

## Committee of the Whole (2) Report

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**DATE:** Tuesday, December 5, 2023

**WARD:** 3

**TITLE: BATTCORP HOLDINGS (VAUGHAN) LTD. AND BATTCORP II HOLDINGS (VAUGHAN) LTD.  
CIHA.23.002  
661 AND 681 CHRISLEA ROAD  
VICINITY OF LANGSTAFF ROAD AND HIGHWAY 400**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek endorsement from the Committee of the Whole to use the Community Infrastructure and Housing Accelerator ('CIHA') tool through CIHA Application File CIHA.23.002 (the 'Application') to seek a CIHA Order from the Minister of the Ministry of Municipal Affairs and Housing ('MMAH') for the subject lands on Attachment 1, to permit the development shown on Attachments 2 to 7 (the 'Development') consisting of:

- 1,488 residential units across four residential towers: two at 32-storeys and two at 35-storeys;
- Ground floor commercial uses; and
- A privately owned publicly accessible space ('POPS').

**Report Highlights**

- The Owner proposes Council consider facilitating the Development through use of the CIHA tool.
- The Development Planning Department proposes conditions as outlined in this report should Council resolve to support the use of the CIHA tool for the Development.

## **Recommendations**

1. THAT Council request the Minister of the Ministry of Municipal Affairs and Housing ('MMAH') make an Order pursuant to section 34.1 of the *Planning Act* for Community Infrastructure and Housing Accelerator ('CIHA') File CIHA.23.002 (Battcorp Holdings (Vaughan) Ltd. and Battcorp II Holdings (Vaughan) Ltd.), and staff be directed to submit a CIHA Order request package to the Minister of MMAH within 15 days of the passing of the Council resolution. The request package shall contain the following:
  - a. A draft CIHA Order in substantially the same form as that shown in Attachment 12 of this report;
  - b. A request to the Minister of MMAH to attach conditions to the CIHA Order, as identified in Appendix C of Attachment 12, should the CIHA Order be made by the Minister of MMAH;
  - c. A request to the Minister of MMAH to attach a condition to the CIHA Order requiring the Owner provide a minimum 5% of the total residential units for affordable housing as a CIHA Order community benefit requirement, should the CIHA Order be made by the Minister of MMAH; and
  - d. A request to the Minister of MMAH to exempt subsequent Site Plan Application, Draft Plan of Subdivision Application and Draft Plan of Condominium Applications from consistency/conformity to provincial plans, the Provincial Policy Statement 2020 ('PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan'), York Region Official Plan 2022 ('YROP 2022') and Vaughan Official Plan 2010 ('VOP 2022').
2. THAT the CIHA Order request impose a "High-Rise Mixed-Use Zone HMU" with site-specific zoning provisions for the Subject Lands shown on Attachment 12, as follows:
  - a. Four (4) residential tower buildings with a maximum permitted height of 35 storeys (112 m) containing a maximum of 1,488 dwelling units;
  - b. A minimum 304 m<sup>2</sup> of at-grade commercial uses across the entirety of the Subject Lands;
  - c. An at-grade POPS; and
  - d. Two private outdoor amenity spaces for resident use.

## **Background**

Location: 661 and 681 Chrislea Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: May 29, 2023

Date Application Deemed Complete: October 6, 2023

***Community Infrastructure and Housing Accelerator ('CIHA')***

Bill 109, *More Homes for Everyone Act, 2022*, received Royal Assent on April 14, 2022, and made several amendments to the *Planning Act*, R.S.O.1990, c.P.13 (the '*Planning Act*'). Amongst the series of amendments, a new planning tool has been created, known as the CIHA within section 34.1 of the *Planning Act*, which enables municipalities to submit requests to MMAH for the issuance of a zoning order on a given site. Staff outlined the provisions of the CIHA tool in the February 28, 2023 Committee of the Whole Report, which was received by Council on March 21, 2023. The link to that report is provided within the Previous Reports/Authority section.

***The Applicant is seeking that Council request a CIHA Order from MMAH to facilitate the Development.***

Battcorp Holdings (Vaughan) Ltd. and Battcorp II Holdings (Vaughan) Ltd. ('the Owner') has submitted the CIHA Application for the Subject Lands to convert the lands from employment to mixed-use, and facilitate the Development as shown on Attachments 2 to 7.

