

Attachment 9



Corporate Services

November 14, 2023

David Harding RPP, MCIP
Senior Planner
City of Vaughan
Development Planning Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear David Harding:

**Re: Community Infrastructure and Housing Accelerator (CIHA)
Battcorp Holdings (Vaughan) Ltd.
661 & 681 Chrislea Road
City File Nos.: CIHA.23.002, OP.23.011 and Z.23.020
York Region File Nos.: LOPA.23.V.0049**

This is in response to your first and second circulation and request for comments for the Community Infrastructure and Housing Accelerator (CIHA) application.

The 1.64 ha subject site is located on the southside of Langstaff Road, between Weston Road and Highway 400 and is currently occupied by a gas station and a variety of commercial and retail uses, including a corner store, a café, office spaces, and the Reinhard College of Music & School of Worship. The proposed development consists of 1,488 apartment units and 304 m² of ground floor commercial uses, in four towers (two 32 storeys and two 35 storeys). Proposed are 1,514 parking spaces in an eight-level parking garage (four-levels aboveground and four-levels underground). The overall built density is 6.34 FSI.

Vaughan Official Plan

According to the applicant's Planning Justification report, prepared by Malone Given Parsons Ltd., dated August 2023, the subject lands are currently designated "Prestige Employment" by the 2010 Vaughan Official Plan.

Conformity with the 2022 York Region Official Plan

The 2022 York Region Official Plan (ROP) contains policies that guide economic, environmental and community building decisions to manage growth. These policies strengthen the connections between the natural and built environment, job opportunities, human services, transportation,

public health and fiscal capacity. The Regional Official Plan policies also coordinate and set the stage for more detailed planning by local municipalities.

The Regional Official Plan prescribes an urban structure based on an intensification matrix whereby Regional Centres and Corridors are intended to accommodate the highest concentration of intensification, followed by GO transit train stations, bus terminals and subway stations and further down the matrix, Local Centres and Corridors. As such, it is a Regional interest to ensure appropriate levels of intensification occurs within all intensification areas.

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 local and Region's transportation and water and wastewater master plans are based on approved Official Plans and Secondary Plans. It is in the Region's interest to ensure adequate road and water and wastewater service capacity is available to accommodate the ultimate planned population and jobs. 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.

Through the last Municipal Comprehensive Review, the subject lands progressed through an employment land conversion and was subsequently not included in an employment area. According to the 2022 York Region Official Plan (YROP), the subject lands are designated Community Area, but not within an area identified for intensification. The Community Area permits a wide range of urban uses, including residential, population-related employment and community services.

The subject OPA proposes to increase the maximum permitted density on a site-by-site basis, which does not constitute comprehensive planning. According to ROP policy 2.3.2, "*communities shall be planned in a comprehensive and coordinated manner using land efficiently and optimizing infrastructure with a compact, mixed-use, pedestrian friendly and transit-supportive built form.*" The proposed development continues a development pattern that exceeds planned growth, which may have an impact on the Region's planned transportation and water and wastewater networks. The ROP specifies, "*That intensification be directed in accordance with the Regional hierarchy to utilize land efficiently and sustainably that is commensurate with available hard and soft services and existing infrastructure, while having regard for the local context.*"

Another important planning policy direction for intensification areas is the creation of pedestrian oriented, 15-minute complete communities. The provision of retail and personal service establishments within close walkable proximity helps reduce the dependence of automobile trips. ROP policy 4.4.9 states, "*To direct a significant amount of mixed-uses, including street-related commercial, to strategic growth areas.*" The proposed development's 304 m² of ground floor commercial space is only 0.3% of the total 104,044 m² of gross floor area.

The ROP also encourages larger family sized units for intensification projects (Policy 4.4.8). The proposed development has 1,222 one-bedroom units. This represents 82% of the total residential units. The applicant is encouraged to provide a greater proportion of family sized units.

