

Committee of the Whole (1) Report

DATE: Tuesday, January 21, 2025

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 OF BATHURST STREET AND QUEEN FILOMENA
AVENUE

FROM:

Haiqing Xu, Deputy City Manager, Planning, Growth Management and Housing Delivery

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole on the Recommendations contained in this report to accept the with prejudice Offer to Settle (Attachment 1) from QF Development Group (BT) Inc. (the 'Owner') to resolve the OLT hearing scheduled for their Official Plan and Zoning By-law Amendment Files OP.22.022 and Z.22.043 (the "Applications") respecting the subject lands shown on Attachment 2.

Report Highlights

- The Owner originally submitted Applications for a "High-Rise Residential" development with a maximum building height of 15-storeys, 296 units with 355 parking spaces and an FSI of 4.0 times the area of the lot ('Original Submission'), as shown on Attachment 5 to 7.
- The Owner resubmitted Applications to permit the development of 104, 4-storey stacked back-to-back townhouse units within five (5) blocks having an FSI of 1.71 with a total residential gross floor area ('GFA') of 10,920 m² on a private road with access onto Keatley Drive.
- The Applicant appealed to the Ontario Land Tribunal ('OLT') due to non-decision.

Report Highlights Continued

- Case Management Conferences ('CMCs') for the appeals of the Applications were held on June 11 and September 26, 2024, when party and participant status was granted to a number of persons, and the issues list was finalized.
- The Owner submitted a with prejudice offer to settle on December 12, 2024, reducing the development from a high-rise to stacked townhouses, reducing the unit count from 296 to 104.
- The Development and Parks Planning Department supports the with prejudice offer to settle as it is consistent with the Provincial Planning Statement, 2024 and meets the intent of the Vaughan Official Plan 2010 ('VOP 2010') and is considered to be compatible with the surrounding community.

Recommendations

1. THAT Staff are directed to accept the terms of the with prejudice offer to settle dated December 12, 2024, save for the requirement for immediate allocation of servicing for 104 units, and subject to any reasonable modifications approved by the Deputy City Manager, Planning, Growth Management and Housing Delivery;
2. THAT Legal Counsel of the Office of Planning Law attend the OLT hearing for case no. OLT-24-000220 to resolve the matter in support of Council's direction in this report;
3. THAT if the OLT approves the settlement between the parties, Legal Counsel of the Office of Planning Law shall request it 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
4. THAT if the OLT approves the Applications in whole or in part, Council authorizes the Deputy City Manager, Planning, Growth Management and Housing Delivery to finalize the draft OPA and ZBA instruments for approval by the OLT.
5. THAT the Deputy City Manager, Planning, Growth Management and Housing Delivery, be authorized to execute minutes of settlement (if required) and any other ancillary documents necessary that is consistent with the settlement set out in this report.
6. THAT upon the OLT issuing its final order, staff bring forward a report recommending that water and sanitary servicing capacity be identified and allocated by Council for the development of 104 units on the subject property.

Background

Location: 87 Keatley Drive (the 'Subject Lands'). The Subject Lands are currently vacant and the surrounding land uses are shown on Attachment 2.

The Official Plan and Zoning By-law Amendment applications were originally submitted to permit a High-Rise Residential development

The Owner originally submitted Applications for a "High-Rise Residential" development with a maximum building height of 15-storeys, 296 units with 355 parking spaces and an FSI of 4.0 times the area of the lot ('Original Submission'), as shown on Attachment 5 to 7.

The Owner appealed the Applications to the OLT for non-decision on February 27, 2024

On February 27, 2024, the Owner appealed the Applications to the OLT, citing Council's failure to make a decision on the Applications within the prescribed timelines of the *Planning Act* (OLT Case No. OLT-24-000220 and OLT-24-000221) (the 'Appeals').

The parties to this matter are the Owner, the City, the Toronto Region Conservation Authority and the Preserve Upper Thornhill Estates Community Association (the 'Parties'). Additionally, the OLT granted 16 Participant Status Requests, including one from the Upper Thornhill & Area Community Association.

