

Committee of the Whole (2) Report

DATE: Tuesday, September 17, 2024

WARD: 4

TITLE: QF DEVELOPMENT GROUP (BT) INC.
OFFICIAL PLAN AMENDMENT FILE OP.22.022
ZONING BY-LAW AMENDMENT FILE Z.22.043
87 KEATLEY DRIVE
VICINITY BATHURST STREET AND QUEEN FILOMENA
AVENUE

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole on the Recommendations contained in this report to REFUSE Official Plan and Zoning By-law Amendment Files OP.22.022 and Z.22.043 (the “Applications”) (QF Development Group (BT) Inc.) which have been appealed to the Ontario Land Tribunal (‘OLT’) respecting the subject lands shown on Attachment 1.

Report Highlights

- The Owner submitted Applications to permit the development of a 15-storey residential apartment building containing 279 units, a Floor Space Index (‘FSI’) of 4.0 times the area of the lot with 335 parking spaces within 3 levels of underground (the ‘Development’).
- The Owner appealed the Applications to the OLT (Files OLT-24-000220 and OLT Case No. OLT-24-000221 on February 27, 2024).
- A first Case Management Conference (‘CMC’) was held on June 11, 2024.
- A second CMC is scheduled for September 26, 2024.
- Staff seeks the endorsement from the Committee of the Whole to refuse the Applications prior to the September 26, 2024, CMC date.

Recommendations

THAT the OLT be advised that Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.22.022 (QF DEVELOPMENT GROUP (BT) INC.) BE REFUSED, to amend Vaughan Official Plan 2010, Volume 1, as identified in Table 1 (Attachment 5) of this report for the subject lands as shown on Attachment 1;
2. THAT Zoning By-law Amendment File Z.22.043 (QF DEVELOPMENT GROUP (BT) INC.) BE REFUSED, to amend Zoning By-law 001-2021 to rezone the subject lands from “NC(H) – Neighbourhood Commercial Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 14.1014 to “RM3(H) Multiple Residential Three Zone” with the Holding Symbol “(H)” by Zoning By-law 001-2021, as shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 (Attachment 6) of this report;
3. THAT City of Vaughan Staff and Legal Counsel be directed to attend the OLT in support of the recommendations contained in this report;
4. THAT should the OLT approve the applications, Legal Services shall request the OLT to withhold its final Order until the final form of the Official Plan Amendment (‘OPA’) and Zoning By-law Amendment (‘ZBA’) are prepared and submitted to the OLT on the consent of all parties; and
5. THAT should the OLT approve the applications, Council authorize the Deputy City Manager, Planning and Growth Management to finalize the draft OPA and ZBA instruments for approval by the OLT.

Background

Location: 87 Keatley Drive (the ‘Subject Lands’). The Subject Lands are currently vacant and the surrounding land uses are shown on Attachment 1.

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

QF Development Group (BT) Inc. (the ‘Owner’) submitted Applications for the Subject Lands shown on Attachment 1 to permit the Development shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.22.022 to amend Vaughan Official Plan 2010, Volume 1 to redesignate the subject lands from “Low-Rise Mixed-Use” with a maximum permitted height of 4-storeys and an FSI of 1.5 times the area of the lot to “High-Rise Residential” with a maximum building height of 15-storeys and an FSI of 4.0 times the area of the lot (Attachment 5);

2. Zoning By-law Amendment File Z.22.043 to amend Zoning By-law 001-2021 to rezone the subject lands from “NC (H) – Neighbourhood Commercial Zone”, subject to site-specific Exception 14.1014 to “RM3(H) Multiple Residential Three Zone” with the Holding Symbol “(H)” by Zoning By-law 001-2021, as shown on Attachment 2, together with the site-specific zoning exceptions identified on Table 2 (Attachment 6).

A related Site Development Application DA.23.061, has been submitted to permit the Development. In accordance with Bill 109, the approval of Site Development Applications has been delegated to the City of Vaughan Director of Development Planning and the Director of Policy Planning and Special Projects for approval.

The Owner has appealed the Applications to the OLT for non-decision

On February 27, 2024, the Owner appealed the Applications to the OLT for non-decision within the prescribed timelines of the *Planning Act*.