***Exemptions from conformity/consistency to provincial plans and municipal official plans for future applications.***

Subsection 34.1(15) of the *Planning Act* allows the Minister of MMAH, at the request of Council via resolution, to exempt subsequent development approval processes from being required to be consistent with the PPS, and from conformity to provincial and municipal official plans. The subsequent development approval processes include: Draft Plan of Subdivision, Draft Plan of Condominium, and Site Development Applications. The exemption avoids challenges that the subsequent development applications may face in carrying out the principle of development the CIHA Order would impose.

As a supplement to the Council resolution, the CIHA Order request must also include additional information: the identification of any licenses, permits, approvals and permissions required to fully permit the proposed development, and a draft CIHA Order which permits the intended use on the Subject Lands.

***The Subject Lands about a Provincially Significant Employment Zone ('PSEZ').***

The PPS and Growth Plan provides guidelines and criteria for land use conversions of PSEZ.

Within the YROP 2022, the Subject Lands are identified as "Urban Area" under Regional Structure Map 1 and "Community Area" under Land Use Designations Map 1A. In VOP 2010, the Subject Lands are designated "Prestige Employment".

For typical *Planning Act* applications, Section 1.3.2.4 of the PPS and Sections 2.2.5.9 and 2.2.5.10 of the Growth Plan requires a Municipal Comprehensive Review ('MCR') be undertaken in order to consider converting employment lands to non-employment uses. Under Section 34.1 of *Planning Act*, the CIHA tool exempts development proposals from the traditional planning frameworks, including MCRs for employment conversions.

York Region (or the 'Region') undertook a recent MCR, in which the Subject Lands were considered for land use conversion. City Staff recommended against the employment land conversion in the May 20, 2020, Committee of the Whole Report, which was supported by Council on May 27, 2020. Regional Staff recommended against the conversion in its October 15, 2020, Committee of the Whole Report. Regional Council approved the conversion at its October 22, 2020, meeting. The Subject Lands were subsequently removed from the PSEZ designation by MMAH.

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

- Date of Notice (Circulated 1000 m from Subject Lands as shown on Attachment 1): August 10, 2023  
The Notice of Public Meeting was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and Notice Signs were installed along Langstaff Road, Silmar Drive, and Chrislea Road in accordance with the City's Notice Signs Procedures and Protocols.
- Date of Public Meeting: September 12, 2023, date ratified by Council September 26, 2023
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: November 23, 2023

**Previous Reports/Authority**

Previous reports related to the application can be found at the following links:

More Homes For Everyone Act, 2022 – Community Infrastructure and Housing Accelerator, Committee of the Whole Report  
[February 28, 2023, Committee of the Whole \(Item 1, Report 11\)](#)

Battcorp Holdings (Vaughan) Ltd., and Battcorp II Holdings (Vaughan) Ltd, Committee of the Whole Public Meeting  
[September 12, 2023, Committee of the Whole Public Meeting \(Item 5, Report 33\)](#)

**Analysis and Options**

***Public Consultation and Indigenous Engagement is required in accordance with the MMAH's CIHA tool guidelines.***

**Public Meeting**

The September 12, 2023, Public Meeting and its notice generated comments from the public. The following are a summary of the comments provided and received to date. The comments are organized by topics as follows:

**Infrastructure Capacity**

- Concern over how the Development will affect the City's infrastructure.
- The Development will take away from servicing allocation capacity in areas that have already been planned for long term growth such as Weston and Highway 7 and Vaughan Mills Centre.

- The Development is considered unplanned and unscheduled growth that was not contemplated in any master servicing plan and will compound existing infrastructure constraints.

### **Land Use Compatibility**

- The Subject Lands abut lands within a Provincially Significant Employment Zone ('PSEZ'). The Development could result in the displacement of businesses.
- The Development could have a cascading impact for other land use conversions within Employment Areas.
- Given the site's proximity to Highway 400, the land is more suitable to be preserved for employment uses.

### **Environmental Impacts**

- How will the Development align with the City's Environmental Goals and initiatives?

### **Traffic Impacts**

- The Development may impact traffic in the area.

### **Nature of Application Process**

- The criteria for a CIHA approval is not met.
- The Development proposed is a normal application which could proceed through the OPA and ZBA process.
- The Development is outside of other Secondary Plan Areas where land use conversions from employment uses to residential uses are being contemplated (e.g. Weston and Highway 7). If additional land use conversions are to be considered, they should be considered holistically as part of a larger lands assessment.

### **Indigenous Engagement**

Prior to submitting a CIHA request to MMAH, the City is required to demonstrate that proper Indigenous consultation has occurred. The City in turn created guidelines requiring Owners seeking a CIHA process to provide adequate evidence to the City's satisfaction that Indigenous engagement has occurred prior to seeking endorsement from Council.

