

TO: Mayor and Members of Council

**FROM: Haiqing Xu, Deputy City Manager, Planning And Growth Management
Vince Musacchio, Deputy City Manager, Infrastructure Development**

DATE: March 18, 2022

RE: COMMUNICATION – Council, March 22, 2022

Item #3, Report #9

**OFFICIAL PLAN AMENDMENT FILE OP.16.006
1529749 ONTARIO INC. (TORGAN)
7700 BATHURST STREET – PHASE 1
WARD 5 - VICINITY OF BATHURST STREET AND CENTRE STREET**

Recommendation

The Deputy City Managers, Planning and Growth Management and Infrastructure Development recommend:

1. THAT the Recommendation 1. b) of the Committee of the Whole Report dated March 1, 2022, be deleted and replaced in its entirety with the following:

“1. b) permit a maximum of 750 residential units within two buildings;”
2. THAT the following additional recommendation be added as Recommendation 1. e) to the Committee of the Whole Report dated March 1, 2022:

“1.e) As a condition of development for the Subject Lands, a cost sharing agreement be required to be entered into by the landowners of the Promenade Centre Secondary Plan Area to the satisfaction of the City and shall be regarding, but not limited to, all cost sharing for the provision of roads and municipal services within the Promenade Secondary Plan Area.”
3. THAT the following additional recommendation be added as Recommendation 1. f) to the Committee of the Whole Report dated March 1, 2022:

- “1. f) approval of an Official Plan Amendment instrument in substantially the same form and content as the draft attached hereto as Attachment 4, subject to minor revisions to the satisfaction of the Deputy City Manager Planning and Growth Management.”

Purpose

The Purpose of this Communication is to amend the Committee of the Whole Recommendation for File OP.16.006 to:

- revise the maximum number of residential units in the site-specific Official Plan Amendment for the Phase 1 Subject Lands from 680 to 750;
- include a cost sharing provision in the site-specific Official Plan Amendment;
- allow the Deputy City Manager Planning and Growth Management to prepare to finalize an Official Plan Amendment instrument and make minor revisions if required based on Recommendation 1 and the Committee of the Whole Report dated March 1, 2022.

The purpose of this Communication is also to provide background information on the servicing option towards Atkinson Avenue.

Background

Recommendation 1. b) has been revised as the Owner is requesting the maximum number of residential units within Phase 1 to be increased from 680 to 750. Although the most recent plans submitted to the City of Vaughan show a unit count of approximately 680 units, the Zoning By-law Amendment File Z.20.019 is still under review and a Site Development Application has not yet been submitted. Therefore, the total unit count may be subject to change as the Zoning By-law Amendment Application and future Site Development Application progress.

Recommendation 1. e) has been added to ensure the provision of cost sharing amongst landowners within the Promenade Secondary Plan Area.

Recommendation 1. f) has been added to allow the Deputy City Manager Planning and Growth Management to make modifications to the draft Official Plan Amendment instrument, if required, in a manner that is still consistent with Recommendation 1 and the report dated March 1, 2022. A draft official plan instrument is attached to this communication as Attachment 4.

Staff also advise that following detailed review, it has been determined that the Atkinson Avenue servicing option provides adequate capacity for the development of the Subject Lands without damaging recently constructed works along Centre Street. The Atkinson Avenue servicing option also allows for future options and capacity for other development sites in the area.

Financial Impact

There are no financial impacts associated with this amended recommendation.

Conclusion

Amended recommendations have been provided to:

- revise the maximum number of residential units in the site-specific Official Plan Amendment for the Phase 1 Subject Lands from 680 to 750;
- include a cost sharing provision in the site-specific Official Plan Amendment;
- allow the Deputy City Manager Planning and Growth Management to prepare to finalize a site-specific Official Plan Amendment instrument and make minor revisions if required based on Recommendation 1 and the Committee of the Whole Report dated March 1, 2022.

This communication also provides background information on the servicing option towards Atkinson Avenue.

Attachment:

4. Draft Official Plan Amendment Instrument

Respectfully submitted,



Haiqing Xu
Deputy City Manager, Planning and Growth Management



Vince Musacchio
Deputy City Manager, Infrastructure Development

Copy to: Todd Coles, City Clerk
Nick Spensieri, City Manager

ATTACHMENT 4:
DRAFT OFFICIAL PLAN AMENDMENT INSTRUMENT

DRAFT

AMENDMENT NUMBER 75
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text and Schedules “1”, “2” and “3” constitute Amendment Number 75 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II".