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 the 150 m from the Subject Lands and to the expanded polling area as shown on Attachment 2
- Location of Notice Signs: Notice signs were installed along 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
- Date of Non-Statutory Courtesy Notice: Development and Parks Planning Department emailed a non-statutory courtesy notice for the first Committee of the Whole meeting on September 10, 2024, to all interested parties
- Date of the first Committee of Whole Meeting: Tuesday, September 17, 2024, date ratified by Council Tuesday, September 24, 2024
- Date of Non-Statutory Courtesy Notice: Development and Parks Planning Department will email a non-statutory courtesy notice for the second Committee of the Whole meeting on January 14, 2025, to all interested parties

Public Comments on the Original Submission were received

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

Density, Built Form, and Land Use

- the proposed development will introduce a high-rise building that is not in keeping with the character of the neighbourhood
- the proposed 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 proposed 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 proposed parking does not consider whether a unit requires two parking spaces or if it provides sufficient visitor parking spaces

School Capacity and Neighbourhood Safety

- the proposed 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

Municipal Infrastructure and Services

- the proposed 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 were addressed in the first Committee of Whole recommendation report dated September 17, 2024, prepared by planning staff. Based on the review of the relevant planning framework, planning staff recommended refusing the Original Submission while acknowledging the Applicant's efforts to reduce the total number of residential units from 296 to 279 and parking spaces from 355 to 335.

A Community Meeting was held to discuss the Original Submission

At the April 4, 2023, Public Meeting, the Committee of the Whole Council 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, where the Applicant informed the community residents of the minor internal changes proposed since the Public Meeting held on Tuesday, April 4, 2023.

Offer to Settle with a Revised submission has been submitted to resolve the appeal

The Owner submitted a revised, with prejudice submission for the Subject Lands on December 12, 2024 to resolve this matter at the OLT. The revised development would reduce the proposed development from 296 units to 104 units. The development was also reduced from a 15-storey high-rise building to 4-storey stacked back-to-back townhouse units within five (5) blocks with a total residential gross floor area of 10,920 m² on a private road (the ‘Development’) as shown on Attachment 3 to 4.

The conditions of the offer to settle also require that no Holding (H) provisions be attached to any final order. Development and Parks Planning staff often use Holding (H) provisions to ensure orderly development. In this instance, the Owner seeks that staff bypass [City Policy 08.C.01](#) – Allocation of Servicing Capacity - and allocate servicing for 104 units at the same time as the Council endorses the offer to settle. The Owner does qualify under City Police 08.C.01 for servicing allocation; however, the policy states that the capacity should be ratified with the approval of a Site Development Application which has yet to occur for this Application. Despite this, staff support the allocation of services without a Site Development Application once a final order has been issued by the OLT. That said, the authority to accept the with prejudice Offer to Settle and allocate servicing concurrently with the with prejudice Offer to Settle, rests with Council.

Depending on Council’s direction, one of the following three outcomes will occur:

<p>Council accepts the with prejudice Offer to Settle and allocates servicing immediately</p>	<p>Legal Counsel of the Office of Planning Law will attend the OLT to resolve this matter at no cost to either party, and request that final orders be withheld until mutually agreeable instruments, satisfactory to the City and Owner, are provided to the OLT.</p>
<p>Council accepts the with prejudice Offer to Settle, but will allocate servicing upon OLT issuing a final Order</p>	<p>Legal Counsel of the Office of Planning Law will communicate to the Owner that they accept the with prejudice Offer to Settle with the caveat that servicing will be allocated upon the OLT issuing its final order. It will then be the Owner’s decision on whether to accept the change in the with prejudice offer to settle or argue before the OLT whether servicing should be allocated immediately along with the approval of</p>

	their Official Plan and Zoning By-Law Amendments to allow for the townhouse development.
Council does not accept the with prejudice Offer to Settle	Legal Counsel of the Office of Planning Law will attend the tribunal and follow Council's previous resolution to oppose the Applications at the OLT. The OLT will determine whether the Application (expected to be the revised townhouse proposal as the offer to settle was on a with-prejudice basis) is appropriate for the site.

Related Site Development Application DA.23.061 will need to be revised to reflect the Applications

Once revised, the approval of Site Development Applications may be made by the City of Vaughan Director of Development and Parks Planning, who has delegated authority.

