

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, April 5, 2022

WARD: 2

TITLE: 2708971 ONTARIO INC.

OFFICIAL PLAN AMENDMENT FILE OP.21.025

ZONING BY-LAW AMENDMENT FILE Z.21.053

9650 HIGHWAY 27

**VICINITY OF HIGHWAY 27 AND MAJOR MACKENZIE DRIVE
WEST**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to amend the Official Plan and Zoning By-law for the lands shown on Attachment 1. The Owner proposes a development consisting of a 21-storey residential tower on a 12-storey podium containing a total of 339 residential dwelling units and having a Floor Space Index ('FSI') of 5.45 times the area of the lot, as shown on Attachments 2 to 7.

Report Highlights

- To receive comments from the public and the Committee of the Whole on proposed amendments to the Official Plan and Zoning By-law to facilitate the development of a 21-storey residential tower on a 12-storey podium containing a total of 339 residential dwelling units
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.21.025 and Z.21.053 (2708971 Ontario Inc.) BE RECEIVED, and that any issues identified by the Development Planning Department be addressed in a comprehensive report to the Committee of the Whole.

Background

Location: 9650 Highway 27 (the 'Subject Lands'). The Subject Lands are located on the west side of Highway 27, south of Major Mackenzie Drive West. The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: February 5, 2021

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit the development of a 21-storey residential tower on a 12-storey podium containing a total of 339 residential dwellings units, two levels of underground parking and two levels of above ground parking with a total of 513 parking spaces (the 'Development'), as shown on Attachments 2 to 7:

1. Official Plan Amendment File OP.21.025 to amend Vaughan Official Plan 2010 ('VOP 2010') as follows:
 - a) redesignate a portion of the Subject Lands identified on Schedule 13 – Land Use of VOP 2010, from "Natural Areas" to "High-Rise Residential", to permit a maximum building height of 21 storeys and a maximum FSI of 5.45 times the total area of the lot, as shown on Attachments 2 to 7
 - b) amend Schedule 1 – Urban Structure of VOP 2010 to redesignate a portion of the Subject Lands from "Natural Areas and Countryside" to "Community Areas", and
 - c) remove a portion of the Subject Lands from the "Core Features" identified on Schedule 2 – Natural Heritage Network of VOP 2010.
2. Zoning By-law Amendment File Z.21.053 to amend Zoning By-law 1-88 to rezone the Subject Lands from "OS1 Open Space Conservation Zone", as shown on Attachment 1, to "RA3 Apartment Residential Zone" and "OS1 Open Space Conservation Zone", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

The Owner shall also be required to amend Zoning By-law 001-2021 to rezone the Subject Lands from "EP Environmental Protection Zone" subject to site-specific exception 14.459, as shown on Attachment 1, to "RM3 Multiple Unit

Residential Zone” and “EP Environmental Protection Zone” in the manner shown on Attachment 3, together with site-specific zoning exceptions identified in Table 2 of this report. Schedule “A” of Zoning By-law 001-2021 has incorrectly applied site-specific exception 14.459 on the Subject Lands. The error is intended to be corrected through future administrative corrections to Zoning By-law 001-2021.

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

- a) Date the Notice of Public Meeting was circulated: March 11, 2022.

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and a Notice Sign was installed along Highway 27 in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 400 m of the Subject Lands, as shown on Attachment 1, and to the Kleinburg and Area Ratepayers’ Association, the Carrying Place/Sonoma Ratepayers’ Association and to anyone on file with the Office of the City Clerk having requested notice.

The following is a summary of written comments received as of March 15, 2022. The comments are organized by theme as follows:

Density, Built Form and Building Design

- the Development is not compatible with the surrounding context
- the VOP 2010 policies do not support this type of development in the “Natural Area” designation

Impacts to Environment, Natural Heritage Features and Wildlife

- the Development will cause irreversible environmental impacts to the Humber River watershed and significant woodlot
- the Development does not protect or enhance the existing core natural features and existing wildlife habitat
- the Development is not supported by Municipal, Regional and Provincial policies

Pollution, Noise and Traffic

- the Development will increase traffic congestion in the area and impact vehicle and pedestrian safety
- the Development will increase pollution and litter in the City’s green spaces

Any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future comprehensive report to the Committee of the Whole.

