

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.17.044
SITE DEVELOPMENT FILE DA.17.086
YORK MAJOR HOLDINGS INC.
VICINITY OF EAGLE ROCK WAY AND MCNAUGHTON ROAD
EAST**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Site Development Files Z.17.044 and DA.17.086 (York Major Holdings Inc.): to remove the Holding Symbol "(H)" from Phase 2 of the Subject Lands; permit a mixed-use development consisting of a 10 to 12-storey apartment building with 312 units, including 5 grade related townhouse units and 692 m² of ground floor retail and office space and 3 levels of underground parking; and to permit the underground parking garage for a

Report Highlights

- The Owner seeks approval for a mixed-use development consisting of a 10 to 12-storey apartment building with 312 units, including 5 grade related townhouse units, 692 m² of ground floor retail and office space, and 3 levels of underground parking; and to permit the underground parking for a future apartment building in Phase 3 of the development (Attachment #3).
- A Zoning By-law Amendment is required to remove the Holding Symbol "(H)" from Phase 2.
- The Owner must obtain approval of Minor Variance Applications from the Committee of Adjustment for the zoning exceptions identified in this report.
- The Development Planning Department supports the approval of the Development as it is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan and the policies of the York Region and City of Vaughan Official Plan. The apartment building use is permitted by Zoning By-law 1-88, and is compatible with the existing and planned surrounding land uses.

Recommendations

1. THAT Zoning By-law Amendment File Z.17.044 (York Major Holdings Inc.) BE APPROVED, to remove the Holding Symbol “(H)” from Phase 2 of the Subject Lands, as shown on Attachments #2 and #3.
2. THAT Site Development File DA.17.086 (York Major Holdings Inc.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS; to permit a mixed-use development (Phase 2) consisting of a 10 to 12-storey apartment building with 312 units, including 5 grade related townhouse units in the podium of the building and 692 m² of ground floor retail and office uses; and to permit the 3 levels of an underground parking garage for a future apartment building (Phase 3), as shown on Attachments #3 to #7:
 - a) prior to the execution of the Site Plan Agreement(s):
 - i) the Development Planning Department shall approve the final site plan, building elevations, parking plans, landscape plan and landscape cost estimate for Phase 2 and Phase 3;
 - ii) the Owner shall successfully obtain approval of a Minor Variance Application for the required zoning exceptions to Zoning By-law 1-88, as identified in Table 1 of this report for Phase 2 of the Development from the Committee of Adjustment, and the Committee’s decision shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee. The Owner shall also obtain approval of a separate Minor Variance Application for the underground garage for Phase 3, as identified in Table 2 of this report and the Committee’s decision shall be final and binding and the Owner shall satisfy all conditions of the Committee;
 - iii) the Owner shall secure public access over the pedestrian linkage from Salteron Circle to Eagle Rock Way, as shown on Attachments #2 and #4; to the satisfaction of the City;
 - iv) the Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, dewatering plan, external lighting plan, the utility coordination plan, environmental noise report, shoring and tie-back design, construction schedule and phasing plan, construction logistics plan, Transportation Impact Study, Transportation Demand Management Plan, Transportation Management Plan (Maple GO Station Secondary Plan) and Pavement Markings and Signage Plan;

- v) the Owner shall apply to the City for any permanent dewatering system(s) that is required for the Development, and enter into an agreement and/or obtain a permit to discharge groundwater as required by the City, to the satisfaction of the Environmental Services Department;
 - vi) the Owner shall satisfy all requirements of Environmental Services, Solid Waste Management Division;
 - vii) the Owner shall satisfy all requirements of York Region; and
 - viii) the Owner shall satisfy all requirements of Metrolinx.
- b) that the implementing Site Plan Agreement shall include the following clauses:
- i) “Snow removal for the development shall be privately administered and the responsibility of the Owner or the Condominium Corporation(s).”
 - ii) “That the Owner agree to carry out, or caused to be carried out, the water balance mitigation strategy in accordance with the Water Balance Assessment Report, prepared by Stantec Consulting Ltd., dated December 9, 2016.”
 - iii) “Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan’s Development Planning Department shall be notified immediately.”
 - iv) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.”
 - v) “The Environmental Services Department, Solid Waste Mangement Division advise that upon a successfully completed application, site inspection and the execution and registration of an Agreement with the City, the future Condominium Corporation may be eligible for municipal waste collection services however, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.”

- vi) “The Owner shall provide, in conjunction with an application for a Building Permit, a certification by a noise consultant that the noise attenuation measures identified in the approved environmental noise report have been included in the building plans. Furthermore, prior to the registration of a Draft Plan of Condominium, the Owner’s noise consultant shall certify that the noise attenuation measures identified in the approved environmental noise report have been incorporated into the building, all to the satisfaction of the Development Engineering Department.”

- vii) “The Owner acknowledges the City has completed several wastewater system optimization studies that identify the need for inflow-infiltration remediation and / or sanitary sewer infrastructure upgrades necessary to accommodate redevelopment / intensification.

The City intends to include these improvement works in an Area Specific Development Charge (“ASDC”) By-Law to collect the necessary capital funds for inflow-infiltration remediation and / or sanitary sewer infrastructure upgrades as necessary.

Upon execution of this Site Plan Agreement and prior to the issuance of Building Permits, the Owner shall provide the City with an additional Letter of Credit in the sum of \$1,034,280 as security for its proportionate share of the cost of the Wastewater System Optimization Works. The sum of \$1,034,280 is the City’s current estimate of the Owners proportionate share calculated based on the rate of \$1,500 per person for the York Major Holdings Inc. (File DA.17.086) development. The total number of units have been determined to be 312 residential units (312 apartment units) = 690 persons equivalent (690 persons equivalent times \$1,500 per person equals \$1,034,280).

The City shall advise the Owner of the current estimate of cost at least forty (40) days prior to the expiration of the Letter of Credit and the Owner shall file a replacement Letter of Credit in the revised amount prior to the expiration of the existing Letter of Credit. This procedure shall continue until the final costs are confirmed or the City will draw upon the Letter of Credit. If, at any time, the Owner fails to file a replacement Letter of Credit at least thirty (30) days prior to expiration of a Letter of Credit, the City may draw the monies secured by the Letter of Credit, if it is not sufficient, the City may further draw upon the Site Plan Letter of Credit for the balance of the revised amount and hold the monies

upon the same terms as applicable to the Letter of Credit. The City may also refuse to issue further building permits until such time as the required Letter of Credit is filed.

In the event that the Wastewater System Optimization Works is permitted by legislation to be included as an ASDC, the Owner shall pay the Development Charge component related to the Wastewater System Optimization Works for the York Major Holdings Inc. (File DA.17.086) as ascertained by the City. If the Owner does not pay the Development Charge component related to the Wastewater System Optimization Works within ten (10) business days of written notice from the City, the City may draw upon the Letter of Credit and upon the Municipal Services Letter of Credit, if necessary, for the required amount.