Previous Reports/Authority

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

[April 4, 2023, Committee of the Whole \(Public Meeting\) \(Item 4, Report No.17\) and April 25, 2023, Council Extract](#)

[September 24, 2024, Council Extract \(Committee of the Whole \(2\) \(Item 5, Report No. 30\)](#)

Analysis and Options on the Offer to Settle with a Revised submission

The Development is consistent with the PPS 2024 and meets the intent of VOP 2010

PPS 2024

The PPS 2024 is a policy statement issued pursuant to section 3 of the *Planning Act* and came into effect on October 20, 2024. All decisions made in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS 2024.

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

In accordance with the PPS 2024, planning authorities shall plan for population growth forecasts by providing a range and mix of housing options and densities to meet projected requirements of current and future residents. The Development provides an opportunity to create additional housing stock by introducing a compact built form of stacked townhouses which capitalizes on the efficient utilization of land and resources while remaining compatible to the surrounding homes and preserving the existing character of the neighbourhood.

The Subject Lands have been vacant and underutilized since the development of Draft Plan of Subdivision (File 19T-03V13) for Block 12. The applicant is now proposing a new housing option which is consistent with the PPS 2024. Staff is satisfied the Development will optimize existing and planned infrastructure, continue to support active transportation through introducing bicycle parking, and improve accessibility by completing the sidewalk on the west side of Bathurst Street, south of Queen Filomena Avenue. The Development is consistent with the policies of the PPS 2024.

VOP 2010

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010
- "Major Arterial Road" (Bathurst St.) on Schedule 9 – "Future Transportation Network" of VOP 2010
- "Low-Rise Mixed Use" on Schedule 13 – "Land Use" of VOP 2010 with a height of 4 and a density of 1.5 times the area of the lot

The "Low-Rise Mixed-Use" designation permits stacked townhouse dwellings at a building height of 4-storeys, FSI 1.5. The following amendments to VOP 2010 are required to permit the Development as shown on Attachment 3 to 4:

- FSI of 1.71
- Stacked Townhouses be oriented to front onto a public and private street
- Reduced distance between blocks of Stacked Townhouses

The Development and Parks Planning Department can support the proposed amendments to VOP 2010 for the following reasons:

1. The Surrounding Existing and Planned Land Use

The Subject Lands abut Bathurst Street to the east, Queen Filomena Avenue to the north and Keatley Street to the east. The Development is also partially located behind TRCA regulated lands and across from an existing stormwater management pond. The surrounding lands are identified as "Community Areas" on Schedule 1 of VOP 2010 and are designated "Low-Rise Residential" containing existing single detached homes no greater than three (3) storeys.

The Development does not surpass the maximum building height of 4-storeys as identified in Schedule 13 of VOP 2010 and in doing so, proposes a built form that respects the pedestrian scale while incorporating high quality materials and a flat roof style.

2. Urban Structure and Intensification

Policy 2.2.3.2 states that Community Areas are stable areas where new development is to respect and reinforce the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area to help preserve the general character of the neighbourhood. The Development will fit harmoniously with the surrounding 2-storey homes, as it looks to incrementally increase the density to introduce a new housing type and increase the housing stock for future population growth. This approach to land use planning ensures the Development will complement and remain compatible to the surrounding homes, while meeting provincial growth targets.

3. Urban Design and Built Form

VOP 2010 identified 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 9.1.2.1 and 9.1.2.2 of VOP 2010, states new developments shall help establish an appropriate physical character that is compatible with its surroundings. New developments should also be designed to respect and reinforce the existing physical character and uses of the surrounding area, by reinforcing specific elements (i.e., setbacks, heights and scale of adjacent and immediately surrounding residential properties, orientation, size and configuration of lots).

The proposed building height of 4-storeys conforms to the maximum building height permitted by the “Low-Rise Mixed-Use” designation in VOP 2010. In terms of density, the Development proposes an FSI of 1.71 representing a minimal increase from the 1.5 FSI permitted. The potential impact from the additional units and orientation of these blocks will be lessened by the proposed landscape buffer (3.0m) along the interior lot line of the Subject Lands.

The reduced distances between blocks of stacked townhouses only applies to 4 units in block 3 and 4, the rest of the units have a separation distance of 11.3 to 11.5 m which is an acceptable distance for privacy and access to sunlight.

4. Land Use Designation

The Owner proposes amendments to the existing “Low-Rise Mixed-Use” designation, specifically, the 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 8.

