minimum Parking Requirements	<u>Residential</u> : Supportive Living Facility - 79 units @ 0.5 spaces/unit = 40 spaces <u>Residential Visitor</u> : 79 units @ 0.2 spaces/unit = 16 spaces Total = 56 spaces	21 parking spaces provided. An additional 30 spaces are provided through a shared parking agreement with the Battle Centre
b.	Location of Parking Spaces	The Owner of every building or structure must provide and maintain parking on the lot on which it is erected.	Parking located on the lot to the west shall be shared with the Subject Lands
c.		A parking area shall be provided with means of access or driveway to a public street on the Subject Lands	Access to the parking on the Subject Lands shall be from the lot to the west.
d.	Minimum Amenity Area (Based on the Conceptual Site Plan Shown on Attachment 3)	<u>Bachelor</u> : 6 units @ 15 m <sup>2</sup> /unit = 90 m <sup>2</sup> <u>One Bedrooms</u> : 33 units @ 20 m <sup>2</sup> /unit = 660 m <sup>2</sup> <u>Two Bedrooms</u> : 26 @ 55 m <sup>2</sup> /unit = 1,430 m <sup>2</sup> <u>Three Bedrooms</u> : 11 units @ 90 m <sup>2</sup> /unit = 990 m <sup>2</sup> <u>Four Bedrooms</u> : 3 units @ 110 m <sup>2</sup> /unit = 330 m <sup>2</sup> Total = 3,500 m <sup>2</sup>	Total amenity space area shall be 1,415 m <sup>2</sup> (or 17.9 m <sup>2</sup> /unit)

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Residential Apartment Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Residential Apartment Zone Requirements</b>
e.	Minimum Lot Area	67 m <sup>2</sup> /unit @ 79 units = 5,293 m <sup>2</sup>	48 m <sup>2</sup> /unit @ 79 units = 3,792 m <sup>2</sup>
f.	Minimum Interior Side Yard	10.25 m	8.6 m (east lot line)
g.	Setback to Canopy	Front Yard 7 m Interior Side Yard	4.9 m (Clark Avenue West) 8.4 m (west lot line)
h.	Permitted Uses	Apartment Dwelling	Permit a Supportive Living Facility

The Development Planning Department supports the proposed rezoning of the Subject Lands as it will facilitate a development that is consistent with the PPS, conforms to the Growth Plan and the YROP, and the proposed residential use is permitted by VOP 2010. The Development Planning Department supports the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 for the following reasons:

a) Proposed Use and Minimum Parking Requirements

Staff have reviewed the Parking Justification Study Addendum Letter prepared by Crozier Consulting Engineers and concur with the findings. The Plan includes 21 spaces on the Subject Lands and an additional 30 spaces will be provided on the adjacent Battle Centre lands.

The proposed building is defined as a “Supportive Living Facility” under Zoning By-law 1-88 which is defined as follows:

“Means a building or part of a building containing four (4) or more sleeping units with or without individual kitchens or cooking facilities, used for the accommodation of persons requiring semi-independent living arrangements, where limited supervision and assistance is provided to support the health, safety and well-being of its residents”.

A “Supportive Living Facility” does not have a defined parking ratio in Zoning By-law 1-88, therefore, the parking requirements for Supportive Living Facility from

the City of Vaughan Review of Parking Standards - Draft Parking Standards Report prepared by IBI Group were applied.

The RA3 Zone permits an apartment building. A Supportive Living Facility, as defined, provides the flexibility for a different interior floor plan (e.g. units with or without kitchens or cooking facilities). However, the built form of a Supportive Living Facility can be similar to an apartment building in terms of massing and height.

Easements over the lands to the west are required to provide for the proposed parking and driveway access. The Owner will be required to obtain approval of a Consent Application from Committee of Adjustment for any required easement(s) for access and shared parking over the lands to the west (Battle Centre) in favour of the Subject Lands. The Committee's decision regarding the Consent Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.

b) Minimum Amenity Area, Lot Area, and Yard Setbacks

The proposed development standards will facilitate a building that is consistent to the PPS and conforms with the Growth Plan and the YROP. The apartment building is designed to provide dwelling units for persons with developmental disabilities. These residents will utilize the programs and amenities offered in the Battle Centre located immediately west of the Development.

In consideration of the above, the Development Planning Department is satisfied that the proposed rezoning and site-specific amendments to Zoning By-law 1-88 are appropriate.

***The Planning Act, permits Vaughan Council to pass a resolution to permit a landowner to apply for a future Minor Variance application(s), within 2 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 Committee of Adjustment within two (2) 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 Minor Variance Applications within two (2) years of the passing of a by-law amendment.

Should Council approve Zoning By-law Amendment File Z.17.020 the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s), if required, prior to the two-year moratorium in order to

address minor zoning deficiencies that may arise through the finalization and construction of the Development.

***A Site Development Application is required to permit the Development***

The Owner submitted Site Development File DA.19.003 on January 28, 2019, to permit the Development which is under review by internal City of Vaughan Departments and external agencies. The application will be reviewed in consideration of, but not limited to the following:

- appropriate building design and materials
- site design, massing, scale, height and building/unit orientation and upgraded flankage building elevation designs, bird friendly design
- interface with the existing and planned surrounding development
- the provision of appropriate on-site amenity and landscape areas
- pedestrian and barrier free accessibility and on-site vehicular access and circulation
- environmental sustainability
- servicing, grading, stormwater management
- appropriate provisions for waste management and snow storage areas
- shade conditions created by the Development on the immediate surrounding area

***The Development Engineering Department supports the Development subject to the comments of this report***

Environmental

The Subject Lands are not changing to a more sensitive land use and no lands are being conveyed to the City, therefore, the City has no concerns regarding the environmental site assessment.