The Owner engaged with various Indigenous groups, specifically the Mississaugas of The Credit First Nation and Nation Huronne-Wendat. The Owner provided responses from the two noted Indigenous groups. The consultation will form part of the submission materials to the MMAH should Council choose to endorse the CIHA Order request.

***A CIHA Order is not required to be consistent with the PPS, or conform to the Growth Plan, as amended, and YROP 2022. The CIHA process exempts the Development from the PPS 2020, Growth Plan 2019, as amended, YROP 2022 and VOP 2010.***

Provincial Policy Statement, 2020 ('PPS')

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

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development facilitates 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 facilitates a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS.

The Development is also within an Employment Area as defined by the Growth Plan, YROP 2022 and VOP 2010. Section 1.2.6 of the PPS directs that the introduction of sensitive land uses including residential shall only be considered adjacent to Employment Areas if the following has been considered:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated;
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The Subject Lands are located in "Stable Areas" between two "Intensification Area" as defined by VOP 2010. The contemplated Development would assist in adding to the City's housing supply including affordable housing. However, residential and commercial uses outside the defined "Intensification Areas" may interrupt the existing Employment Area along Langstaff Road.

A Land Use Compatibility Study, Air Quality and Odor Impact Study, and revised Noise Impact Study, in addition to other studies/documentation, will be required at a subsequent *Planning Act* application stage to assess the land use surrounding the Subject Lands. The findings of the studies will determine if there is concern with land use compatibility and, if applicable/appropriate, identify appropriate mitigation measures. The Owner has provided a letter in Attachment 13 identifying their intent to submit those studies at a subsequent *Planning Act* application stage. As previously stated, CIHA applications are exempted from provincial policies including 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 not within an Intensification Area and are not located adjacent to a future Major Transit Station Area ('MTSA'). The Growth Plan defines a MTSA as the area within an approximate 500 to 800 m of a transit station.

York Region Official Plan 2022 ('YROP 2022')

- Subject Lands are identified as "Urban Area" under Regional Structure Map 1 and "Community Area" under Land Use Designations Map 1A of YROP 2022.
- The majority of residents, personal services, retail, arts, culture, recreational facilities and human service needs are to be located within the Community Area designation.
- Employment opportunities remain encouraged within the Community Area designation under policy 4.2.1.

The findings noted from the review of the PPS, Growth Plan, and YROP 2022 above are informational to assist Council in determining the merit of the proposal.

***A CIHA Order would override the policies of VOP 2010.***

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. A CIHA Order is not required to demonstrate conformity to the policies of VOP 2010. However, for the purpose of analysis, the existing policy framework in relation to the Development is identified below:

- "Employment Area" on Schedule 1 – Urban Structure by VOP 2010
- "Prestige Employment" on Schedule 13 – Land Use by VOP 2010. This designation permits uses related to economic activity (industrial, manufacturing, warehousing, and some office uses).
- The uses, height, density and land use permissions under this designation do not permit the Development as contemplated.
- A density of 6.34 is proposed. Similar vehicle-dependent areas where high-rise development is contemplated have density ranges of 1.5-4.5 (Centre Street Corridor), 2.5-6.05 (Carrville Secondary Plan), 2-4 (Vaughan Mills Secondary Plan), and 2.5-6.5 (Promenade Centre Secondary Plan). Vaughan Mills and Promenade Centre are well-served by public transit as they have bus terminals and are on rapid transit routes. The Subject Lands are solely serviced by York Region Transit Route 12, which only operates during rush hour on weekdays.

The findings noted from the review of VOP 2010 above are informational to assist Council in determining the merit of the proposal.

***A CIHA Order would override parts of Zoning By-law 001-2021.***

In the case of a conflict with Zoning By-law 001-2021 (the 'Zoning By-law'), the zoning imposed by a CIHA Order would prevail to the extent of the conflict. In areas where there is no conflict, the Zoning By-law continues to apply.

The Development is not permitted by the current zone category for the Subject Lands. Under the Zoning By-law the Subject Lands are zoned "Service Commercial Zone SC", subject to site-specific exception 14.752. The zone principally permits automobile service uses and other uses suitable for the travelling public. Exception 14.752 permits additional service and retail uses: dry cleaning/clothing establishment, car establishment, funeral services, hardware store, motor vehicle sales pet food outlet, pharmacy, and retail service.