In the event that the Development Charges By-law is not finalized prior to the release of the Site Plan Letter of Credit, the City shall advise the Owner the current estimate of cost and the Owner shall file a replacement Letter of Credit in the revised amount.”

- viii) “The Owner shall display a Community Plan in the sales office comprised of information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City of Vaughan, and that no Building Permit shall be issued until the Community Plan is approved by the Development Planning Department. The Community Plan shall identify the following:
- the plan for the broader area, showing the surrounding land uses, arterial roads, etc.;
 - the location of street utilities, entrance features, sidewalks and transit stops;
 - the location of parks, open space, trails and community facilities;
 - the location of institutional uses, including schools, places of worship and community facilities;
 - the location and type of retail and office sites;
 - colour-coded identification of detached, semi-detached, townhouse and apartment units;
 - future expansion plans, including the potential parking structure for the Maple GO Station;

- the following notes in BOLD CAPITAL TYPE on the map; and,

For further information, on proposed and existing land uses, please call or visit the City of Vaughan Development Planning Department, at 2141 Major Mackenzie Drive, L6A 1T1, (905) 832-8585.

This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers. [in such circumstances the Owner is responsible for updating the map in a timely manner and forwarding it to the City of Vaughan for verification].”

- c) that the implementing Site Plan Agreement shall include the following warning clauses and a requirement that these warning clauses be included in the future Condominium Agreement, Condominium Declaration, Articles of Incorporation and all Agreements of Purchase and Sale and/or Lease:

i) Noise

- “Purchasers and/or tenants are advised that despite the inclusion of noise control features within the Maple GO Station Secondary Plan area and within the dwelling units, sound from increasing road and rail traffic may continue to be of concern and may occasionally interfere with some activities of the dwelling occupants, as the outdoor traffic sound levels may exceed the noise criteria of the municipality and the Ministry of Environment and Climate Change (“MOECC”).”
- “This dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment and Climate Change (“MOECC”).”
- “This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of the Environment and Climate Change (“MOECC”). (Note: The location an installation of the outdoor air conditioning device should minimize the noise impacts from the unit and comply

with the criteria of MOECC publication NPC-216, Residential Air Conditioning Devices).”

- “Purchasers/tenants are advised that due to the proximity of the adjacent commercial facilities, noise from the commercial facilities may at times be audible.”

ii) Public Pedestrian Linkage

- “Purchasers and/or tenants are to be advised that the public pedestrian linkage shall be free and uninterrupted and unobstructed right in perpetuity as described on a future deposited reference plan.”
- “The Owner/Condominium Corporation shall agree not to build or cause to be built any building, fence or other obstruction over the public pedestrian linkage.”
- “The Owner shall agree to carry out any construction, maintenance or repairs of the public pedestrian access or related structures/ appurtenances, or use of the access area in a good safe, accessible and workmanlike manner in accordance with City of Vaughan Standards and By-laws and shall remove all debris with respect to any such construction, repair and/or maintenance of the public access or related structures / appurtenances and shall complete same as soon as and as quickly as reasonably practicable.
- “The Owner shall fully indemnify and save harmless the City in respect to any and all claims for damages, injury, or loss of any nature caused to any person or property resulting in any way either directly or indirectly from using the pedestrian access or related works caused by the negligence of its own agents or employees to the property.”

iii) Canadian National Railway

- “Purchasers and/or tenants are to be advised that Canadian National Railway or its successors or assigns, have an operating right-of-way within 300 m from the land subject hereof and there may be alterations to the right-of-way including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway

will not be responsible for complaints or claims arising from use of its facilities and/or operations.”

- “Purchasers and/or tenants are to be advised that the lot abuts a GO Transit parking lot of which noise and lighting may be of concern due to the nature of the parking lot operation.”
- “Purchasers and/or tenants are advised that the cul-de-sac at the west terminus of Eagle Rock Way may be reconstructed in the future to facilitate the on-street bus loop without further notice.”
- “Purchasers and/or tenants are advised that GO Transit is proposing a future structured parking lot expansion which noise and lighting may be of concern due to the nature of the parking lot operation.”

iv) Metrolinx

GO Transit requires that all development agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease or in the Articles of Incorporation of the Condominium Declaration of each dwelling unit within 300 m of the railway right-of-way contain the following clauses:

- “Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest are the Owners of lands within 300 m from the land which is the subject hereof. In addition to the current use of the lands owned by Metrolinx, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the Metrolinx lands or Metrolinx and their respective assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under its lands.”
- “The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwellings in favour of Metrolinx.”

3. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Site Development File DA.17.086 (York Major Holdings Inc.) be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 312 residential units (690 persons equivalent).”

4. THAT the Owner be permitted to apply for a Zoning By-law Amendment and/or a Minor Variance application to the City, if required, before the second anniversary of the day on which the implementing Minor Variance through the Committee of Adjustment for the Phase 3 Subject Lands comes into effect.

Background

The 0.65 ha Subject Lands (the “Subject Lands”) are located on the north side of Eagle Rock Way, west of McNaughton Road East, and are municipally known as 100 and 110 Eagle Rock Way. The surrounding land uses are shown on Attachment #2.

Zoning By-law Amendment and Site Development Applications have been submitted to permit the Development

The Owner has submitted the following applications (the “Applications”) to permit the development of a 10 to 12-storey mixed-use apartment building:

1. Zoning By-law Amendment File Z.17.022 to remove the Holding Symbol “(H)” from Phase 2 of the Subject Lands, thereby zoning this portion of the Subject Lands “RA3 Residential Apartment Zone”, subject to site-specific Exception 9(1407);
2. Site Development File DA.17.086 to permit a 10 to 12-storey mixed-use apartment building (the “Development”) with 312 units, including 5 grade related townhouse units, 692 m² of retail and office space and 3 levels of underground parking representing Phase 2 of the overall development known as “Indigo”, as shown on Attachments #3 to #6. The Owner is also requesting Site Plan approval to permit an underground garage for the future Phase 3 of the Indigo development, as shown on Attachments #3 to #7.

The Development represents Phase 2 and a portion of Phase 3 of an overall development concept (“Indigo”) for the Maple GO Station Secondary Plan area. The Owner must submit a Site Development application for Phase 3, however, is requesting approval to construct the underground garage for Phase 3 through the subject Site Development application. Three levels of the underground garage will be continuous between Phase 2 and Phase 3.

Vaughan Council on February 21, 2017, approved Phase 1 (Site Development File DA.15.060, as shown on Attachment #8) located opposite the Subject Lands on the south side of Eagle Rock Way, municipally known as 99 and 11 Eagle Rock Way, which includes a 9 to 10-storey apartment building with 255 units, 8 grade-related townhouse

units and 636 m² of ground floor retail and office space. This development is currently under construction.