DRAFT

PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 1 - Schedule 13, and Volume 2, Section 13 - "Site Specific Policies" to permit a 30-storey mixed-use building comprised of retail and residential uses and a 28-storey residential apartment building on the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, "Area Subject to Amendment No.75" on Schedule "1" attached hereto:

1. permit a maximum building height of 28 and 30 storeys;
2. permit a maximum density Floor Space Index of 5.5 FSI;
3. permit a maximum of 750 residential units within the two buildings;
4. permit residential uses at grade along an arterial Street (Centre Street);
5. permit a separation distance of 23 m between Building 1 and 2 above the 12th storey;
6. permit setbacks ranging from 4m to 10 m above the 12th storey;

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located south of Centre Street, west of Bathurst Street, municipally known as 7700 Bathurst Street, being Part of lot 5, Concession 2, City of Vaughan, as shown on Schedule "1" attached hereto as "Area Subject to Amendment No. 75."

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (VOP 2010) is based on the following considerations:

1. The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of Provincial interest related to land use planning and establishes the framework for regulating the development of land. The PPS is applied province-wide and provides direction to support complete communities, a strong economy and a clean and healthy environment. The policies of the PPS focus growth and development to "Settlement Areas". This Amendment is consistent with the policy objectives of the PPS, as the Subject Lands are located within a settlement area and the Development would add to the range and mix of housing types and retail uses in the community, and efficiently utilize the Subject Lands. The Development is proposed in an area where appropriate levels of infrastructure and public service facilities exist, are under construction, or are planned. The proposed density more efficiently uses the Subject Lands, resources, infrastructure and public service facilities in a compact development form. On this basis, the Development is consistent with the PPS.
2. A Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019 ("Growth Plan") builds on the PPS to establish a unique land use planning framework that supports the

achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan enables the development of regional growth plans that guide government investments and land use planning policies. The Growth Plan promotes the achievement of complete communities that are designed to support healthy and active living, prioritizes intensification and higher densities that make efficient use of land and infrastructure, protects the natural environment, supports transit viability, and encourages a range and mix of housing options. This Amendment is consistent with the objectives of the Growth Plan as it optimizes the use of the existing land supply in incorporating a compact built-form, makes efficient use of existing and planned infrastructure, is located in close proximity to a Regional Transit Priority Network and a Regional Transit Corridor, and provides for a range and mix of housing and retail uses at a density that is transit-supportive and supportive of complete communities.

3. The York Region Official Plan 2010 ('YROP') designates the Subject Lands "Urban Area", which permits a range of residential, commercial, employment and institutional uses. The Subject Lands are accessed by Centre Street a Regional Rapid Transit Corridor and Bathurst Street a Regional Transit Priority Network and Special Study Area and a Regional Rapid Transit Corridor. In support of transit-infrastructure, the YROP establishes a policy framework that encourages a broad range of housing types within efficient and compact communities at an overall transit-supportive density. The range of housing includes different forms and types and tenures to satisfy the needs of the Region's residents. The YROP also encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes. This Amendment is in conformity with the YROP as the proposed development is located within proximity to multiple existing and planned transportation networks, offers a variety of mixed-uses, residential and retail making efficient use of the Subject Lands. A number of pedestrian connections are proposed from the development to the surrounding lands and roads. The proposed development is in an urban form and design that is compact, pedestrian and cyclist-friendly, and transit supportive.
4. VOP 2010 identifies Primary Centres as the location for the accommodation of growth and the greatest mix of uses and densities. The Subject Lands are located within an Intensification Area - "Primary Centre" by Schedule 1 - Urban Structure of VOP 2010, Volume 1, with access to and frontage on a "Regional Rapid Transit Corridor" along Centre Street and onto a "Regional Transit Priority Network Corridor and Special Study Area" along Bathurst Street. VOP 2010 provides that Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use, high and mid-rise buildings, developed at an intensity supportive of transit. These areas are identified in VOP 2010 as Intensification Areas, which

are the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities.

The Subject Lands are designated “High-Rise Mixed-Use” with no prescribed maximum building height or density (FSI) by VOP 2010, Volume 1, Schedule 13. This designation is in effect on the Subject Lands and permits a range and mix of residential, retail, office, hotel, community and institutional uses.