The Owner is requesting a "High-Rise Mixed-Use Zone HMU" with site-specific provisions as identified in the draft CIHA Order in Attachment 12 of this report to permit the Development. Some of the commercial uses permitted within the SC Zone are permitted within the HMU Zone. Approximately 304 m<sup>2</sup> of at-grade commercial use is proposed in the Development.

The Development Planning Department has reviewed the proposal. Should Council endorse the CIHA Order request, the required zone provisions to permit the Development are identified in Attachment 12.

The Development proposes no parking for the commercial use(s) whereas 11 spaces are required; staff do not support this request. There should be space for the employees and customers that live outside of the Subject Lands to park as public transit service is infrequent and limited. Development Engineering, in its comments contained within Attachment 8, concurs with maintaining the minimum parking requirement.

The Owner proposes to add 'block townhouse dwelling', 'outdoor patio', and 'privately owned public space' ('POPS') to the list of permitted uses in the CIHA Order request. The requested HMU Zone does not permit block townhouses, nor do the conceptual plans contemplate this use or density. Staff do not support the inclusion of the townhouse use. The requested outdoor patio and POPS uses are included within the definition of urban square, which is a permitted use within the HMU Zone. Therefore, staff support the inclusion of the urban square term as an all-encompassing term for the proposed outdoor patio and POPS uses.

The Owner requests consideration of a 0 m tower step-back be entertained whereas 3 m is required within the HMU Zone. Urban Design Division has raised significant concern with the compatibility of the built form in relation to the surrounding low-rise uses, and the lack of stepping to facilitate a transition and reduce wind tunneling effects.

For this reason, staff is not supportive of any alteration to the minimum tower step-back provision.

Approximately 5.02 m<sup>2</sup> of amenity area per dwelling unit is required by the Zoning By-law, whereas 4 m<sup>2</sup> (2 m<sup>2</sup> indoors and 2 m<sup>2</sup> outdoors) is proposed, a shortfall of 1,398 m<sup>2</sup> at the current density. The site is within an employment area, which does not contain nor is in proximity to public spaces. As the intent of a CIHA is to encourage community benefits above and beyond that typically required of a traditional *Planning Act* application process and to expedite priority developments, staff is not supportive of the proposed amenity area reduction.

Should the Minister of MMAH issue a CIHA Order in response to the Council resolution only the Minister may make further amendments to the CIHA Order.

***The Planning Act allows for the CIHA Order to contain conditions that can only be cleared and/or removed by MMAH.***

Under Section 34.1(13) of the *Planning Act*, the Minister of MMAH may impose conditions on the CIHA Order. The conditions can only be cleared and/or removed by the Minister. To ensure the orderly development of the Subject Lands the City has proposed conditions, which may be referred to in Appendix B of Attachment 12, to be included with the CIHA Order request. The Minister of MMAH is solely responsible for lifting the condition. It is anticipated that MMAH will liaise with the appropriate party requesting the condition to ensure the concerns are satisfactorily addressed before having the Minister clear it. Please refer to Attachment 11 for a detailed summary outlining the rationale for each condition.

***Community benefits above and beyond the Planning Act requirements are to be provided as part of the CIHA Order request, to the satisfaction of the City.***

The City of Vaughan considers contribution to community benefits for CIHA Order requests on a case-by-case basis. On March 21<sup>st</sup>, 2023, Council adopted to receive the February 28, 2023, report which outlines key priorities that are intended to meet the City's objectives for creating complete communities. These priorities are to be considered and/or assist in securing benefits above and beyond what is required through the standard approval process of an Official Plan and Zoning By-law Application.

The Development proposed on the Subject Lands will contain the following additional community benefit:

- A minimum of 5% of the total residential dwelling units shall be reserved for Affordable Housing.

The definition of 'Affordable Housing' is referenced in the draft CIHA Order and is tied to the definition within YROP 2022. The 'Affordable Housing' will be finalized and secured through a future agreement to be registered on the property. A condition to this effect is listed in Appendix B of Attachment 9.

***Community Benefits Charge ('CBC') is applicable and will be collected at Building Permit Stage.***

The Development meets the criteria for CBC being 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits.

**Operational Impact**

***Development Planning Department***

Through the last regional MCR, the Subject Lands progressed through an employment land conversion and was subsequently not included in an employment area. According to YROP 2022, the Subject Lands are designated "Community Area", but are not within an area identified for intensification. Residential towers are well-suited within identified Intensification Areas where services and infrastructure are planned/available.

The Development is a step towards meeting the City's objectives of creating a complete community by taking underutilized employment lands and providing a variety of housing options, including affordable housing and commercial space within proximity of each other.