Previous Reports/Authority

[York Major Holdings Site Development File for Phase 1](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Development Planning Department has reviewed the Development shown on Attachments #3 to #7 in consideration of the following policies:

The Development is consistent with the Provincial Policy Statement (PPS), 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2014* (the "PPS"). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Development in consideration of the policies of the PPS and is of the opinion that the Development is consistent with the following policies:

- a) Section 1.1.1 - to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space uses;
- b) Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land;
- c) Section 1.4.3 - directing new housing to locations with appropriate levels of infrastructure and public service facilities, and;
- d) Section 4.7 - the official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans.

The Development shown on Attachments #3 to #7 provides for a mixed-use apartment building within a settlement area that would add to the range and mix of housing types in the community, efficiently utilizes the Subject Lands, and the proposed land uses (i.e. residential and retail and office units) conforms with the "Mid-Rise Mixed-Use" land use designation of VOP 2010. The Development is also located in proximity to the Maple Go Station. The Development includes public pedestrian connections to Eagle Rock Way. The Development also conforms to VOP 2010 as discussed in this report. On this basis, the Development is consistent with the PPS.

The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Provincial *Growth Plan for the Greater Golden Horseshoe Growth Plan* (the “Growth Plan”) is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Vaughan Council’s planning decisions are required by the Planning Act to conform, or not conflict with, the Growth Plan.

The Development is consistent with the policy framework of the Growth Plan as it optimizes the use of existing land, makes efficient use of existing infrastructure, and provides housing at densities that are supportive of the Growth Plan objectives, specifically:

- a) Section 2.2.1 - directing growth to settlement areas with municipal water and wastewater systems, public service facilities, and public transit to support the achievement of complete communities;
- b) Section 2.2.2 - contributing to meeting 40% of residential development within a delineated built-up area by 2031; and
- c) Section 2.2.6 - providing a diverse mix of housing densities to meet the needs of current and future residents.

The Development shown on Attachments #3 to #6 directs growth to a built-up area where there is existing vacant land, and provides for residential units within a settlement area that contributes to meeting the prescribed 40% of residential development within a delineated built-up area. The Development supports the achievement of a complete community as the Subject Lands are located within the Maple Go Station Secondary Plan (“MGSSP”), which consists of a diverse mix of land uses, planned built forms, and retail and office uses. The Development is also in proximity to existing retail and office uses and the Maple Go Station. Accordingly, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 (the “YROP”) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” on Map 1, “Regional Structure” of the YROP. Section 5.0 of the YROP states that “intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region.”

Section 3.5.4 of the YROP 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.” The YROP also encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes.

The Development is located within an Urban Area, and will contribute to planned growth within the Region. The Development will also diversify housing options by providing future condominium tenure apartments and retail and office units in the community. The Development conforms to the YROP.

The Development conforms to the Oak Ridges Moraine Conservation Plan (“ORMCP”)

The Subject Lands are located on the Oak Ridges Moraine and are subject to the provisions of the Oak Ridges Moraine Conservation Plan (“ORMCP”). The Subject Lands are located within the “Settlement Area” designation of the ORMCP which permits the Development and shall promote the efficient use of land with transit-supportive densities through intensification and redevelopment within existing urban areas. Urban uses and development as set out in municipal official plans are permitted within the Settlement Area. There are no Key Natural Heritage Features or Key Hydrological Features located on or directly adjacent to the Subject Lands. The proposed apartment building use is permitted and conforms to VOP 2010. Therefore, the Development conforms to the ORMCP.

The Development conforms to Vaughan Official Plan 2010

The Subject Lands are designated “Mid-Rise Mixed-Use” by Vaughan Official Plan 2010 (“VOP 2010”), specifically Volume 2, Section 11.6 Maple Go Station Secondary Plan (“MGSSP”).

The MGSSP permits a maximum building height of 12-storeys on the Subject Lands, and an overall total maximum gross floor area (“GFA”) of 122,398.5 m² dedicated to residential uses and 2,601.5 m² GFA dedicated to retail and office uses within the MGSSP area. The Development (Phase 2) consists of 25,802.6 m² of residential GFA and 692 m² of retail/office GFA. When combined with other development in the MGSSP area, the total residential and retail/office GFA is 92,094.59 m² and GFA of 1300 m² respectively. The Development conforms to VOP 2010. The MGSSP includes Urban Design and Built Form policies that address the following:

- i) built-form defining street edges within grade related retail and office uses;
- ii) a minimum 3 m setback from a public street to provide opportunities for outdoor cafes and patios;
- iii) wide boulevards with layby parking to define and reinforce a main street character to contribute to a safer and vibrant pedestrian, cycling, and transit-supportive environment;
- iv) prominent north-south mid-block pedestrian passageways;
- v) facades shall be articulated with vertical recesses and architectural treatments; and,
- vi) parking, loading and unloading activity, servicing, mechanical equipment shall be designed in a manner that should have minimal physical impact on public sidewalks. Parking ramps should occur within the building.

The Development conforms to these Urban Design and Built Form policies as follows:

- i) the building is sited on the lot in a manner that defines the street edges (Salterton Circle and Eagle Rock Way) and includes setbacks to accommodate future cafes and amenity spaces to support the mid-rise building and the 692 m² of retail and office GFA;
- ii) 11 parallel layby parking spaces are proposed along Eagle Rock Way and 9 spaces are proposed along Salterton Circle as red-lined on Attachments #3 and #4;
- iv) a 12.18 m wide mid-block public pedestrian linkage is proposed (at grade level) through the building to facilitate north/south pedestrian movements;
- v) the building facades are articulated with vertical recesses and building materials that contribute to the articulation of the building; and,
- vi) all vehicle ramps and loading areas are enclosed and form part of the building.

A Zoning By-law Amendment is required to remove the Holding Symbol “(H)” and exceptions to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “RA3(H) Apartment Residential Zone” with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to site-specific Exception 9(1407). The conditions in the Zoning By-law to remove the Holding Symbol “(H)” from the Subject Lands include the approval of a Site Development application by Vaughan Council and the allocation of water supply and sewage servicing capacity. The Development Engineering Department has advised that servicing capacity for the Development is available and an allocation resolution is included in the Recommendations of this report. Should Council concur with the Recommendations in this report the Development will receive site plan approval. Accordingly, the Holding Symbol “(H)” can be removed for Phase 2 only (Attachment #3), thereby zoning Phase 2 “RA3 Apartment Residential Zone”, subject to site-specific Exception 9(1407).

The Holding Symbol “(H)” will remain on Phase 3 (Attachment #3) until a future Site Development Application is submitted and approved by Council and the conditions to remove the Holding Symbol “(H)” are satisfied.