Previous Reports/Authority

Not Applicable

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the Development

Official Plan Designation:

- “Natural Areas and Countryside” on Schedule 1 – Urban Structure, by VOP 2010
 - VOP 2010 provides policies for the protection of lands within Natural Areas and Countryside for environmental, agricultural, or rural purposes, and restricts the encroachment of urban uses into these areas
 - The Subject Lands are not located within an “Intensification Area” as identified in Schedule 1 – Urban Structure of VOP 2010 and as described in the Urban Structure policies of VOP 2010
- “Core Features” and “Unapproved” Core Features, on Schedule 2 – Natural Heritage Network
 - Section 3.2.3.7 states that development in Core Features is prohibited except for uses related to natural area management, conservation and flood or erosion control projects, transportation, infrastructure and utilities, and low-intensity and passive recreational activities.
- “Natural Areas” on Schedule 13 – Land Use, by VOP 2010
 - This designation does not permit development on the Subject Lands, with the exception of development associated with ecological and environmental education, conservation, protection and enhancement. Lands within this designation are intended to be protected in a manner that allows them to continue to provide vital ecosystem functions and are subject to the Natural Heritage Network policies in Section 3.2 of VOP 2010
- The Subject Lands were historically located within the Official Plan boundaries of the Kleinburg-Nashville Community Plan (‘OPA 601’) prior to the approval of VOP 2010. However, the Subject Lands are not identified for intensification and are not located within any of the focus development areas identified by the North Kleinburg-Nashville Secondary Plan, Section 11.8 Volume 2, of VOP 2010
- An amendment to VOP 2010 is required to redesignate a portion of the Subject Lands to “High Rise Residential”, as shown on Attachment 2, and to amend the urban structure, natural heritage features, height, density, and built form policies of VOP 2010.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal (OLT) in respect of By-law 001-2021 was November 15, 2021.

By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended.

Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate compliance with both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended.

The Applications were received by the City on December 20, 2021, and as such, given Council's direction on October 20, 2021, the Applications are subject to a dual review under both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended.

Amendments to Zoning By-law 1-88 and 001-2021 are required to permit the Development

Zoning By-law 1-88:

- "OS1 Open Space Conservation Zone" by Zoning By-law 1-88
- No building or structure other than for conservation or flood control projects is permitted within the OS1 Open Space Conservation Zone.
- To permit the Development, the Owner proposes to rezone a portion of the Subject Lands to "RA3 Apartment Residential Zone" in the manner shown on Attachment 3, together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
a.	Minimum Interior Side Yard Setback for Buildings Exceeding 11 m in Height	35.65 m (7.5 m or half of the building height, whichever is greater)	7.0 m
b.	Maximum Building Height	44 m	71.3 m
c.	Minimum Parking Area Access Width	7.5 m	7.0 m
d.	Minimum Parking Area Drive Aisle Width	6.0 m	5.58 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
e.	Minimum Landscape Strip abutting an Open Space Zone	2.4 m	0 m
f.	Minimum Parking Requirements	Residential 1.5 spaces/unit x 339 units = 509 spaces Visitor 0.25 spaces/unit x 339 units = 85 spaces Total Parking Required = 594 spaces	Residential 1.26 spaces/unit x 339 units = 428 spaces Visitor 0.25 spaces/unit x 339 units = 85 spaces Provide a total of 513 spaces
g.	Minimum Amenity Area	1 Bachelor Unit x 15 m ² /unit = 15 m ² 187 One-Bedroom Unit x 20 m ² /unit = 3,740 m ² 151 Two-Bedroom Unit x 55 m ² /unit = 8,305 m ² Total required amenity area = 12,060 m ²	1 Bachelor Unit x 5.1 m ² /unit = 5.1 m ² 187 One-Bedroom Unit x 5.1 m ² /unit = 953.7 m ² 151 Two-Bedroom Unit x 5.1 m ² /unit = 770.1 m ² Total amenity area provided: 1,729 m ²

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report to a future Committee of the Whole meeting.