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

- Notices were circulated on March 10, 2023
- Notices were circulated to all property owners within 150 m from Subject Lands and to the expanded polling area as shown on Attachment 1
- Location of Notice Signs: Notice signs were installed along the Bathurst Street, Queen Filomena Avenue and Keatley Drive frontage
- Date of Public Meeting: Tuesday, April 4, 2023, date ratified by Council Tuesday, April 25, 2023

A Community Meeting was held to discuss the proposal

At the April 4, 2023, Public Meeting, the Committee of the Whole recommended that a Community Meeting be held by the Applicant to gain feedback and listen to the concerns raised by the Community.

A Community Meeting was held on May 30, 2024, at the North Thornhill Community Centre.

Public Comments on the Application were received

The following is a summary of the comments provided and received to date and organized by theme as follows:

Density, Built Form and Land Use

- the Development will introduce a high-rise building that is not in keeping with the character of the neighbourhood
- the Development will cause privacy concerns as the proposal will obstruct the view of the existing residents by requesting a reduced front yard, interior side yard, and exterior side yard setback
- the maximum height limit of 4-storeys should be respected

- the Subject Lands were intended to be for commercial uses for the community

Access, Traffic and Parking

- the Development will increase traffic congestion in the area and impact vehicle and pedestrian safety
- this section of Bathurst Street is not an intensification corridor and has no direct access to GO Transit Station/Buses, Rapid Transit, and subway
- the Development's proposed parking does not consider whether a unit requires two parking spaces or if it provides sufficient visitor parking spaces

Air and Noise Pollution and Environmental Issues

- the proposed construction will produce more emissions and cause air and noise pollution that can affect the well-being of the surrounding residents
- the Development will increase roadway activity and propose a building that will create safety issues for birds

School Capacity and Neighbourhood Safety

- the Development will contribute to the high volume of vehicles passing through the surrounding local and collector roads.
- traffic congestion and sight lines will be impacted by the placement of a high-rise building
- the construction vehicles and increased traffic will create a safety hazard for children playing in the community
- the local schools are at capacity and cannot sustain a significant increase of children proposed by the Development

Municipal Infrastructure and Services

- the Development will add hundreds of new residents that will put a strain on the local waste and water services, utilities, and recreational services
- appropriate studies need to be conducted to confirm there are no geo-structural implications on site

These comments are addressed throughout this report.

The Vaughan Development Planning Department on September 10, 2024, emailed a non-statutory courtesy notice of this Committee of the Whole (2) meeting to those individuals that made deputations at the Public Meeting, submitted written correspondence, or request notice of Council's further consideration of these Applications to the Committee of the Whole.

Previous Reports/Authority

Previous report related to the Applications can be found at the following links:
[April 4, 2023, Committee of the Whole \(Public Meeting\) \(Item 4, Report No.17\)](#)

Analysis and Options

The Development does not represent good planning.

The Development Planning Department recommends that the Applications be refused as the Development does not represent good planning, does not contribute to appropriate city building, and is not in the public interest. This recommendation is based on the review and analysis of the Provincial Policy Statement, 2020 ('PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended ('Growth Plan'), York Region Official Plan 2022 ('YROP 2022') and VOP 2010, as described in the following sections:

The Development is not consistent with the Provincial Policy Statement, 2020.

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the PPS. The PPS provides policy direction on matters of Provincial interest related to land use planning and development. Land use planning decisions made by municipalities, planning boards, the province, or a commission or agency of the government must be consistent with the PPS. Through VOP 2010, an urban structure framework has been created to align with the policies and objective of the PPS.

The Subject Lands are located in a "Community Area" by Schedule 1 of VOP 2010, which are expected to experience incremental change but remain stable and consist of low-rise residential housing stock, with local amenities including local retail, community facilities, schools, parks, and access to natural heritage and open space. These stable areas are not intended to experience any major physical change and new developments are to respect the immediate neighbourhood.

Policy 1.1.3.3 of the PPS provides direction for municipalities to identify opportunities for accommodating intensification and redevelopment within the municipality, through the implementation of municipal Official Plans. This policy inherently recognizes that intensification and redevelopment is appropriate in certain locations based on local context and that there are areas within the municipality that are intended to remain stable.