Staff will continue to work with the Owner in advancing the Development forward upon direction from Council. The building footprint, site plan layout and parking arrangement are conceptual and will be subject to further change as the application progresses. The level of intensity planned for the Subject Lands requires a detailed and strategic design that is both transit and pedestrian oriented. The provisions required to facilitate this vision will be incorporated into the draft CIHA Order as conditions identified in Attachment 11 and Attachment 12, Appendix B.

The CIHA Order for 661 and 681 Chrislea Road will be precedent setting for an area that is comprised of employment uses along with some commercial uses. Developing broader long-term land use policies along the Langstaff Road corridor should therefore be explored if demand for further employment conversions is contemplated or considered within proximity to the Subject Lands. Such review should consider land-use compatibility, safety and planned or required infrastructure improvements. Staff recognizes however that such an initiative is outside the scope of this specific application.

***Departmental and External Agency Comments***

This Application was also circulated to other applicable City departments and external agencies for comment. The following City departments and external agencies have provided their comments in Attachment 8:

- Urban Design Division
- Development Engineering
- Fire and Rescue Service
- Building Standards Department
- Parks Infrastructure Planning and Development

- Real Estate

The comments provided by the above-noted City Departments and external agencies will be addressed through draft CIHA Order conditions shown in Attachments 11 and 12 of this report. Some condition requests are not included in the attachments as they deal with concerns that do not affect the principle of development and are best satisfied at the subsequent Development Application stage. CIHA Order conditions may only be imposed, managed, and cleared by MMAH.

The following City departments and external agencies responded with no comments or concerns:

- Cultural Heritage Division
- Environmental Services
- Canada Post
- Financial Planning & Development Finance
- Rogers
- Enbridge
- York Catholic District School Board
- Alectra Utilities

### **Financial Impact**

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

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

#### ***York Region***

York Region has reviewed the Application and provided their comments as shown in Attachment 9.

YROP 2022 policies coordinate and set the stage for more detailed planning by local municipalities. The Application proposes to increase the maximum permitted density on a site-by-site basis. The site is surrounded by employment uses and would create an isolated community without access to schools, community facilities, walkable destinations, etc., which does not constitute comprehensive planning. A CIHA Order should not be used to by-pass a comprehensive planning process and policies that consider the surrounding context, good planning principles, and create desirable, complete neighbourhoods. Site-specific increases in height, densities and therefore total number of residential units, sets a precedence and expectation for other properties in close proximity as well as across the Region. The cumulative impacts of site-specific amendments have the potential to impact the ability to service areas where significant growth through intensification is intended to occur.

If Council elects to proceed with the CIHA Order request, York Region has provided conditions to be included in the draft Order as shown in Attachment 12.

***The Toronto and Region Conservation Authority ('TRCA') has the following comments:***

The TRCA has reviewed the Application and has provided its comments in Attachment 10.

A small eastern portion of the Subject Lands are within the TRCA's Regulated Area. The proposed works are located outside of the Regulated Area. As such, TRCA's planning and regulatory interests are not impacted.

**Conclusion**

The Development Planning Department has reviewed the CIHA Application. Under Section 34.1 of the *Planning Act*, CIHA proposals are exempt from demonstrating consistency with the PPS, and conformity to the Growth Plan, YROP 2022 and VOP 2010. The Development Planning Department believes in maintaining a comprehensive and orderly approach to planning. Through the evaluation of the proposal, Development Planning recommends Council include Attachments 11 and 12 in its resolution and submission package to MMAH should it choose to endorse CIHA application File CIHA.23.002.

Should Council not endorse the CIHA Order request, file CIHA.23.002 shall be received for information and the Zoning By-law remains the solely applicable zoning document for the Subject Lands. This decision would direct staff to cease the processing of the CIHA Order request and close the file.

**For more information**, please contact David Harding, Senior Planner, at extension 8409.

**Attachments**

1. Context, Location, and Zoning Map
2. Conceptual Site Plan
3. Conceptual Landscape Plan
4. Conceptual Building Elevations - North and East
5. Conceptual Building Elevations - South and West
6. Conceptual Perspective Rendering - Southwest
7. Conceptual Perspective Rendering - Southeast
8. City Departments and External Agencies Comments
9. York Region Comments
10. Toronto and Region Conservation Authority Comments
11. Community Infrastructure & Housing Accelerator (CIHA) Order Conditions Rationale
12. Draft Community Infrastructure & Housing Accelerator (CIHA) Order
13. Owner Letter of Commitment

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