The proposed apartment building is a permitted use in the RA3 Zone however, the following site-specific exceptions to Zoning By-law 1-88 are required to implement the Development:

Table 1 (Phase 2)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements, Exception 9(1407)	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements, Exception 9(1407)
a.	Landscape Strip	3 m	To permit the following encroachments within the landscape strip: <ul style="list-style-type: none"> - Bicycle parking spaces - Emergency stairs - Air intake shaft - Electrical transformer
b.	Front Yard Setback (Eagle Rock Way)	3 m	1.8 m to an exterior stairway

Table 2 (Phase 3)

	Zoning By-law 1-88 Standard	RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” Requirements, Exception 9(1407)	Proposed Exceptions to the RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” Requirements, Exception 9(1407)
a.	Holding Symbol “(H)” (Parking Structure for Future Phase 3)	Holding Symbol “(H)” restricts permitted uses to those legally existing at the time of approval of the By-law (i.e. A parking structure for Phase 3 is not permitted until the Holding Symbol “(H)” is removed).	To permit the construction of an underground parking structure for the future Phase 3, notwithstanding the Subject Lands are zoned with the Holding Symbol “(H)”.
b.	Interior Side Yard Setback (Abutting GO Parking Lot)	3 m	0 m

	Zoning By-law 1-88 Standard	RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” Requirements, Exception 9(1407)	Proposed Exceptions to the RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” Requirements, Exception 9(1407)
c.	Landscape Strip (Eagle Rock Way)	3 m	1 m
d.	Front Yard Setback (Eagle Rock Way)	3 m	1 m

The Development Planning Department supports the above noted exceptions to Zoning By-law 1-88 for the following reasons:

a) Front Yard Setback & Landscape Strip

A minimum 3 m landscape strip surrounding the Phase 2 building is proposed however, encroachments within the landscape strip are required for the exterior staircase, air shaft, transformer and bicycle parking spaces, as shown on Attachment #3. These variances are minor in nature and will not have an impact on the surrounding development.

The exterior stairway is required to gain access to the mechanical room on the P1 Level (Phase 2). The variance is supported by the Development Planning Department as the Ontario Building Code requires the stair access, which is adjacent to the Fire Pump Room in the Underground P1.

There is sufficient public boulevard space between the property line and street to provide opportunities for pedestrian connectivity which will not be impacted by the reduced front yard setback and landscape strip. The portion of the exposed garage facing Eagle Rock Way that is subject to the has a maximum height of 3.38 m above the Eagle Rock Way grade minimizing the impact from the reduced setback.

b) Holding Symbol “(H)”

The Owner proposes to construct the apartment building including the underground parking structure for Phase 2 and the underground garage only for a proposed future (Phase 3) development on the lands to the immediate west

(Attachment #3) of Phase 2. The underground garage to serve Phases 2 and 3 will be continuous and connected between the proposed and future buildings. The Phase 3 lands are zoned RA3(H) Apartment Residential Zone with the Holding Symbol "(H)", as shown on Attachment #2, which would currently prevent the construction of the underground garage.

In order to permit the construction of the underground garage for Phase 3 with the Holding Symbol "(H)" in-effect on the Phase 3 lands, a variance to Zoning By-law 1-88 is required. The Owner must successfully obtain approval of a Minor Variance Application from the Committee of Adjustment and the Committee's Decision must be final and binding and the Owner must satisfy all conditions of the Committee.

The Development Planning Department can support the exception to Zoning By-law 1-88 for Phase 3 as the intent of the Holding Symbol "(H)" will still be maintained. The underground parking garage for Phase 3 does not require servicing allocation and future development atop the garage will be subject to planning approvals, as discussed in this report. Site plan approval for the underground garage is being received through the subject Site Development Application (File DA.17.086). A future Site Development Application for Phase 3 is required together with a Zoning By-law Amendment application to remove the Holding Symbol "(H)".

c) Interior Side Yard Setback

Directly west of the Subject Lands is the Maple GO Station parking lot. The grade of this parking lot is significantly lower than Eagle Rock Way, resulting in the existing retaining wall (Attachment #2). The future Phase 3 building will act as a continuation of the retaining wall. The Owner is proposing to remove a portion of the existing retaining wall and replace it with the wall of the underground parking garage in order to provide a more active elevation by providing a building with visual interest and an exit for residents of the Development.

The Owner has worked with Metrolinx to provide a direct pedestrian access between the building and Metrolinx parking lot as a convenience for those residents using transit.

In consideration of the above, the Development Planning Department is satisfied that the exceptions to Zoning By-law 1-88 identified in Tables 1 and 2 are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the Subject Lands.

Minor Variance Application A082/18 for Phase 2 is currently scheduled to be considered by the Committee of Adjustment on June 7, 2018. The Owner shall successfully obtain approval of Minor Variance Application A082/18 for the required exceptions to Zoning By-law 1-88, identified in Table 1 of this report. The Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the

Committee prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendation of this report. The Owner will be required to submit a Minor Variance application to permit the zoning exceptions identified in Table 2 for Phase 3, which must also be approved by the Committee of Adjustment.

The Vaughan Design Review Panel (“DRP”) supports the Development

The Design Review Panel (DRP) on March 30, 2017, considered the Development and provided the following comments:

Organization and massing:

- For the city to provide a safe pedestrian crossing along Eagle Rockway from Phase 1 to Phase 2;
- Consolidate the loading bays of the Phase 2 development with the future Phase 3 of the development to provide more relief in the north facade;
- Replace the perpendicular parking with layby parking to create a better face for the park; and
- Propose a sidewalk on the north side for ease of pedestrian access.

Architecture:

- Articulation of the loading wall to minimize the visual impact of the blank wall facing the townhouses;
- Articulation of the south-west corner’s blank wall due to its visibility from public realm;
- Designing the bridge between the two buildings as a focal point for the development and increasing the colour contrast between the proposed materials.

The Owner has responded to the DRP’s comments by incorporating layby parking and a sidewalk along Salterton Circle, articulating the bridge as the focal point of the development and increasing the colour contrast of the proposed materials. The Owner is in the process of finalizing the building elevations to the satisfaction of the City. The consolidation of the loading bays was considered however, it was not feasible due to logistics of physically moving the garage from one building to the other.

The Development Planning Department is satisfied that the Owner has addressed the comments of the DRP to the Development, subject to the Recommendations in this report.

The Development Planning Department supports the Development, subject to the comments and Recommendations in this report

Site Plan

The Development includes a 10 to 12-storey mixed-use residential apartment building with 312 residential units, including 5 grade-related townhouse units and 692 m² of ground related retail and office space, as shown on Attachments #3 to #7. The Development includes 478 parking spaces, 464 of which are located in three levels of underground parking and 14 at-grade parking spaces are allocated for the retail and

office uses on Salterton Circle. In addition, 9 layby parking spaces as red-lined on Attachments #3 and #4 are proposed on Salterton Circle and 11 on Eagle Rock Way.

Access to the parking garage will be from the west driveway along Salterton Circle. The east driveway is designed for loading and waste management purposes and for 14 at-grade parking spaces allocated for the retail and office uses.

Landscape Plan

The Development has frontage on Eagle Rock Way and Salterton Circle. The proposed landscape plan is shown on Attachment #4. The Eagle Rock Way streetscape includes landscaping with hardscape features to support the retail and office uses and pedestrian activity. The Salterton Circle frontage includes a soft and hard landscaping treatment and 14 at-grade parking spaces for the retail and office uses. Outdoor amenities include patio spaces, party room and exercise amenity area (Attachment #4).