VOP 2010 policies seek to protect and strengthen the character of stable community areas. The Subject Lands are designated "Low-Rise Mixed-Use" by VOP 2010, with a maximum height of 4-storeys and maximum FSI of 1.5 times the area of the lot, which remains compatible with the built form of the surrounding residential dwellings. The neighbourhood surrounding the Subject Lands are characterized by low-rise dwellings and other types of low-rise development (i.e., schools, parks). This stable area is not identified in VOP 2010 for the level of intensification proposed by the Applications.

Policy 1.2.1 of the PPS states that a coordinated, integrated, and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper tier municipal boundaries, including managing and/or promoting growth and development.

The City has undertaken a coordinated, integrated, and comprehensive approach to managing and promoting intensification and redevelopment along identified and appropriately designated corridors, as supported by York Region. These designated corridors do not include the section of Bathurst Street fronting onto the Subject Lands.

Policies 1.4, 1.6.7, and 4.0 of the PPS provides policy direction with respect to housing, transportation systems, and interpretation of the PPS. The *Planning Act* states that, “the appropriate location of growth and redevelopment is to be a matter of Provincial interest”. Policy 4.6 of the PPS identifies that the mechanism by which the Provincial interest is protected is the municipal official plan as it sets the appropriate land use designations and policies for land use intensification and where it is to be directed. VOP 2010 does not identify the Subject Lands for the level of intensification or redevelopment proposed by this Owner.

The introduction of a 15-storey high-rise Development would be precedent setting and would conflict with the comprehensive approach that was taken in formulating the policies that governs the Subject Lands. The introduction of a high-rise residential apartment building located adjacent to an existing stable low-rise residential community, is not in the public interest, is not consistent with the policy direction established in the PPS and does not take into account the existing and planned built form in the community.

The Development is not consistent with the policies of the PPS.

The Development does not conform to A Place to Grow: Growth Plan for the Great Golden Horseshoe, 2019, as amended.

The Growth Plan is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, housing, transportation, and infrastructure. The Growth Plan promotes intensification of existing built-up areas, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfields sites and greyfields. Concentrating intensification in these areas provides a focus for transit infrastructure investment to support growth and for building compact, transit-supportive communities.

The Growth Plan places the responsibility upon the upper-tier and lower-tier municipalities to decide where and how to accommodate growth and intensification. As directed by the Growth Plan, intensification and areas deemed appropriate for greater growth are to be implemented by municipal Official Plans. VOP 2010 identifies and implements an intensification strategy that responds to the requirements of the Growth Plan, by directing growth to appropriate areas, and maintaining low-rise community areas as stable areas.

The Growth Plan specifies in policy 2.2.1.2 that a majority of growth should be concentrated in the delineated built-up and strategic growth areas where large scale developments are supported by existing or planned higher order transit and public

service facilities. The Subject Lands are not within the built-up areas nor strategic growth areas (i.e., urban growth centres, major transit station areas, etc.) but in a designated greenfield area, where new development can be accommodated in a manner that is appropriate given the characteristics of the municipality and adjacent communities. This methodology of managing growth is to support the creation of “Complete Communities” outlined in policy 2.2.7.1 of the growth plan.

“Complete Communities” (i.e., mix of housing options, mix of land uses, etc.) are achieved through VOP 2010 which assigns land use designations throughout the City. The Subject Lands represent the last undeveloped parcel of land in Block 12. As the surrounding neighbourhood was being developed along with VOP 2010, the City determined to redesignate the lands to “Low-Rise Mixed-Use” to accommodate incremental residential growth while providing the opportunity to implement retail and commercial uses.

For the reasons noted above, the Applications do not conform to the Growth Plan.

The Development does not conform to the York Region Official Plan, 2022 ('YROP 2022').

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get it Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments of the *Planning Act* implemented through Bill 185, York Region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes and amends it.

The YROP 2022 guides economic, environmental, and community building decision across York Region. The Subject Lands are designated “Urban Area” on Map 1: Regional Structure, of the YROP 2022, which permits a range of residential, industrial, commercial, and institutional uses. The YROP 2022 also establishes the prioritization of population growth within strategic growth centres and other planned comprehensive plans (i.e., secondary plans) to develop an intensification hierarchy that is supported by existing and future planned infrastructure.

The YROP 2022 requires that local municipal Official Plans and Zoning By-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community. Within this framework, the YROP 2022 also requires that a high standard of urban design be employed within developments to create high-quality, sustainable communities with a pedestrian scale that complements

the character of existing areas and fosters each community's unique sense of place and ensures compatibility with and transition to surrounding land uses, among other considerations that contribute to an attractive, cohesive, and complete community.