Community Infrastructure and Housing Accelerator

The City of Vaughan should consider the following matters before making a decision on the proposal:

1. Introducing new high density residential uses on a site-specific basis surrounded by employment uses would create an isolated community without close access to typical residential neighbourhood uses, such as schools, community facilities, and walkable destinations.
2. Introducing new residential uses on the subject lands could:
 - a) destabilize surrounding existing employment uses, creating potential compatibility issues, and
 - b) place upward pressure on land values, discouraging the establishment of new employment businesses.

CIHA Orders should not be used to by-pass a comprehensive planning process and applicable policies that considers surrounding context, good planning principles and creating desirable, complete neighbourhoods.

The subject lands are not located within a planned intensification area

York Region staff fully supports every effort to accelerate building more housing units based on good planning principles. The City of Vaughan has a number of planned community areas to accommodate residential intensification.

The Vaughan Metropolitan Centre Secondary Plan areas planned to accommodate a potential population of 118,000 in approximately 67,000 residential units. This is Vaughan's primary intensification area. The focus is to direct residential intensification to this Regional Centre/Urban Growth Centre. Consideration should be given to the cumulative impacts on available servicing and transportation capacity to accommodate growth in the VMC.

An example of an appropriate use of the Community Infrastructure and Housing Accelerator Order would be to advance a mixed-use project in one of Vaughan's planned intensification areas. The OPA proposes to add a new residential use on lands surrounded by an employment area, isolated from existing residential neighbourhoods. The subject lands are not currently within a residential community area, making it difficult to contribute to and create a healthy and complete community.

Departmental Comments

Below is a summary of comments received from Regional Departments.

Transportation

Transportation Planning staff require the following conditions be included in the CIHA Order.

1. Provide a Transportation Impact Study consistent with the format and recommendations of the Region's Transportation Mobility Plan Guidelines for Development Applications (November 2016). The TIS shall include assessment of other modes of transportation such as transit and active transportation for internal and external to the site in the future total conditions.
2. Provide a comprehensive Transportation Demand Management Plan (TDM) consistent with Region Transportation Mobility Plan Guidelines to the satisfaction of York Region. The TDM Plan shall include a TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations.
3. Provide a basic 43.0 metre right-of-way for this section of Langstaff Road. As such, all municipal setbacks shall be referenced from a point 21.5 metre from the centerline of construction of Langstaff Road. Any additional lands required for turn lanes at the intersections/access will also be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
4. The owner shall enter into an agreement with the Region to provide “above and beyond” transit initiatives, such as adult YRT Monthly PRESTO cards for each residential unit, for a period of three months.
5. Consult with MTO regarding the feasibility of a full move interchange at Highway 400 and Langstaff Road and confirm right-of-way requirements for Highway 400 ramps.

Development Engineering and Sustainable mobility

Comments and conditions will be provided at subsequent development applications.

Water and Wastewater Servicing

Environmental Services Infrastructure Asset Management (IAM) staff have reviewed the first and second submission in conjunction with the Functional Servicing Report (FSR) prepared by C.F. Crozier & Associates, dated July 2023.

Servicing Allocation

1. Residential development in the City of Vaughan requires servicing capacity allocation prior to final approval. If the City of Vaughan does not grant this development allocation from the existing capacity assignments to date, then the development may require additional Regional infrastructure based on conditions of future capacity assignment, which may include:
 - West Vaughan Wastewater Servicing project - 2028 anticipated completion

- Other projects as may be identified in future studies

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only.

2. As identified at the pre-consultation stage, the subject development is seeking to develop the site at a higher density than planned for in the Region's 2022 Water and Wastewater Master Plan. As such, the potential impact of proposed growth in this area (and developments in upstream and downstream areas) on the Regional infrastructure system must be monitored and addressed through various capacity management tools which include: the capacity assignment program (managed in collaboration with local municipalities), future master plan studies, phasing of growth in alignment with available capacity, etc.

The applicant is advised that at this time, the Region's servicing capacity commitment remains within the limits of currently assigned capacity to the City of Vaughan. It is in the City's jurisdiction to allocate the Region assigned capacity to individual developments based on their growth priorities.