The Development meets the use intent (i.e. “High-Rise Mixed-Use” and “High-Rise Buildings”) of the VOP 2010. The Development will support and transform the existing retail uses, ensure a range of housing options, support transit-oriented development and additional retail uses onto the Subject Lands, provide an attractive pedestrian friendly built form by locating active uses at grade and achieve an appropriate transition of intensity to uses in the surrounding community. The Subject Lands are separated from existing low-rise residential uses by public and private roads, and existing high density residential, and by commercial uses, a school and a park. The proposed development conforms with VOP 2010 and is compatible and consistent with the surrounding land uses.

5. The statutory Public Hearing was held on October 6, 2020. The recommendation of the Committee of the Whole was to receive the Public Hearing report and forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on October 21, 2020.
6. Vaughan Council on March 22, 2022, ratified the March 1, 2022, Committee of the Whole recommendation, to endorse the approval of Official Plan File OP.16.006 (1529749 ONTARIO INC.). An Ontario Land Tribunal Settlement hearing was held on April 19, 2022.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (VOP 2010) is hereby amended by:

1. Amending Volume 1, Schedule 13 - “Land Use” of VOP 2010, attached hereto as Schedule “2”, by identifying a maximum permitted height of 30 stores and Floor Space Index (“FSI”) of 5.5 times the area of the Subject Lands.
2. Amending Volume 1, Schedule 14-C – “Areas Subject to Site Specific Policies” by adding the Subject Lands identified on Schedule “1” to this Amendment attached hereto municipally known as 7700 Bathurst Street, identified on Schedule 14-C as Item 64.
3. Amending Volume 2, Section 13.1 – “Site Specific Policies” by adding the following policy, to be renumbered in sequential order:

“(OPA 75) 13.1.1.64 The lands known as 7700 Bathurst Street are

identified on Schedule 14-C as Item 64 are subject to the policies set out in Section 13.65 of this Plan.”

:

4. Adding the following policies to Volume 2, Section 13 “Site-Specific Policies”, and renumbering order in sequential order, including a location map of the Subject Lands shown on Schedule “1”:

“(OPA 75)	13.65	7700 Bathurst Street
	13.65.1	General
	13.65.1.1	The following policies shall apply to the lands identified on Map 13.65.A
	13.65.1.2	Notwithstanding the High-Rise Mixed-Use Policy 9.2.2.6 b) i. the maximum total number of residential units within Building 1 and 2 and associated podiums is 750 units;
	13.65.1.3	Notwithstanding the High-Rise Mixed-Use Policy 9.2.2.6 c) i. residential uses are permitted on the ground floor of Building 2 (along Centre Street)
	13.65.1.3	The buildings shall be developed according to the maximum heights as outlined below i. Building 1 – 30 storeys ii. Building 2 – 28 storeys
	13.65.1.4	Notwithstanding the High-Rise Building Policy of 9.2.3.6 d) ii. and d) iii i. a separation distance of 23 m shall be required between Buildings 1 and 2 above the 12 th storey; 1. portions of the building above 12 storeys shall be setback between 4m to 10 m from the property line;
	13.65.1.5	As a condition of development for the Subject Lands, a cost sharing agreement be required to be entered into by the landowners of the Promenade Centre Secondary Plan Area to the satisfaction of the City and shall be regarding, but not limited to, all cost sharing for the provision of roads and municipal services within the Promenade Secondary Plan Area.”

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands will be implemented by way of an amendment to *Vaughan Zoning By-law 1-88, and Site Plan approval*, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

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APPENDIX I

The Subject Lands are located south of Centre Street, west of Bathurst Street, municipally known as 7700 Bathurst Street, Part of Lot 5, Concession 2, in the City of Vaughan.