The Development does not adequately achieve the above-noted objectives in accordance with the YROP 2022 policies respecting urban design and built form with Community Areas. The Development also does not complement the character of the existing area or ensure compatibility with and transition to the surrounding land uses, as required by Policy 2.3.13 of the YROP 2022, for the reasons discussed in this report.

Policy 4.2.2 requires local municipalities to create and adopt official plans that implement their intensification strategies. The City has developed an intensification strategy through the approval of VOP 2010, which identifies and maps areas of intensification. The Subject Lands are not within the intensification areas (i.e., Regional Centre, Primary Centres, Local Centres, and Regional and Primary Intensification Corridors) and built-up area, as identified by Schedules 1 and 1A of VOP 2010.

The Subject Lands are not located on a Regional Transit Network and are not located within or in proximity to an identified MTSA or PMTSA. York Region's 2022, 10-Year Roads and Transit Growth Capital Construction Program demonstrates there are no proposed transit projects or improvements in the vicinity of the Subject Lands and the existing and future residents will continue to depend on a singular all day transit line on Bathurst Street.

On this basis, the Development does not constitute a comprehensive approach in achieving appropriate intensification to meet the objectives of Policies 2.3.13, 4.1, 4.2.2 and 6.3 described above and does not conform to the intensification objectives of the YROP 2022.

In consideration of the above, the Development does not conform to the policies of the YROP 2022.

The Development does not conform to the Vaughan Official Plan 2010.

VOP 2010 provides policy direction for land use planning as part of the overall growth management strategy for the City of Vaughan, in accordance with the policies of the PPS, Growth Plan, and the YROP 2022.

1. The Surrounding Existing and Planned Land Use

The Subject Lands are located at the southwest corner of Bathurst Street and Queen Filomena Avenue, with frontage on both streets. Bathurst Street is identified as Major Arterial (regional) road on Schedule 9 – Future Transportation Network of Vaughan Official Plan ('VOP') 2010. The north and west side of the Subject Lands front onto Queen Filomena Avenue and Keatley Drive which are identified as Minor Collector and Local Road on Schedule 9 of VOP 2010. York Region has jurisdiction over Bathurst Street while the City of Vaughan has jurisdiction over Queen Filomena Avenue and Keatley Drive.

The lands directly to the west and south of the Subject Lands are identified as “Community Areas” on Schedule 1 – Urban Structure of VOP 2010 and are designated “Low-Rise Residential” on Schedule 13 of VOP 2010. The lands to the north are designated “Infrastructure and Utilities” on Schedule 13 – Urban Structure of VOP 2010. The “Low-Rise Residential” designation permits detached, semi-detached and townhouses in a low-rise form no greater than three (3) storeys. There are existing 2-storey estate dwellings located west and south of the Subject Lands and a stormwater management pond to the north of Subject Lands. VOP 2010 does not identify any high-rise developments (i.e. over 12 storeys) in the community surrounding the Subject Lands. Based on the existing and planned policy framework, the Development would not be appropriate in the existing context which consists of low-rise built forms (i.e., detached houses, schools, parks, etc.).

2. Urban Structure and Intensification

Policy 1.1.3 of the PPS, Policy 2.2 of the Growth Plan and Policy 4.4 of YROP 2022 states that local municipalities shall identify intensification areas and adopt their own intensification strategies. VOP 2010 established its intensification policies and indicated where the Intensification Areas (i.e., Regional Centres, Primary Centres, Local Centres, Regional Intensification Corridors, and Primary Intensification Corridors) are located throughout the City. The Subject Lands are outside the existing and planned Intensification Areas where the highest and densest applications are considered and can be supported by higher order transit. The Subject Lands are in an existing Community Area which is also considered a Stable Area, where proposed developments are intended to be compatible within the existing urban landscape. The surrounding land use context does not lend itself to the Development.

3. Urban Design and Built Form

VOP 2010 identifies how buildings should be developed in different parts of the City with an emphasis on design excellence and ensuring newly proposed developments fit within its surrounding context.