Municipal Servicing

3. The FSR indicates that water and wastewater servicing for the proposed development is planned to be provided through connections to existing 300mm watermain and 200mm sanitary sewer on Chrislea Road, respectively. The FSR notes that hydrant testing undertaken in May 2023 indicated that the water infrastructure system is expected to support the required level of service at the proposed development, including fire flows. Wastewater flows from the site are tributary to the Region's Humber Sewage Pumping Station.
4. The FSR notes that upgrades are needed to the downstream sanitary sewer system in the Weston 7 Secondary Plan area, to which the subject site is tributary. It is not clear whether the City's draft Integrated Urban Water Plan and the infrastructure upgrades identified in the IUWP have considered the servicing needs of the subject site. Prior to final approval of the development, external downstream upgrades needed to facilitate the development must be confirmed in coordination with the City.
5. It is IAM's understanding that an updated FSR with a finalized sanitary servicing strategy shall be provided to the Region for review and record.

Dewatering

6. Details on proposed dewatering activities and effluent management/discharge have not been identified in the submission materials

7. The Owner is advised temporary discharge to the municipal sanitary sewer system will only be considered when no other alternatives are feasible. Should no alternatives be available, the Owner is advised that construction dewatering discharge to the local municipal or Regional sanitary system requires a separate approval in accordance with Sewer Use By-law No. 2011-15. See <http://www.york.ca/seweruse> for additional information.
8. The Region does not support permanent discharge of groundwater to the sanitary system. Please incorporate in the design accordingly.

IAM requires the following conditions be included in the CIHA Order:

1. Prior to final approval, the Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Vaughan:
 - a copy of the Council resolution confirming that the City of Vaughan has allocated servicing capacity, specifying the specific source of the capacity, to the proposed development.
 - a copy of an email confirmation by City of Vaughan staff stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
2. The Owner shall agree in a development agreement that the Owner shall save harmless the City of Vaughan and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
3. Prior to final approval, the Owner shall submit a Functional Servicing Report, to the satisfaction of the City and Region.

Condition for pending site plan application:

1. Prior to final approval, the Owner shall provide an electronic set of the final engineering drawings showing the water and wastewater infrastructure for the proposed development to Development Services and the Infrastructure Asset Management branch for record.

Water Resources

Water Resources Branch of the Public Works Department does not have any objections/concerns subject to the following comments with the CIHA application as it relates to Source Protection policy. Should the proposal change and/or the application be amended, Water Resources will require recirculation for comment and/or approval.

Area of Concern:

Water Resources would like to note the site is in an identified area of concern due to known high water table conditions and confined artesian aquifer conditions, which could have geotechnical

implications with respect to construction activities including, but not limited to, dewatering (short-term or long-term), foundation construction, and building stability. As such, Water Resources recommends that any geotechnical and hydrogeological investigations undertaken by the owner take into account the fact that groundwater levels may currently be artificially depressed at the site due to third party permanent dewatering systems in the area. Also, please note that the Environmental Monitoring and Enforcement group of the Environmental Services department should be contacted at sewerusebylaw@york.ca for a dewatering permit, if required.

Summary

The proposed development consists of 1,488 apartment units and 304 m² of ground floor commercial uses, in four towers (two 32 storeys and two 35 storeys). Proposed are 1,514 parking spaces in an eight-level parking garage (four-levels aboveground and four-levels underground). The overall built density is 6.34 FSI.

The applicant has requested the City of Vaughan to endorse the use of a Provincial Community Infrastructure and Housing Accelerator (CIHA) Order. York Region Development Planning staff do not support the use of a CIHA Order on the subject lands to permit the proposed development. A comprehensive planning exercise of the larger non-employment lands should determine the appropriate amount and type of development commensurate with required hard and soft infrastructure and services. Complete communities are not created with an isolated island of high density residential, surrounded by an employment area and adjacent to a 400-series Highway.

Should you have any questions or require further information regarding our comments, please contact Augustine Ko, Senior Planner, at 1-877-464-9675, ext. 71524, or by email at Augustine.Ko@york.ca.

Sincerely,



On behalf of
Karen Whitney, MCIP, RPP
Director, Development Services

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