Building Elevations

The proposed building elevations are shown on Attachments #5 and #6. The architecture utilizes a contemporary/modern design with brick and glass as the primary building materials. A flat roof is proposed with architectural block to accent and provide a visual contrast to the building. The rooftop mechanical units are set back and screened to minimize visibility from the public realm.

Phase 3

A future Site Development application will be submitted for Phase 3 however, through this Application, the Owner is seeking approval for the underground garage for Phase 3. Three levels of the underground garage will be continuous between Phases 2 and 3. The grading of the Subject Lands, which slopes downward from east to west, is such that the grade at the west limit of Phase 3 is one-storey lower than the finished grade of Phase 2. This results in the Parking Level 1 ("P1") for Phase 3 being above grade as shown on Attachment #6. In response to comments from the City of Vaughan Design Review Panel regarding the visible underground garage and the quality of the public realm along Eagle Rock Way, the Owner is proposing active uses along this frontage in the form of a commercial retail store, a public bike storage area (Attachment #7) and a landscaped "stramp" (stairs and ramp combination) that provides access to the entrance of Phase 3.

The Phase 3 underground garage consists of 127 spaces. The Owner proposes to construct the entire garage for Phases 2 and 3 at the same time due to the site and construction constraints related to developing the Phase 3 lands independently. The Phase 3 Development will not be constructed at this time. VOP 2010, Volume 2, Section 11.6, MGSSP permits a maximum building height of 6-storeys for Phase 3. The Owner acknowledges that any development beyond 6-storeys on the Phase 3 lands will be subject to an Official Plan and Zoning By-law Amendment Applications, considered through the development review process, including the public process requirements for the applications.

The Vaughan Development Planning Department is satisfied with the Development shown on Attachments #3 to #7, subject to the conditions in the Recommendations of this report.

Shadow Study

The Owner submitted a Shadow Study to identify the shadow impacts on the surrounding properties. The Vaughan Development Planning Department has reviewed the Shadow Study and is satisfied that the shadows cast by the proposed building allow for a minimum of 5 hours of sunlight on the adjacent properties to the north and therefore, meets the City requirements for assessing the shadow impact of higher buildings in urban areas.

A Draft Plan of Condominium application(s) is required to establish the condominium tenure for the Development

The Owner has indicated that Development will be managed by a Condominium Corporation, one will be created for Phase 2 and another for Phase 3. Should Vaughan Council approve the Applications, a Draft Plan of Condominium application will be required to create the condominium tenure for the Development.

The Subject Lands have been cleared of concerns for archaeological resources

The Urban Design and Cultural Heritage Division of the Development Planning Department has advised that the Subject Lands have been cleared of concern for archaeology resources, and require that the following clauses be included in the Site Plan Agreement, should the Applications be approved:

- i) “Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan’s Planning Department shall be notified immediately.”
- ii) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.”

A condition to this effect is included in the Recommendations of this report.

The Development must satisfy the City’s Waste Collection Design Standards

The City’s Waste Collection Design Standards Policy require that each building provide a waste storage room for garbage and recycling. The current plans indicate that a garbage room is only provided for the 12-storey building. The proposed 10-storey building will also require a waste storage room. The Department would accept a shared loading area between the two condominium towers for the purpose of waste collection,

however adequate space is required. A condition to this effect is included in the Recommendations of this report.

The Environmental Services Department, Solid Waste Management Division advise that upon a successfully completed application, site inspection and the execution and registration of an Agreement with the City, the future Condominium Corporation may be eligible for municipal waste collection services however, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

The Policy Planning and Environmental Sustainability (“PPES”) Department has no objections to the Development

The PPES Department is satisfied that the Owner will use Bird Friendly (Safe) treatments in the design of the building.

The Parks Development Department supports the Development, subject to the conditions in this report

The Owner is required to facilitate a pedestrian linkage from Salterton Circle to Eagle Rock Way, to permit its use by the City and the general public. The linkage shall be included in the Site Plan Agreement, Condominium Declaration, Articles of Incorporation and all Agreements of Purchase and Sale and/or Lease for the Subject Lands regarding the linkage, without disturbance in perpetuity. The maintenance and operations of the public pedestrian linkage shall be the responsibility of the Owner/future Condominium Corporation.

The Owner/future Condominium Corporation will be responsible for all required maintenance works and associated capital improvements for the public pedestrian linkage, which would include but is not limited to, the site furnishings, pedestrian lighting, hardscape and associated landscaping works. The Owner is to perform regular maintenance to ensure that the pedestrian path of travel is accessible and safe for public use to the satisfaction of the City. A condition to this effect is included in the Recommendations of the report.

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

The Development Engineering (“DE”) Department has no objection to the Applications, subject to the following conditions:

The Development Engineering Department has no objection to the Applications. The Development Engineering Department shall approve the final site servicing plan, site grading plan, erosion control plan, functional servicing and stormwater management report and drawings, geotechnical and hydrogeological assessment, dewatering plan, external lighting plan, the utility coordination plan, environmental noise report, shoring and tie-back design, construction schedule and phasing plan, construction logistics plan, Transportation Impact Study, Transportation Demand Management Plan,

Transportation Management Plan (Block Plan) and Pavement Markings and Signage Plan. A condition to this effect is included in the Recommendations of this report.

Planning & Studies Division

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City.

Accordingly, servicing capacity to Site Plan Development File DA.17.086 is available and unrestricted. Therefore, the following resolution to allocate capacity to the Development may be recommended for Council approval:

"THAT Site Plan Development File DA.17.086 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 312 residential units (690 persons equivalent)."

A resolution to allocate servicing capacity from the York Sewage Servicing / Water Supply System to the Development is recommended for Council approval, and is included in the Recommendations of this report.

The City has completed several wastewater system optimization studies that identify the need for inflow-infiltration remediation and / or sanitary sewer infrastructure upgrades necessary to accommodate redevelopment / intensification, conditions to this effect are included in the Recommendations of this report.

Transportation Planning Division

The Transportation Division of the Development Engineering Department has provided the following comments:

1. A public pedestrian linkage that is free and uninterrupted and unobstructed right in perpetuity is required for the north-south walkway at ground-level of the Subject Lands as it forms the pedestrian linkage connecting the two public parks north and south of Eagle Rock Way (Attachment #2) as described on a future R-Plan to be deposited. The R-Plan will be deposited for a legal description of the pedestrian linkage only. A condition to this effect is included in the Recommendations of this report.
2. The layby parking spaces proposed on the south side of Salterton Circle are not part of the Council approved Transportation Management and Sidewalk Plan ("TM & SP") for the Maple Go Station. Adequate justification shall be provided to support this proposal and if approved, the TM & SP must be updated to reflect the changes. Staff recommend the removal of the lay-by parking spaces on Troon Avenue and the two easterly lay-bys on Salterton Circle as red-lined on Attachments #3 and #4.