Minor modifications may be made to the official plan amendments identified in Table 1 on Attachment 8 prior to the enactment of an implementing Official Plan Amendment, as required, should the Applications be approved.

The Development shown on Attachments 3 to 4 contemplates a building height and density that introduces a level of intensification that is appropriate within a stable community area which is surrounded by single detached dwellings.

Conclusion

This Development consisting of 104, 4-storey stacked back-to-back townhouse units in five (5) blocks with one level of underground parking totaling 134 parking spaces and a density of 1.71 times the area of the lot does conform to the Intensification Area policies of VOP 2010.

The Applications maintain the intent of VOP 2010 by contributing to the housing mix and promoting incremental growth within a stable Community Area that will continue to support existing and future residents. The Development is an appropriate transition in built form within the surrounding land uses, thereby demonstrating compatibility between the existing buildings and proposed building type.

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 current zoning does not permit the Development.

The Owner proposes to rezone the Subject Lands to “RM1 Multiple Unit Residential Zone” in the manner shown on Attachment 3, together with the following site-specific zoning exceptions to permit the Development shown in Table 2 on Attachment 9. The proposed amendments will permit a low-rise development that is suitable 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 consistent with the PPS and does conform to the policies and objectives of the official plan.

Minor modifications may be made to the zoning exceptions identified in Table 2 on Attachment 9 prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

Therefore, the Zoning Amendment can be supported.

Financial Impact

If Council endorses staff’s recommendations, this report shall have no further financial requirement.

If Council does not endorse staff's recommendations, or if the Appeals do not settle, the City will proceed to a five-days hearing scheduled to commence on February 10, 2025. If the City is not successful at the OLT hearing, the OLT's Rules of Practice and Procedure allow a party to seek costs. While such rulings are not regular order, it is a possibility that Council should be aware of.

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. Notwithstanding the above, such parkland contribution—whether in the form of parkland conveyance or cash-in-lieu as determined by the City—shall be subject to a cap of (i) 10% of the Lands or value of the Lands if the Lands are 5 ha or less.

The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report

The 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') and an updated version reflecting the latest plan changes have been submitted in support of the application for the Subject Lands. Based on the review, a single full-moves access to the site is proposed from Keatley Drive, providing access to the underground parking spaces, loading space, and a truck turnaround area at the end of the private driveway internal to the site.

Parking for both residents and visitors is planned to be accommodated in an underground parking garage. According to the technical review, the traffic impacts of the development are expected to be acceptable. To further mitigate potential impacts, the Owner will be required to submit a Travel Demand Management (TDM) Plan at the site plan application stage. This plan will aim to reduce site-related auto traffic and promote the use of transit and active transportation modes.

Additionally, the construction of a sidewalk along the Bathurst Street frontage of the site, as well as its potential extension to the south, will be further reviewed during subsequent planning stages in coordination with York Region. The remaining staff comments and typical site plan details will be reviewed and addressed at the site plan stage.

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 mailbox location and Canada Post will need access to any locked doors between the main entrance and lockboxes.

Broader Regional Impacts/Considerations

Regional Municipality of York ('York Region')

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).

The Toronto and Region Conservation Authority (TRCA) has no objection to the Development

The TRCA has identified that the western portion of the subject lands are part of the Humber River Watershed and subject to Ontario Regulation 41/24. The property includes a portion of the Black Creek Flood plain and buffer area, which has been altered through urbanization. TRCA has advised they do not object the Development as it relates to the Applications. All technical comments relating to the spill analysis that was undertaken will be discussed during the Site Plan review process.

Conclusion

The Development and Parks Planning Department is satisfied the Offer to Settle (subject to the recommendations in this report) is consistent with the Provincial Planning Statement, 2024 and meets the intent of the Vaughan Official Plan 2010 ('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, the Development and Parks Planning Department can recommend approval of the Applications, subject to the recommendations in this report.

For more information, please contact Roberto Simbana, Planner, Development and Parks Planning Department, extension 8810.

Attachments

1. Offer to Settle
2. Context and Location Map
3. Site Plan and Proposed Zoning
4. Underground Parking Plan
5. Original Site Plan and Proposed Zoning
6. Original Landscape Plan
7. Original Building Elevations
8. Vaughan Official Plan 2010 Table 1
9. Zoning By-law 001-2021 Table 2

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