Policy 1.4 in the PPS, Policy 1.2.1 of the Growth Plan and 2.3 of the YROP 2022 states the importance that coordinating the development of new housing in areas that efficiently use land, resources, infrastructure, and public service facilities. It also speaks to how the City is to provide a range of housing types that have incorporated design standards to ensure the safety and well-being of its residents. The Development does not meet the 45-degree angular plain and proposes a mass and scale that is not in keeping to the surrounding community.

4. Land Use Designations

The Subject Lands are designated “Low-Rise Mixed-Use” on Schedule 13 – Land Use of VOP 2010 with a permitted maximum building height of 4-storeys and an FSI of 1.5 times the area of the lot.

The Owner has submitted an amendment to VOP 2010 to redesignate the Subject Lands to redesignate the Subject Lands to “High-Rise Residential”, and to permit a high-rise building type, specifically, the height, density, and the site-specific development criteria for the proposed Development. A summary of the proposed amendments to VOP 2010 to permit the Development is shown in Table 1 on Attachment 5.

The Development shown on Attachments 2 to 4 contemplates a building height and density on the Subject Lands that introduces a level of intensification that is unparalleled in the surrounding area, which was not identified in VOP 2010. The Development proposes a maximum building height of 15-storeys and an FSI of 4.0 which is higher than anything planned within immediate and surrounding neighbourhoods in Block 12.

Additionally, the Owner is proposing to redesignate the Subject Lands from “Low-Rise Mixed-Use” to “High-Rise Residential”. In accordance with the above, a “High-Rise” development is not compatible nor appropriate for the location of Subject Lands, thus does not conform to the policies of VOP 2010.

5. Transportation Network

The Subject Lands abut one minor collector road (Queen Filomena Avenue), one local road (Keatley Drive) and a major arterial road (Bathurst Street), which collectively form part of the street network defined by Policy 4.2.1 and Schedule 9 of VOP 2010. This existing street network provides the necessary framework to develop a comprehensive and integrated transit network, which includes local and rapid transit, network of walking and cycling infrastructure, and subway and regional rail infrastructure.

The Development’s primary access to transit is through a bus route along Bathurst Street. The Development proposes access into the site by one in-bound driveway on Keatley Drive and exit through one out-bound driveway on Queen Filomena Avenue. This suggests that during peak hours a substantial increase in number of vehicles can be expected entering the site from Keatley Drive and existing onto Queen Filomena Avenue. Gaining access from a local road is only anticipated for low-rise developments, as stated in the City of Vaughan TIS Guidelines.

Conclusion

This Development consisting of a 15-storey residential apartment building with three levels of underground parking and a density of 4.0 times the area of the lot does not conform to the Intensification Area policies of VOP 2010. The Development is located in a low-rise residential community, where the planned and existing urban landscape is made up of low-rise built form. The Development does not provide appropriate transition to the existing low-rise residential development and is considered incompatible with the surrounding land uses and represents poor planning.

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

As the Applications were received by the City on December 21, 2022, and deemed complete on May 18, 2023, the Applications are transitioned under Zoning By-law 001-2021.

The Development is not permitted by the site-specific zoning exception for the Subject Lands and amendments to Zoning By-law 001-2021 are required.

The Subject Lands are zoned “NC(H) – Neighbourhood Commercial Zone”, subject to site-specific Exception 14.1014, with the Holding Symbol “(H)”. The site-specific requirements in Exception 9(1385) from Zoning By-law 1-88 were carried over to site-specific Exception 14.1014. The current zoning does not permit the Development. Therefore, to permit the Development the Owner proposes to rezone the Subject Lands to “RM3(H) Multiple Unit Residential Three Zone” in the manner shown on Attachment 2, together with the following site-specific zoning exceptions to permit the Development shown in Table 2 on Attachment 6.

The proposed amendments will permit a “High-Rise” development that is not typical within a stable community area. For the reasons and comments provided in this report, the proposed rezoning and site-specific exceptions would facilitate a development that is not consistent with the PPS, does not conform to the Growth plan, and does not conform to the policies and objectives of upper and lower-tier official plans. Therefore, the Zoning Amendment cannot be supported.

The Development has been reviewed in consideration of the City of Vaughan’s Urban Design Policies and Guidelines by the Urban Design Division of the Development Planning Department.