Transportation

The Transportation Engineering Division of the Development Engineering Department has reviewed the Parking Justification Study Addendum dated December 13, 2018 prepared by Crozier Consulting Engineers and has no concerns with the proposed parking supply. Staff concur with the findings of the study that the proposed parking supply is adequate to accommodate the parking demand for the Development without compromising the existing Battle Centre located west of the Subject Lands. The Development will provide 21 spaces on the Subject Lands, and an additional 30 spaces will be provided on the Battle Centre to the west. An easement for shared parking must be registered on title prior to Site Plan approval.

Noise and Vibration Feasibility Study

The Noise and Vibration Feasibility Study indicates that the Development is feasible from a noise and vibration perspective. However, the Owner must demonstrate that all the study's recommendations will be implemented. Prior to site plan approval the Owner must provide the City with the following;



- a) A formal letter signed and sealed by the Owner of the Battle Centre confirming and specifying that one of the noise and vibration mitigation options noted in Subsections 5.5.1 and 5.5.2 of the study will be implemented.

The Owner shall further agree in the Site Plan Agreement that prior to occupancy, a noise consultant shall certify that all plans are in accordance with the noise control features as recommended by the approved Noise and Vibration Feasibility Study. Where wall, window and/or oversized forced air mechanical systems are required by the Noise and Vibration Feasibility Study, these features shall be certified by a Professional Engineer (as defined by the *Professional Engineers Act*, R.S.O. 1990, c.P.28, as amended). The Engineer's certificate must refer to the approved Noise and Vibration Feasibility Study and be submitted to the City's Chief Building Official and the Director of Development Engineering.

#### Functional Servicing Report ('FSR')

Prior to site plan approval the Owner shall complete the following:

- a) Conduct a hydrant flow test, as per the National Fire Protection Association ('NFPA') 291, on the exiting watermain on Clark Avenue West and submit the results of the test with a revised FSR;
- b) Confirm that there will be sufficient water flow pressure, based on the City of Vaughan Design Criteria to service the Development;
- c) Confirm that there is enough spear capacity in the existing sanitary sewer system to service the Development; and
- d) Clarify how permanent groundwater discharges will be managed through the proposed storm water management facilities.

#### Site Development Application

At the site plan stage the Owner will be required to:

- a) Submit an application for any temporary and/or permanent dewatering system that is required for the Development and enter into an agreement and/or permit to discharge groundwater as required by the City;
- b) Submit an application for any excavation and shoring that is required for the Development and enter into an agreement and/or permit as required by the City, including an Encroachment Agreement/permit and payment of the associated fees;
- c) Provide the necessary Ministry of the Environment, Conservation and Parks ('MECP') approval for the sewage works, since the existing sanitary and storm service connections will service two separate land holdings;
- d) Enter into a servicing agreement through the Development Engineering Department for the installation of any proposed service connections. The Owner shall agree to pay applicable fees and post necessary letters of credit pursuant to the City Fees and Charges By-law as amended; and
- e) Pay the Development Engineering Site Plan fee pursuant to the Fees and Charges By-law as amended prior to final approval of the site plan.

### Allocation of Sewage and Water Capacity

The availability of sewage and water capacity for the Development will be assessed at the site plan stage.

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

The Parks Development have reviewed the Community Services and Facilities Impact Study, dated July 26, 2018, and are satisfied with the Development, however, will provide additional technical comments through the review of the Site Development application. The Office of the City Solicitor, Real Estate Department has confirmed that should Council approve the Applications, the Owner is required to pay cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the Subject Lands or a fixed unit rate per unit whichever is higher, prior to the issuance of a Building Permit, in accordance with the City's Cash-in Lieu of Parkland Policy and Section 42 of the *Planning Act*.

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

The Owner must contact Canada Post during the design/site development stage to discuss a suitable mailbox/mailroom location.

### **Financial Impact**

Not Applicable.

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

York Region has reviewed the Official Plan Amendment Application and has determined that the proposed amendment is a matter of local significance, which does not adversely affect Regional planning policies or interest. The request for Regional exemption was considered by Regional staff and was exempted by Regional Planning Committee and Council.

York Region is generally satisfied with the proposed Official Plan and Zoning By-law. Staff reserves the right to provide detailed technical comments and conditions at the site plan stage on matters including, but not limited to, transit and road requirements, and vehicular access.

### **Conclusion**

Official Plan and Zoning By-law Amendment Files OP.18.012 and Z.18.019 have been reviewed in consideration of the policies of the PPS, Growth Plan, the YROP 2010, VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the area context.

The Development Planning Department is satisfied that the proposed amendments to VOP 2010 and Zoning By-law 1-88 to permit the development of a six-storey rental apartment building (rental) containing 79 units, and social, educational, and job skills training space is consistent with Provincial Policies, conform with the Growth Plan, the YROP, and are appropriate for the development of the Subject Lands. The proposed residential use is also permitted by VOP 2010. The proposed Development provides for a rental housing option on the Subject Lands at a density that is considered appropriate and compatible with the surrounding land uses. Accordingly, the Development Planning

Department can support an approval of the Applications subject to the Recommendations in this report.

**For more information**, please contact: Carol Birch, Planner, Development Planning, Extension 8485.

### **Attachments**

1. Context Location Map
2. Location Map
3. Conceptual Site Plan and Proposed Zoning
4. Conceptual Building Elevations
5. Draft Official Plan Amendment No. 37

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