Cash-in-Lieu of the dedication of parkland is not required for the Development

The Office of the City Solicitor, Real Estate Department have confirmed that cash-in-lieu of the dedication of parkland is not required for the Development as it was paid for at the subdivision stage (File 19T-12V011).

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department have confirmed that the Owner is required to pay Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, the York Region District School Board and York Catholic District School Board.

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

The Subject Lands are located in a Source Water Protection vulnerable area referred to as Wellhead Protection Area-Q2 (WHPA-Q2). This area was delineated to help manage activities that may reduce recharge to an aquifer (Prescribed Threat No. 20 under the Clean Water Act, 2006) and recommends the implementation of best management practices, such as Low Impact Development, with the goal to maintain pre-development recharge. The TRCA provides technical advice to the City of Vaughan with respect to water balance analysis.

Having reviewed the requested site-specific water balance and mitigation proposal, TRCA staff have no objection to the approval of the Applications, provided the Owner agrees in the Site Plan Agreement to carry out, or caused to be carried out, the water balance mitigation strategy as described in the Water Balance Assessment Report, prepared by Stantec Consulting Ltd., dated December 9, 2016.

GO Transit – Metrolinx has no objection to the Development, subject to conditions

The Subject Lands are located within 300 m of GO Transit’s Barrie rail corridor and Maple GO Station. The Owner shall engage a qualified consultant to prepare a noise and vibration study, to be submitted for review to the satisfaction of Metrolinx. Metrolinx has provided a warning clause to be inserted in all development agreements, Offers of Purchase and agreements of Purchase and Sale or Lease, Articles of Incorporation and all Agreements of Purchase and Sale and/or Lease of each dwelling unit within 300 m of the railway right-of-way. The warning clause is included in the Recommendations of this report.

The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the Development in favour of Metrolinx.

In addition, Metrolinx shall approve, in principle, the location and design of the access entrance and intake/exhaust shaft adjacent to the Metrolinx parking lot. A condition to this effect is included in the Recommendations.

The School Boards have no objection to the Development

The York Region District School Board and York Region Catholic School Board have no comments or concerns with respect to the Applications, and require no conditions. The

Applications were circulated to the Conseil Scolaire de District Catholique Centre-Sud and no response has been provided. As such, Development Planning staff are satisfied they have no objection to the Development.

Canada Post has no objection to the Development

As the building(s) in this project consist of more than two adjoining units, sharing a common indoor entrance, the Owner must supply, install and maintain a centralized mailbox facility to Canada Post's specifications.

Utility Companies have no objection to the Development

Alectra Utilities Corporation (formerly PowerStream inc.), Enbridge Gas Distribution have no objections to the Applications.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Region of York has no objection to these applications, provided that the City provides allocation to the Development and that all the Region's conditions for Site Plan approval have been satisfied.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.17.044 and Site Development File DA.17.086, in consideration of the policies of the PPS, the Growth Plan, and the York Region and Vaughan Official Plan 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the area context. The proposed mixed-use development consisting of a 10 to 12-storey apartment building and ground floor retail and office uses is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region and City of Vaughan Official Plans and is compatible with the existing and planned uses in the surrounding area.

On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the Recommendations in this report.

For more information, please contact: Margaret Holyday, Planner, at extension 8216.

Attachments

1. Context Location Map
2. Location Map
3. Red-lined Site Plan
4. Red-lined Landscape Plan
5. Elevations (North and South)

6. Elevations (East and West)
7. Parking Level 1 for Phase 2 and Phase 3
8. Previously Approved Phase 1 Site Plan

Prepared by

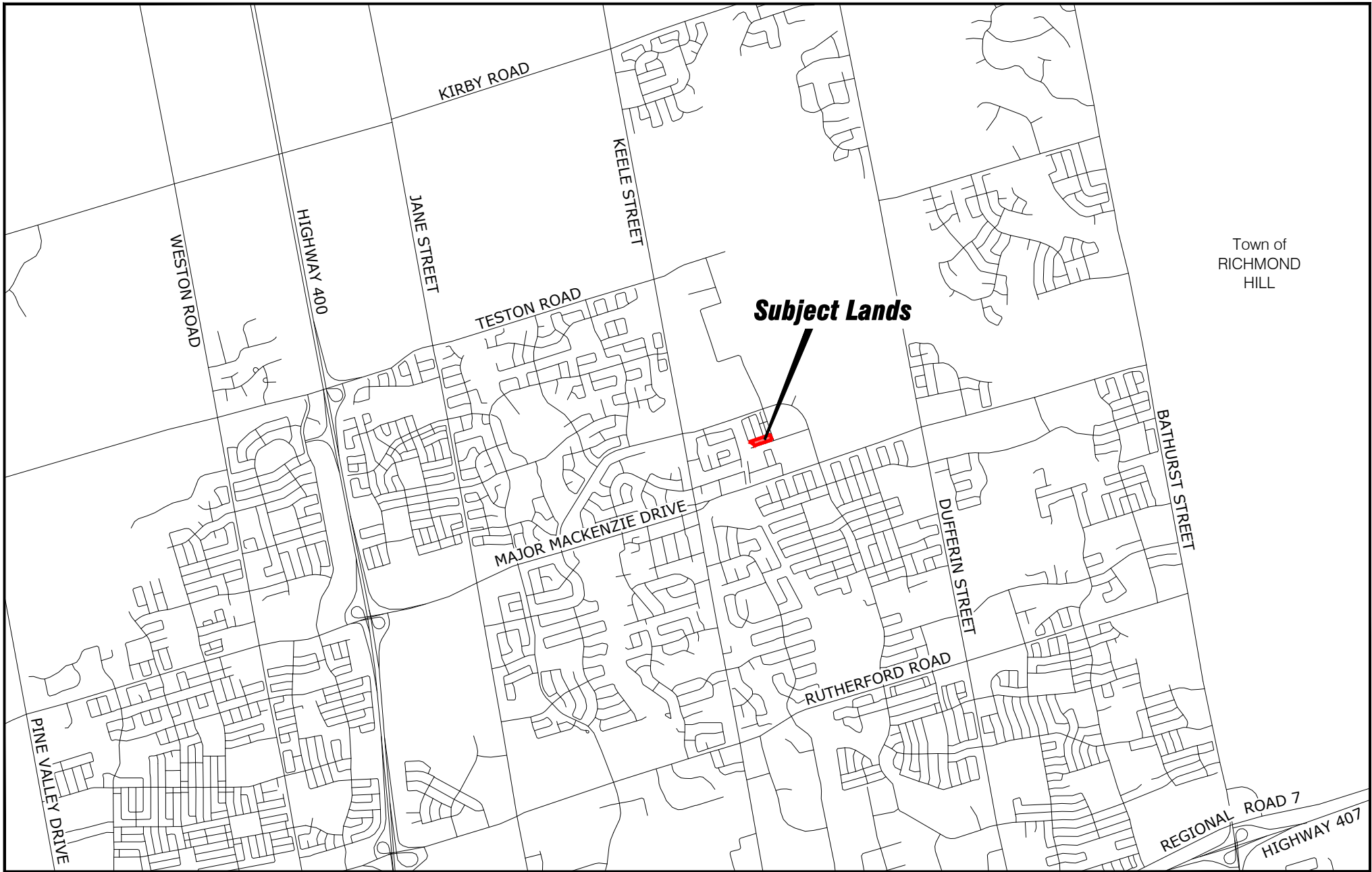
Margaret Holyday, Planner, ext. 8216

Christina Napoli, Senior Planner, ext. 8483

Carmela Marrelli, Interim Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

/LG



Context Location Map

Location: Part of Lot 22,
Concession 3

Applicant:
York Major Holdings Inc.

