

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 18, 2024

**WARD:** 4

**TITLE: PENGUIN-CALLOWAY (VAUGHAN) INC.  
(BLOCK A5 – PHASE 1)  
SITE DEVELOPMENT FILE DA.20.052  
220-234 APPLE MILL ROAD AND 2A-2B BUTTERMILL AVENUE  
(FORMERLY PART OF 101 EDGELEY BOULEVARD)  
VICINITY OF BUTTERMILL AVENUE AND APPLE MILL ROAD**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek re-endorsement of draft approval from the Committee of the Whole for Site Development File DA.20.052 with respect to revised plans to permit a mixed-use development consisting of 40 and 18-storey residential towers on a shared podium with a total of 569 dwelling units, a 5-storey office building, 4-storey commercial building, a 17.7m wide mid-block pedestrian connection, and introduction of a district energy system ('DES') as shown on Attachments 2-7.

**Report Highlights**

- Site Development File DA.20.052 was previously draft approved by Vaughan Council on June 28, 2022.
- The Owner has submitted revised plans which convert the previously contemplated 6-storey residential building (Building C) to a 5-storey office building, introduces a district energy system, repurposes mechanical penthouse space within Tower A to residential units, and adds an additional two levels of underground parking to the Development.
- The VMC Program Division of the Policy Planning and Special Programs Department supports the draft approval of the Site Development Application, subject to conditions outlined in this report.

## **Recommendations**

1. THAT Site Development File DA.20.052 BE DRAFT APPROVED subject to the revised conditions set out in Attachment 8; and
2. THAT Recommendation 2, Item 49, CW Report 30, as adopted by Council on June 28, 2022, be amended, and Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“THAT Site Plan Development Application DA.20.052 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 569 residential apartment units (1,257 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

## **Background**

Location: 220-234 Apple Mill Road and 2A-2B Buttermill Avenue (the ‘Subject Lands’) (formerly part of 101 Edgeley Boulevard). The Subject Lands are in the Vaughan Metropolitan Centre (‘VMC’) on the northwest corner of Apple Mill Road and Buttermill Avenue. The Subject Lands encompass only the southeast quadrant of the larger block, as shown on Attachment 1, that once accommodated a Walmart retail store.

### ***Site Development File DA.20.052 was draft approved by Vaughan Council on June 28, 2022.***

On June 28, 2022, Vaughan Council draft approved Site Development File DA.20.052, which contemplated a mixed-use development consisting of the following:

- Two (2) residential apartment buildings with heights of 38-storeys (Tower A) and 18-storeys (Tower B), located on a shared podium varying in height from 2-3 storeys, a 6-storey (Tower C) residential apartment building with commercial uses at-grade and a 4-storey standalone commercial building (Tower D);
- 629 residential units;
- Gross Floor Area (‘GFA’) of 53,641 m<sup>2</sup> consisting of 52,114 m<sup>2</sup> of residential and 1,527 m<sup>2</sup> of commercial uses;
- 212 parking spaces in one (1) level of underground parking and 385 bicycle parking spaces;
- 1,374 m<sup>2</sup> of common amenity area (745 m<sup>2</sup> indoor and 629 m<sup>2</sup> outdoor);
- 2,483 m<sup>2</sup> central privately-owned, publicly accessible space (POPS); and
- A 19 m wide mid-block pedestrian connection.

### ***The Owner is proposing revisions to the previously draft approved plans.***

The Owner has submitted revised plans to the City, which requires re-endorsement of draft approval of the Site Development file from Council. Proposed revisions include:

- Tower A: Conversion of the mechanical penthouse into 2-storey dwelling units;
- Tower B: Increased mechanical penthouse height of 6.2m to facilitate a DES on the Subject Lands;

- Tower C has been converted from a 7-storey residential building to a 5-storey office building;
- A total of 569 residential units;
- Gross Floor Area ('GFA') of 51,981 m<sup>2</sup> consisting of 45,908 m<sup>2</sup> of residential, 1,480 m<sup>2</sup> of retail, and 4,594 m<sup>2</sup> of office uses;
- Two (2) additional levels of underground parking, totaling 601 parking spaces;
- 2,101 m<sup>2</sup> of common amenity area (912 m<sup>2</sup> indoor and 1,189 m<sup>2</sup> outdoor); and
- A 17.7 m wide mid-block pedestrian connection.

***Minor Variance Application A135/23 was approved by Vaughan Committee of Adjustment to facilitate the proposed site plan revisions.***

On October 19, 2023, the Owner appeared before the Committee of Adjustment to facilitate the above noted revisions. Variances were related to the building height for Tower A, the floorplate size for Tower B, a setback to the west property line, and bicycle parking counts. Committee of Adjustment approved the proposed variances, and a Notice of Final and Binding was issued on November 9, 2023.

***Re-endorsement of draft approval of the Site Development application is required from Council.***

Submission of Site Development application DA.20.052 precedes the Bill 109, More Homes For Everyone Act, 2022, which outlines a mandatory delegation of Site Plan control decisions to be made by City staff instead of Vaughan Council. As such, Vaughan Council remains the approval authority with respect to the proposed revisions for File DA.20.052 in accordance with By-law 123-2013.