The Urban Design division of the Development Planning Department has reviewed the conceptual site plan, building elevation, landscape master plan, photometric light plan, and sun shadow study submitted in support of the Applications, and has provided the following comments:

- The proposed height and massing are not compatible with the low-rise context of the surrounding area
- The massing of the proposed development should be contained within the 45-degree angular plane from the rear lot of the neighbouring properties to the southwest. The proposed massing protrudes into the angular plane above the 10-storeys
- The Development must be more compatible with the surrounding context and reduce the scale and the perceived massing of the building
- The Development is recommended to use a 2-storey townhouse typology for the base of the western building to ensure compatibility with the character of Keatley Drive, which is predominantly low-rise residential

- The Development should consider better massing transition and recommends further sculpting of the 6 and 8-storey massing to ensure a cohesive street profile and wall along Keatley Drive.

Urban Design does not support the Development in its current form for the reason noted above. However, should the Applications be approved, additional information regarding, a wind tunnel analysis, bird-safe design standards, approval from the control architect and scheduling a design review panel must be submitted for review at the Site Plan approval stage. Further comments from Urban Design regarding design details, landscape details and building materials will be provided through the Site Plan process if approved by the OLT.

An approved Site Development Application is required, should the OLT approve the Applications.

Should the OLT approve the Official Plan and Zoning By-law Amendment Files OP.22.022 and Z.22.043, in whole or in part, the OLT should withhold its final Order until the implementing Official Plan and Zoning By-law are prepared to the satisfaction of the City and that the implementing Zoning By-law includes the Holding Symbol “(H)” conditions. The Holding Symbol shall not be removed from the Subject Lands until the Owner successfully obtains Site Development Approval for the Subject Lands. A condition to this effect is included in the Recommendations of this report.

Financial Impact

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

Operational Impact

Parkland Dedication or Cash-in-Lieu of Parkland Dedication will be applicable for the Development, if approved.

The Owner shall convey at the rate of 1 ha per 600 net residential units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1ha 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, should the Applications be approved by the OLT.

The Development Engineering (‘DE’) Department has provided the following comments:

Water Servicing

The Subject lands are situated within Pressure Districts (PD7) of the York Water Supply System. There exists two watermains on Queen Filomena Avenue and Keatley Drive connected to the PD7 system. The Subject Lands are proposed to be serviced through a connection to a City watermain on Keatley Drive. The proposed service connection is sufficient to provide adequate pressures and flows which will bring the water to the mechanical room where a booster pump will be located to service the Subject Lands.

Sanitary Servicing

The Subject Lands will be serviced via the existing sanitary service connection to the municipal sanitary sewer located along the Queen Filomena Avenue. The Functional Service Report identified no capacity constraints in the downstream system in pre-development and post-development conditions from the Subject Lands.

Storm Servicing

The Subject Lands are currently serviced by existing storm infrastructure located on Keatley Drive. The City design standards dictate that the Storm Water Management Pond should control the urban stormwater runoff to meet the target release rates established in the City's Master Plan and provide water quality treatment and erosion control. The Owner's Development identifies that the Subject Lands will facilitate onsite water quality control by a system of on-site storage tanks and pump due to the elevation difference between the east and west portions of the site. Quality Control will be provided by a Jellyfish Unit located before the existing storm control manhole.

Lot Grading

The grading, erosion and sediment control design drawings were submitted in support of the Subject Lands. The Owner shall inform the City of an operation and maintenance obligations for future municipal or private infrastructure including retaining walls, soil stability requirements and other proposed structures necessary to facilitate the Development of the Subject Lands. At the detailed Site Plan design stage, a grading design and erosion and sediment control measures will be conducted when the detailed drawings are submitted for the City's review.

Noise Impact Study

The Owner submitted a Noise Study to investigate the potential environmental noise impact on the Subject Lands from road traffic and surrounding land uses. The Study recommended upgraded building exterior component, central air conditioning, and noise warning clauses to be included in all the Offers of Purchase and Sale or Lease and registered on title to make future occupants aware of potential noise situations. At the detailed Site Plan design stage, a final noise study must be approved to the satisfaction of Development Engineering.

Environmental Engineering

The Owner has submitted Phase One and Two Environmental Site Assessment ('ESA') Reports which have been reviewed to the satisfaction of Environmental Engineering Division. The ESA reports indicate that the Development meets the applicable Ministry of Environment, Conservation and Parks Standards and is suitable for residential uses subject to providing the City with a Reliance Letter.