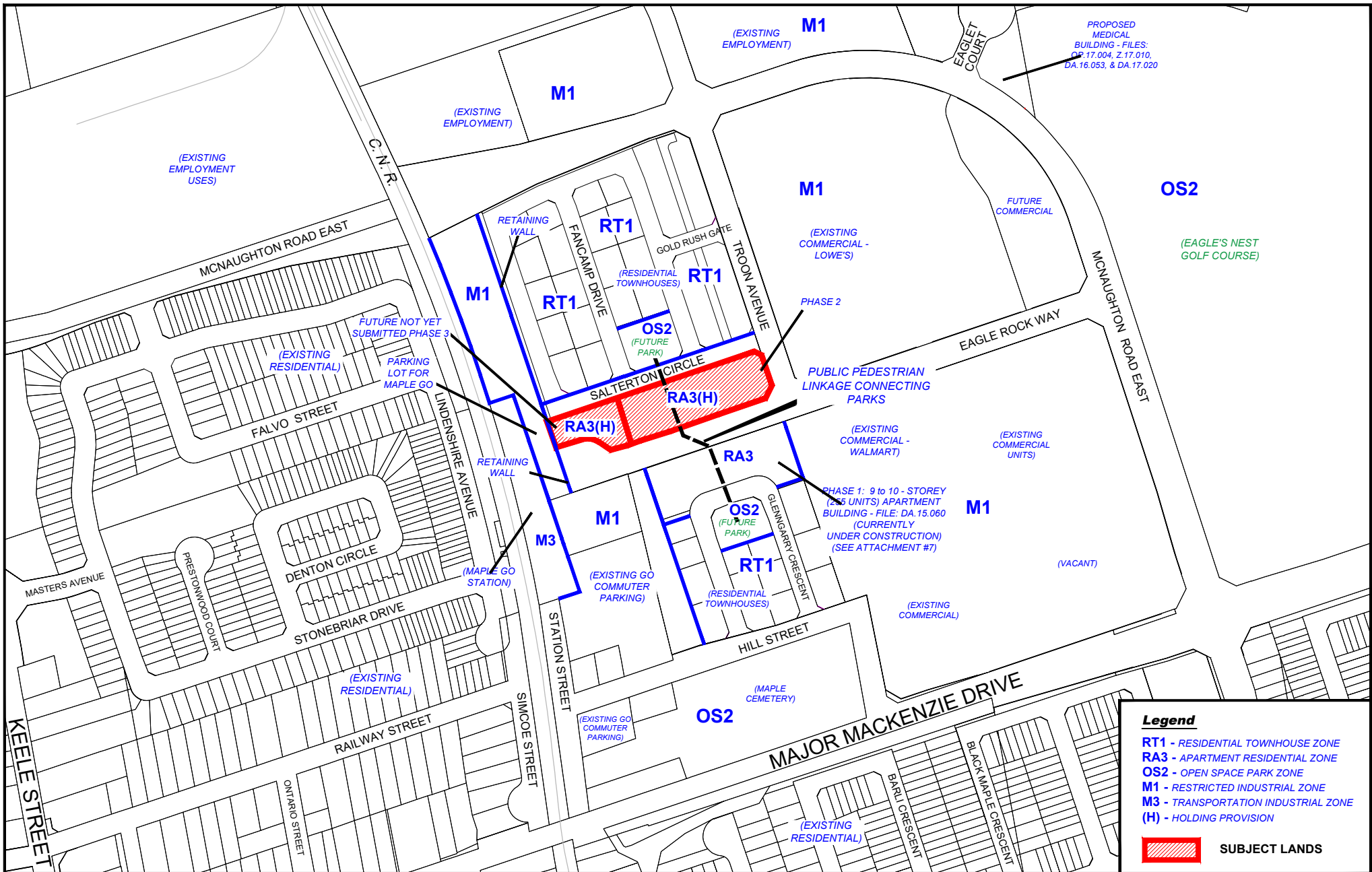


Attachment

File:
Z.17.044 & DA.17.086

Date:
June, 5, 2018

1



Location Map

Location: Part of Lot 22,
Concession 3

Applicant:
York Major Holdings Inc.



Attachment

File:
Z.17.044 & DA.17.086

Date:
June 5, 2018

2



Not to Scale

SUBJECT TO FILES Z.17.044 & DA.17.086

RED-LINED: LAYBY PARKING
REMOVED AS PER DEVELOPMENT
ENGINEERING DEPARTMENT

RED-LINED: LAYBY PARKING
REMOVED AS PER
DEVELOPMENT
ENGINEERING DEPARTMENT

PHASE 3
(FOR UNDERGROUND
PARKING)