Zoning By-law 001-2021:

- “EP Environmental Protection Zone” by Zoning By-law 001-2021
- This zone does not permit the Development
- To permit the Development, the Owner proposes to rezone a portion of the Subject Lands to “RM3 Multiple Unit Residential Zone” in the manner shown on Attachment 3, together with the following site-specific exceptions:

Table 2:

	Zoning By-law 001-2021 Standard	RM3 Multiple Residential Zone Requirement	Proposed Exceptions to the RM3 Multiple Residential Zone Requirement
a.	Minimum Interior Side Yard Setback	7.5 m	7.0 m
b.	Maximum Building Height	48 m	71.3 m
c.	Maximum Podium Height	20 m	44.05 m
d.	Parking Area Access Driveway Width	6 m	5.58 m
e.	Minimum Landscape Strip abutting Open Space Zone	3 m	0 m

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a comprehensive report to a future Committee of the Whole meeting

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010 ▪ The Subject Lands are located entirely within the Regional Greenlands System of the YROP where site alteration is prohibited ▪ The appropriateness of redesignating a portion of the Subject Lands from the "Natural Areas" designation to "High-Rise

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>Residential” will be reviewed in consideration of, but not limited to, the following:</p> <ul style="list-style-type: none"> - Impact on significant natural features and their ecological functions - Obligations to protect and enhance natural heritage features - Proximity to the floodplain and natural hazards - Applicable intensification policies and targets - Compatibility with surrounding land uses - Walkability and access to essential services and amenities
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law 1-88 and 001-2021	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the proposed land use designation, building height, density, and natural heritage features ▪ The Applications will be reviewed in consideration of the City’s Urban Structure policies established in VOP 2010 ▪ The appropriateness of the rezoning and site-specific exceptions identified in Tables 1 and 2 will be reviewed in consideration of the existing and planned surrounding land uses
c.	Natural Heritage Network (‘NHN’) (Significant Woodlot Feature and Humber River)	<ul style="list-style-type: none"> ▪ Most of the Subject Lands contain “Core Features” and “Unapproved Core Features” which include the Humber River and a significant woodlot, as shown on Attachment 1 ▪ Section 3.2.3.7 of VOP 2010 states that development in Core Features is prohibited except for uses related to natural area management, conservation and flood or erosion control projects, transportation, infrastructure and utilities, and low-intensity and passive recreational activities
d.	Toronto and Region Conservation Authority (‘TRCA’)	<ul style="list-style-type: none"> ▪ The Subject Lands are located entirely within the TRCA’s regulated area. The TRCA must review and approve the applicable reports submitted in support of the Applications. Should the Applications be approved, the Owner must obtain all necessary permits from the TRCA

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> Furthermore, a site-walk with the TRCA, the Owner and City staff is required to establish the feasibility of development on the Subject Lands
e.	Studies and Reports	<ul style="list-style-type: none"> The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
f.	Allocation and Servicing	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council
g.	Urban Design Guidelines	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines
h.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> The DRP must review the Applications prior to proceeding to the Committee of the Whole
i.	Public Agency/Municipal Review	<ul style="list-style-type: none"> The Applications must be reviewed by York Region, the Toronto and Region Conservation Authority, NavCanada, Bombardier Aerospace, external public agencies and utilities, and the Public, Separate, and French School Boards
j.	Parkland Dedication	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
k.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> The Applications will be subject to and reviewed in consideration of the City's bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> As of the date of this report the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act, 2020</i>; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act, 2020</i> propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)
I.	Affordable Housing	<ul style="list-style-type: none"> The Owner proposes to include a mix of rental and condominium type residential dwelling units within the 21-storey building. The condominium units are proposed to be situated within the north wing 12-storey podium and 21-storey tower, while the rental units are planned to be situated within the east wing 12-storey podium. The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals
m.	Required Applications	<ul style="list-style-type: none"> The Owner is required to submit Site Development and Draft Plan of Condominium Applications, should the Applications be approved, to permit the Development and to facilitate the standard condominium tenure of the building.

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and

Development Services Department for review and comment. Any issues will be addressed when the technical report is considered. At the time of the preparation of this report, exemption from York Region approval for the Official Plan Amendment Application (File OP.21.025) was not confirmed.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Jennifer Kim, Planner, Development Planning Department, ext. 8592.

Attachments

1. Context and Location Map
2. Proposed Land Use Designations
3. Proposed Zoning and Site Plan
4. Landscape Plan
5. Building Elevations – South and East
6. Building Elevations – North and West
7. Perspective Renderings

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