Transportation Engineering

A Transportation Impact Study ('TIS') was submitted in support of the application for the Subject Lands and was reviewed by staff. According to the review, access to the site is proposed to be provided through an inbound driveway via Keatley Drive, and one outbound driveway via Queen Filomena Avenue. Parking for residents and visitors is

provided in three levels of underground parking. There is a proposed pick-up/drop-off loop within the site. The outbound driveway via Queen Filomena Avenue encroached onto the existing YRT bus stop landing.

As reflected in staff comments, there are still outstanding concerns regarding a number of issues primarily with the proposed one-way access via Keatley Drive and Queen Filomena Avenue, orientation of the ramp to the underground parking, loading space dimension, pavement marking and signage, and active transportation component of the proposal. Transportation Engineering requires these concerns to be addressed prior to final approval of the proposal.

Sewage and Water Allocation

Should the OLT approve the Applications, the Development Engineering Department recommends that a Holding Symbol “(H)” be placed until such time that Vaughan Council adopts a resolution allocating sewage and water supply capacity, which is to be assessed at the Site Development application stage.

Community Benefits Charge (‘CBC’) is applicable and will be collected at the 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.

Canada Post requires a receiving facility to be provided.

If the OLT approves the applications, Canada Post requires that a centralized receiving facility be provided that is comprised of rear-loaded lockboxes. Furthermore, the Owner will be required to provide Canada Post with access to any locked doors between the main entrance and lockboxes.

Broader Regional Impacts/Considerations

Regional Municipality of York (‘York Region’) encourages revisions to the Development.

York Region has stated that the issue of compatibility and the appropriate site-specific height and density for the Official Plan Amendment Application is best determined by the local planning authority (i.e. Vaughan). However, York Region has identified high forms of intensification within the region are to be directed in Strategic Growth Centres and Regional Corridors where a substantial amount of capital investment has been committed to build a rapid transit system. The Owner is encouraged to revise the Development as the Subject Lands are not within an existing or planned intensification area.

York Region indicated that they do not have any comments on the Zoning By-law Amendment Application.

Should the Applications be approved by the OLT, York Region will review the related Site Development Application DA.23.061 with respect to matters of regional interest.

The TRCA has provided conditions of approval.

The TRCA has identified the Subject Lands are located within a TRCA Regional Storm flood plain associated with the Patterson Creek on the adjacent lands to the east and a flood plain spill area to the north at the intersection of Queen Filomena Avenue and Bathurst Street. A permit pursuant to Ontario Regulation 166/06 would be required for any development or site alteration within the Regulated Area.

For properties that are located within a flood plain spill area, it is TRCA's typical practice to require the Owner to retain a qualified water resource engineering consultant to undertake a site-specific hydraulic analysis to assess the characteristics of the flood plain spill and develop a suitable strategy to demonstrate how the flood plain spill condition can be permanently remediated in a way that there will be no increased flood impacts to the adjacent lands.

The first Case Management Conference ('CMC') was held on June 11, 2024. The Owner, the City and the Toronto and Region Conservation Authority ('TRCA') are party to the Hearing. The OLT granted 24 individuals with Participant status and a merit hearing was scheduled for February 10, 2025, through February 14, 2025. A second CMC is scheduled for September 26, 2024.

Conclusion

Official Plan and Zoning By-law Amendment Files OP.22.022 and Z.22.043 have been reviewed in consideration of the Planning Act, and the policies of the Provincial Policy Statement 2020, the Growth Plan 2019, as amended, York Region Official Plan 2022, Vaughan Official Plan 2010, the requirements of Zoning By-law 001-2021, comments from area residents, City departments and external public agencies, and the area context.

When considered comprehensively, the Development Planning Department is of the opinion that the Applications for the proposed Development, consisting of a 15-storey residential building at a density of 4.0 FSI, are not consistent with the Provincial Policy Statement and do not conform to the Growth Plan, York Region Official Plan and City of Vaughan Official Plan. The Development will result in a level of intensification that is not appropriate in consideration of applicable policies and the existing surrounding land use context, as outlined in this report.

In consideration of the applicable policies and the surrounding land use context, as outlined in this report, the Development Planning Department recommends that the Applications be refused.

For more information, please contact Roberto Simbana, Planner, at extension 8810.

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations
5. Vaughan Official Plan 2010 Table 1
6. Zoning By-law 001-2021 Table 2

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