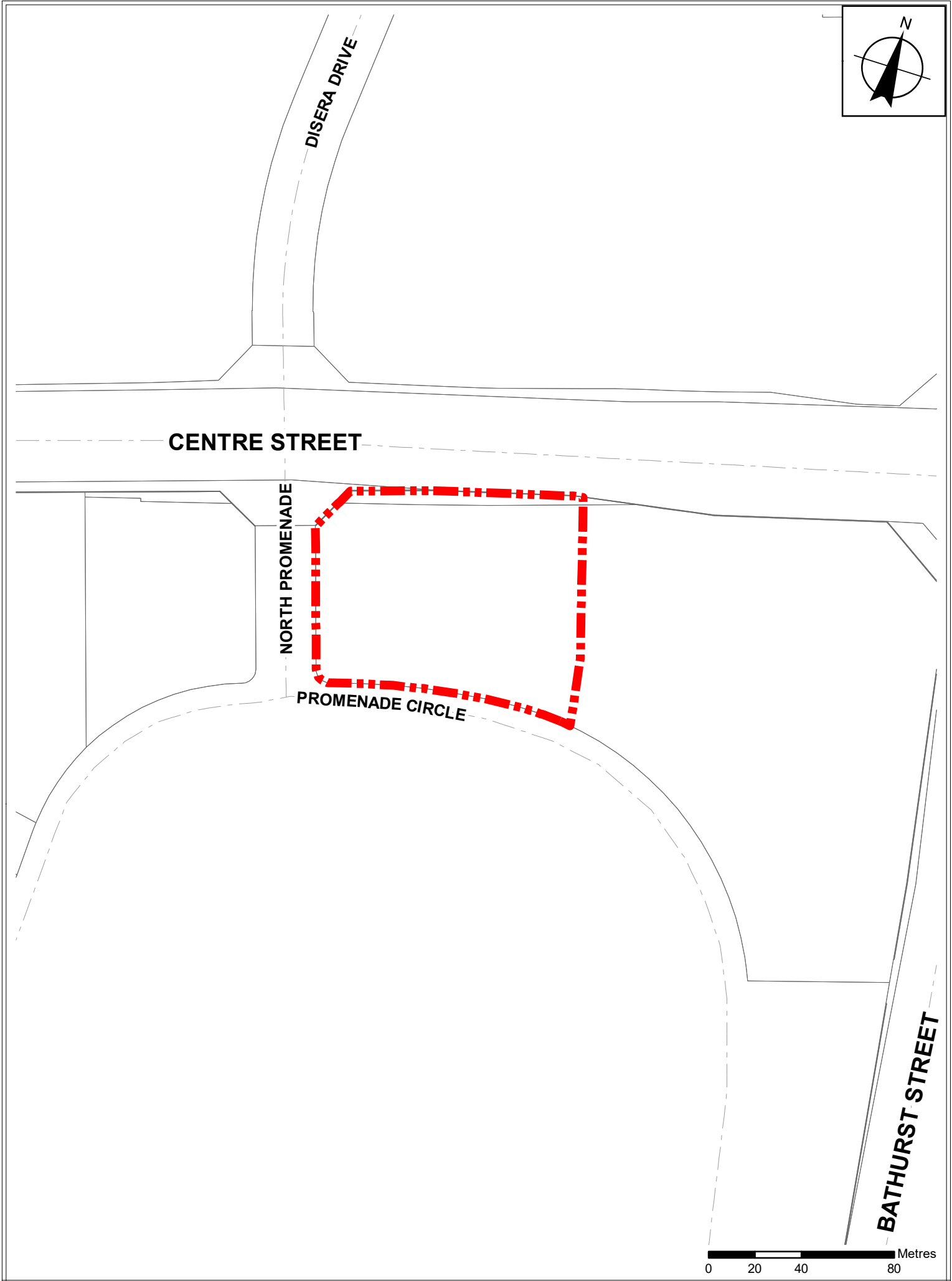
The purpose of this Amendment is to permit a 30-storey mixed use building and a 28-storey residential apartment buildings (maximum of 750 units) on the Subject Lands.

On November 23, 2017, The Owner appealed Official Plan Amendment Application OP.16.006 to the Ontario Municipal Board (now the Ontario Land Tribunal), pursuant to Subsection 22(7), respectively, of the *Planning Act* citing that the City failed to make a decision within the prescribed time.

An Ontario Land Tribunal Settlement Hearing was held on April 19, 2022.

The interim Decision and Order of the Ontario Land Tribunal dated _____ and the final Order of the Ontario Land Tribunal dated _____, 2022 regarding the Subject Lands, are attached.