**Previous Reports/Authority**

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

Penguin-Calloway (Vaughan) Inc. (Block A5 – Phase 1), Committee of the Whole 2 Report for DA.22.052

[June 21, 2022, Committee of the Whole \(2\) Report \(Item 49, Report No. 30\)](#)

**Analysis and Options**

***The Development remains consistent with the Provincial Policy Statement and in conformity with the Growth Plan, and York Region Official Plan.***

**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 continues to facilitate 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 facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, 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 within an Intensification area and are proximal to higher order transit facilities and the VMC Protected Major Transit Station Area ('PMTSA') #67. The Growth Plan defines a PMTSA as the area within an approximate 500 to 800m of a transit station. The Subject Lands are proximal to the VMC Subway Station, York Region Bus Terminal, and a Bus Rapid Transit ('BRT') Station. The Development now includes an office component which contributes to developing a strong and competitive economy. The Development continues to conform to the Growth Plan.

York Region Official Plan 2010 ('YROP 2010')

As the Application was deemed complete prior to the approval of York Region Official Plan 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within a "Regional Centre" and PMTSA #67, which are focal points for the highest densities and most intensive development. The proposed mixed-use Development conforms to the YROP 2010.

***The Development conforms to the VMCSPP and shall comply with the Zoning By-law prior to execution of a Site Plan Agreement.***

Vaughan Metropolitan Centre Secondary Plan ('VMCSPP')

The Subject Lands are designated Station Precinct by the VMCSPP, which forms part of Volume 2 of VOP 2010 and are subject to site-specific policy 9.3.16 (Area N) which were approved through OPA 72 and By-law 125-2021 at the September 27, 2021, Council meeting. The proposed revisions include an office component that is permitted within the Station Precinct designation, and a DES which is encouraged by the VMCSPP as a sustainability measure.

The Development continues to conform to the VM CSP as the proposal implements site-specific policy 9.3.16 and other policies as described in the approval report for the corresponding Official Plan Amendment, Zoning By-law Amendment and Minor Variance applications.

#### Compliance to Zoning By-law 1-88, as amended

Per the previous Staff report to Committee of the Whole, the application is deemed as transitioned under Zoning By-law 001-2021.

Through By-law 124-2021 that was enacted by Council at the September 27, 2021 meeting, site-specific zoning standards were developed to specifically facilitate the initial development proposal. As mentioned, the Development has gone through Committee of Adjustment Minor Variance File A153/23 to facilitate the proposed revisions.

Prior to the execution of the site plan agreement, the architectural drawings must be approved by the VMC Program which will require full zoning compliance.

#### ***The Development achieves a Gold Sustainability Threshold Score.***

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 61 (gold level). This score exceeds the minimum Silver Threshold Score towards the City's SPM for projects in the VMC.

#### ***The VMC Program of the Policy Planning and Special Programs Department supports the Development, subject to revised conditions.***

The VMC Program recommends approval of the Development as shown on Attachments 2-7, subject to conditions outlined in Attachment 8. Conditions have been updated to reflect current circumstances and revised wording since Council previously draft approved the Site Development file on June 28, 2022.

Plans submitted with the Application indicate an encroachment of the underground parking structure beyond the north property line. This item is to be resolved prior to execution of a Site Plan Agreement.

As the Subject Lands form part of a larger landholding, the Owner is required to obtain a Certificate of Official by way of a Consent Application through the Committee of Adjustment to create the lot. A condition to this effect is included in Attachment 8.

#### **Financial Impact**

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

#### **Operational Impact**

Comments from internal departments and external agencies remain generally consistent with those provided for in the Staff Report that proceeded to June 21, 2022, Committee of the Whole. A few new comments are provided because of the revisions. As mentioned, some conditions have been updated to reflect current circumstances and revised wording since the application was previously draft approved.

***The VMC Program Development Engineering ('DE') Division supports the Development, subject to the revised conditions in this report.***

The DE Division has reviewed the proposed revisions and has no objection in principle. Final plans and reports must be approved to the satisfaction of the VMC DE Division. Outstanding comments and conditions, as outlined in Attachment 8, shall be addressed prior to final approval of the plan.

Transportation Engineering Staff note that the parking supply has increased significantly with the resubmission from 212 spaces to 601 spaces, with the former rate supported by previous parking justifications.

***The Development Finance Department has no objection to the Development.***

The Owner shall pay to the City the applicable development charges, in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board. A condition to this effect will be included as part of a future Site Plan Agreement.

***Payment-in-Lieu of the dedication of parkland is required.***

For high-density residential development, the Owner shall, prior to the issuance of a Building Permit, pay to Vaughan by way of certified cheque, payment-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate, at Vaughan's discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law.

A revised condition to this effect is included in Attachment 8.

***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.

***Other external agencies and various utilities have no objection to the Development.***

The school boards, NavCanada, Canada Post, Bell Canada, Alectra Utilities, and Rogers have no objections to the Development, subject to the conditions included on Attachment 8.

**Broader Regional Impacts/Considerations**

York Region has no objection to the development proposal, in principle. The Owner is required to satisfy all York Region requirements, per the Conditions of Approval in Attachment 8.

**Conclusion**

The VMC Program of the Policy Planning and Special Programs Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP and

VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, VMC Program can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 8.

**For more information**, please contact Matthew Peverini, Senior Planner – VMC, at extension 3636.

### **Attachments**

1. Context and Location Map
2. Proposed Revised Site Plan
3. Proposed Revised North Elevations
4. Proposed Revised South Elevations
5. Proposed Revised East Elevations
6. Proposed Revised West Elevations
7. Proposed Revised Rendering
8. Revised Conditions of Site Plan Approval for File DA.20.052

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