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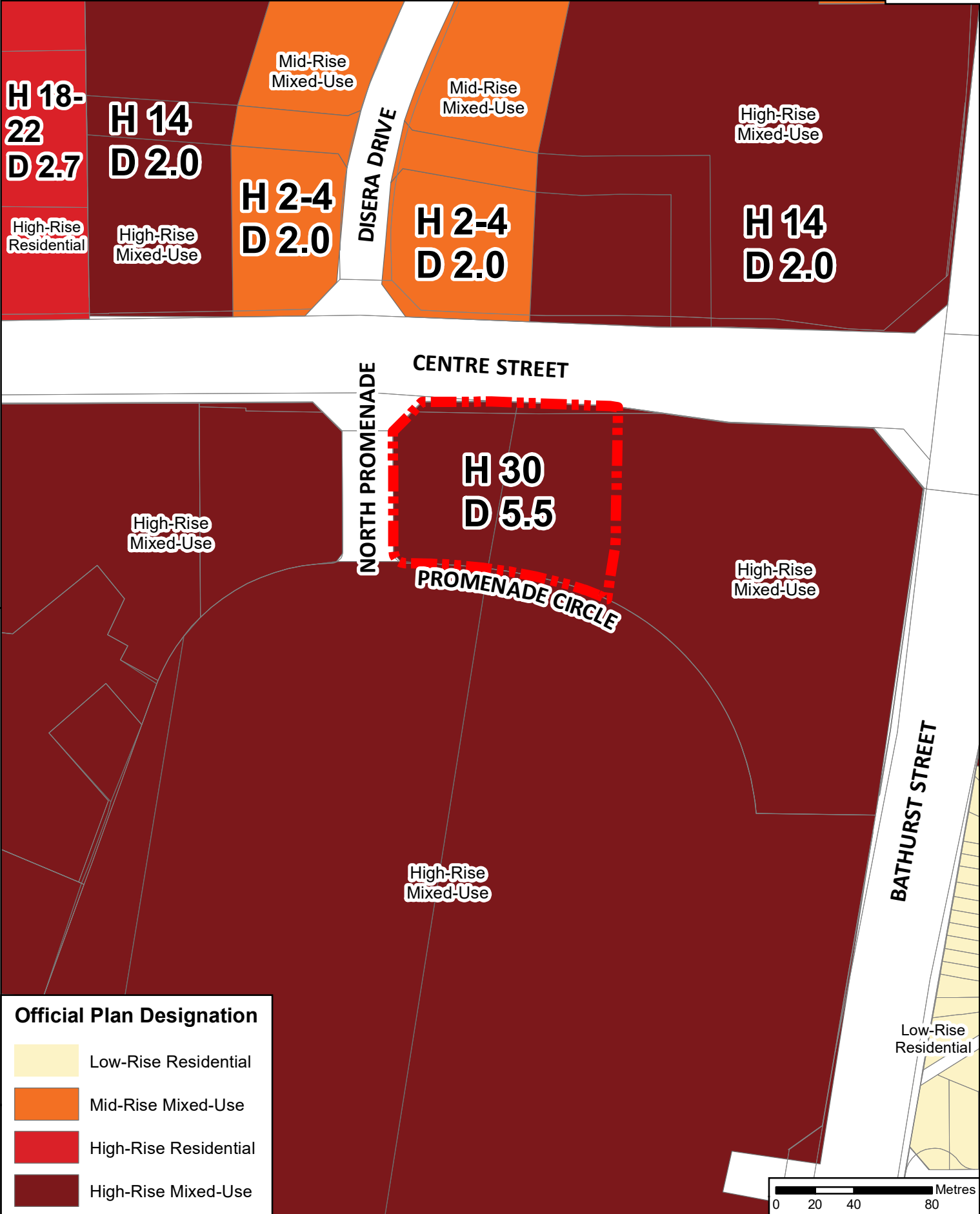
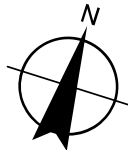


THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT No. 75
ADOPTED THE ____ DAY OF _____, 2022

FILE: OP.16.006
RELATED FILE: Z.20.019
LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.
CITY OF VAUGHAN

 **LANDS SUBJECT TO
AMENDMENT No. 75**

This is Part of Schedule 13 - Land Use
To Vaughan Official Plan 2010, Volume 1

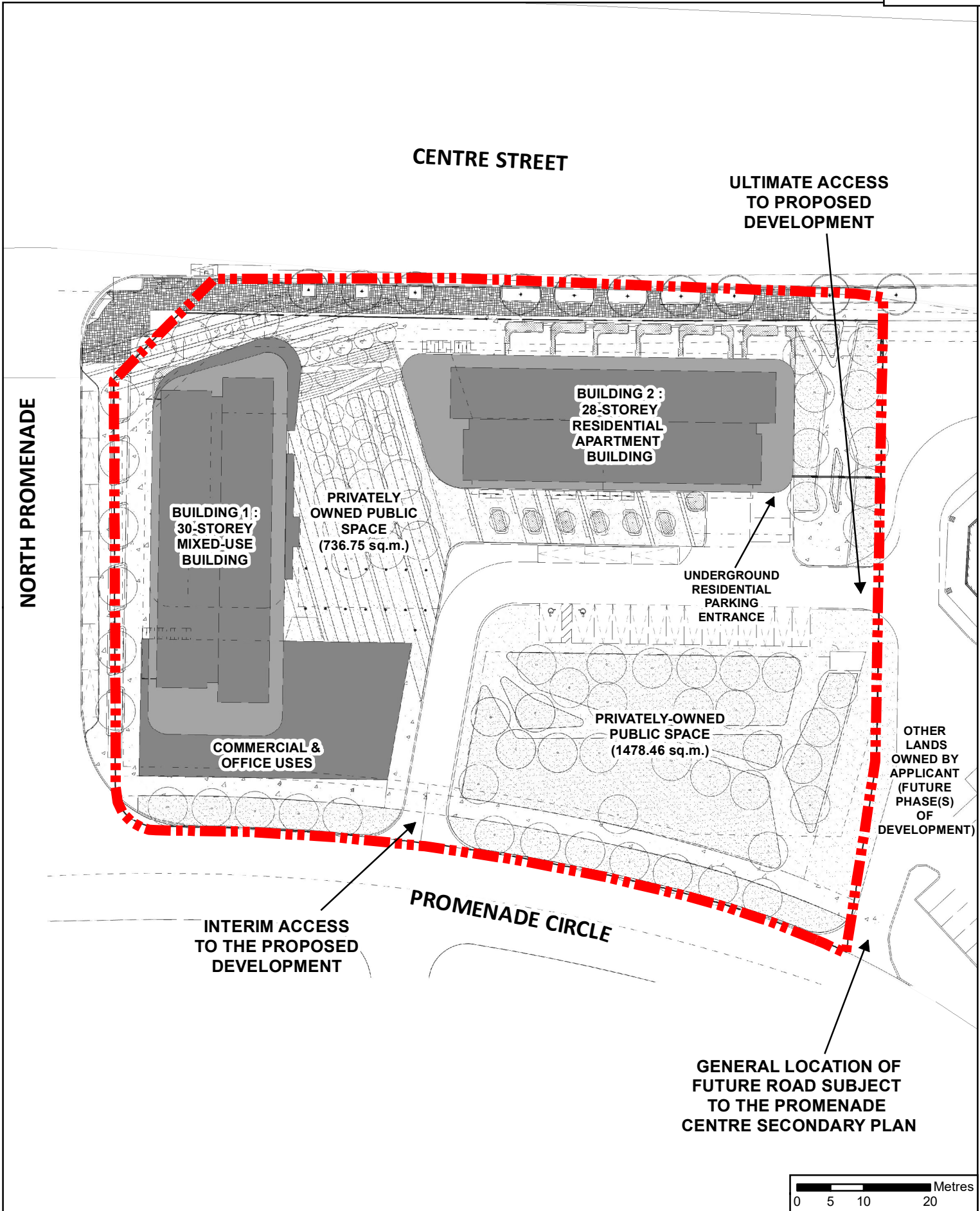


THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT No. 75
ADOPTED THE _____ DAY OF _____, 2022

FILE: OP.16.006
RELATED FILE: Z.20.019
LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 75

MAP 13.65.A - 7700 Bathurst Street Phase 1



THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMENDMENT No. 75
ADOPTED THE _____ DAY OF _____, 2022

FILE: OP.16.006
RELATED FILE: Z.20.019
LOCATION: Part of Lot 5, Concession 2;
7700 Bathurst Street - Phase 1
APPLICANT: 1529749 Ontario Inc.
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 75