PHASE 2

TRANSFORMER

SALTERTON CIRCLE

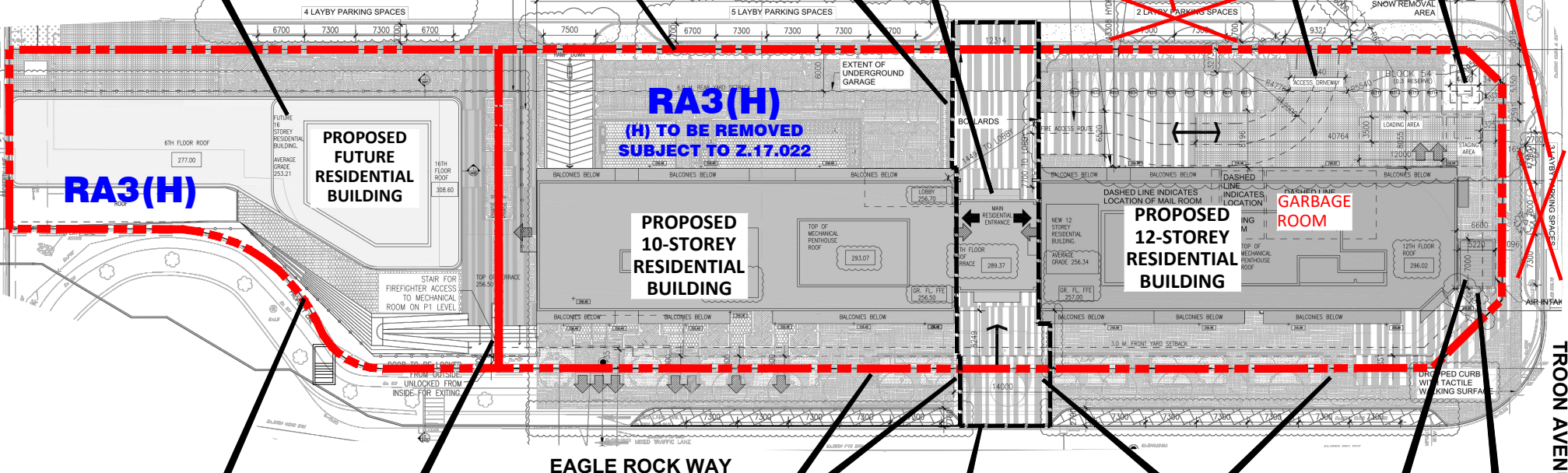
BICYCLE PARKING
SPACES

MAIN
ENTRANCE

SIAMESE
CONNECTION
AND TEST
CONNECTION
PROVIDE HEAVY DUTY
PAVING TO PROPERTY
LINE FOR REQUIRED
18M ACCESS TO
SIAMESE CONNECTION

PROVISIONS FOR
FIREFIGHTING SHALL
COMPLY WITH OBC
S.2.5
LANDSCAPING TO MAINTAIN
SIAMESE CONNECTION VISIBILITY
FROM STREET

DROPPED CURB
WITH TACTILE
WALKING SURFACE
6M X 6M CLEAR FOR
ELEC. TRANSFORMER
SNOW REMOVAL
AREA



RA3(H)

PROPOSED
FUTURE
RESIDENTIAL
BUILDING

RA3(H)
(H TO BE REMOVED
SUBJECT TO Z.17.022)

PROPOSED
10-STORY
RESIDENTIAL
BUILDING

PROPOSED
12-STORY
RESIDENTIAL
BUILDING

GARBAGE
ROOM

EXTERIOR STAIRCASE

EAGLE ROCK WAY

BICYCLE PARKING
SPACES

APPROXIMATE LIMIT
OF PUBLIC
PEDESTRIAN LINKAGE

BICYCLE PARKING
SPACES

AIR SHAFT

BICYCLE PARKING
SPACES

TRON AVENUE

SUBJECT TO FILE DA.17.086 FOR THE
UNDERGROUND PARKING, GROUND FLOOR
AND LANDSCAPE TREATMENT ABOVE ONLY

SUBJECT LANDS

NOTE: PHASE 1 UNDER CONSTRUCTION LOCATED ON THE
SOUTH SIDE OF EAGLE ROCK WAY, AS SHOWN ON
ATTACHMENTS #2 and #7

Red-Lined Site Plan

Location: Part of Lot 22,
Concession 3

Applicant:
York Major Holdings Inc.

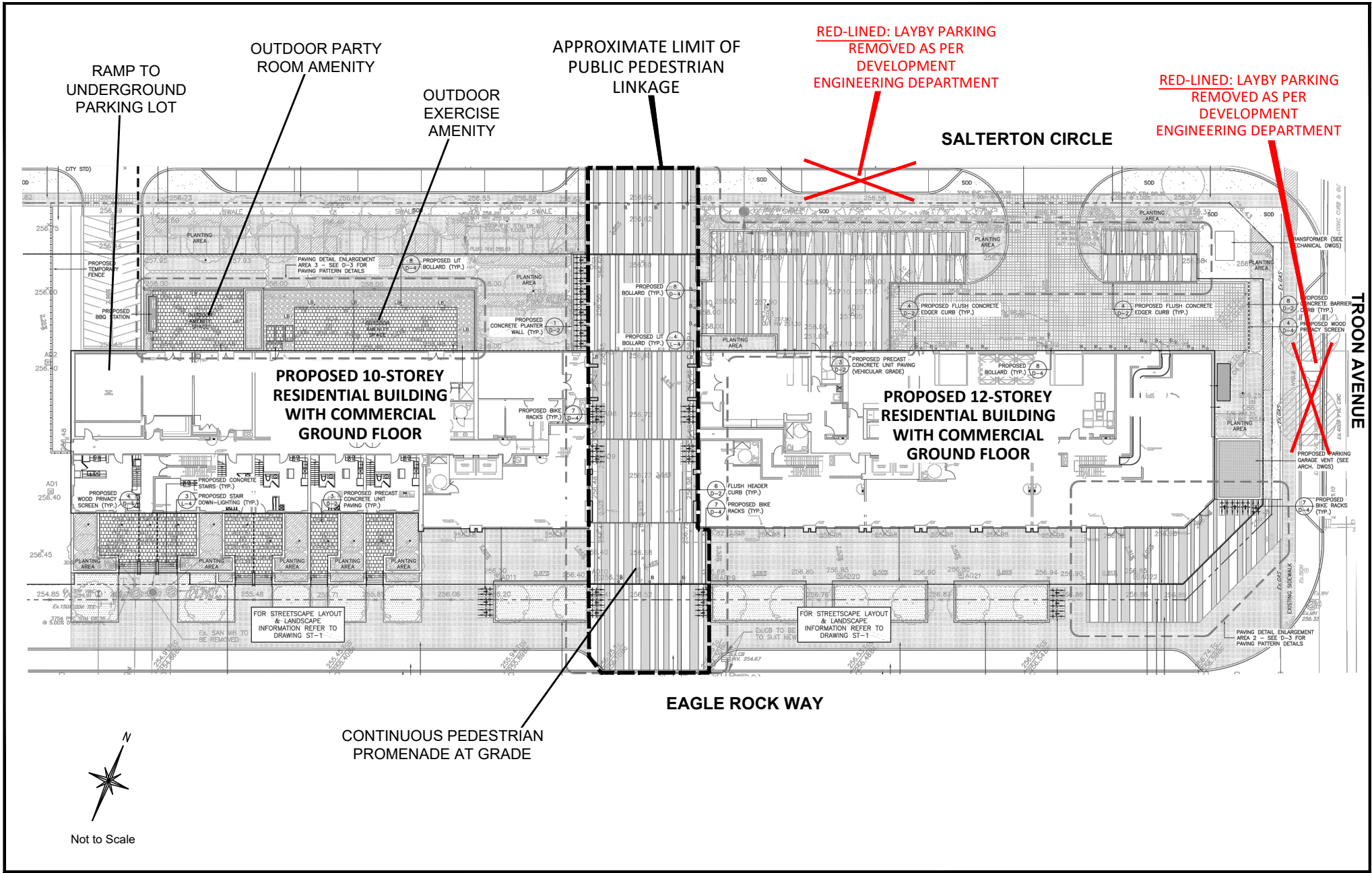


Attachment

File:
Z.17.044 & DA.17.086

Date:
June 5, 2018

3



Red-Lined Landscape Plan

Location: Part of Lot 22,
Concession 3

Applicant:
York Major Holdings Inc.



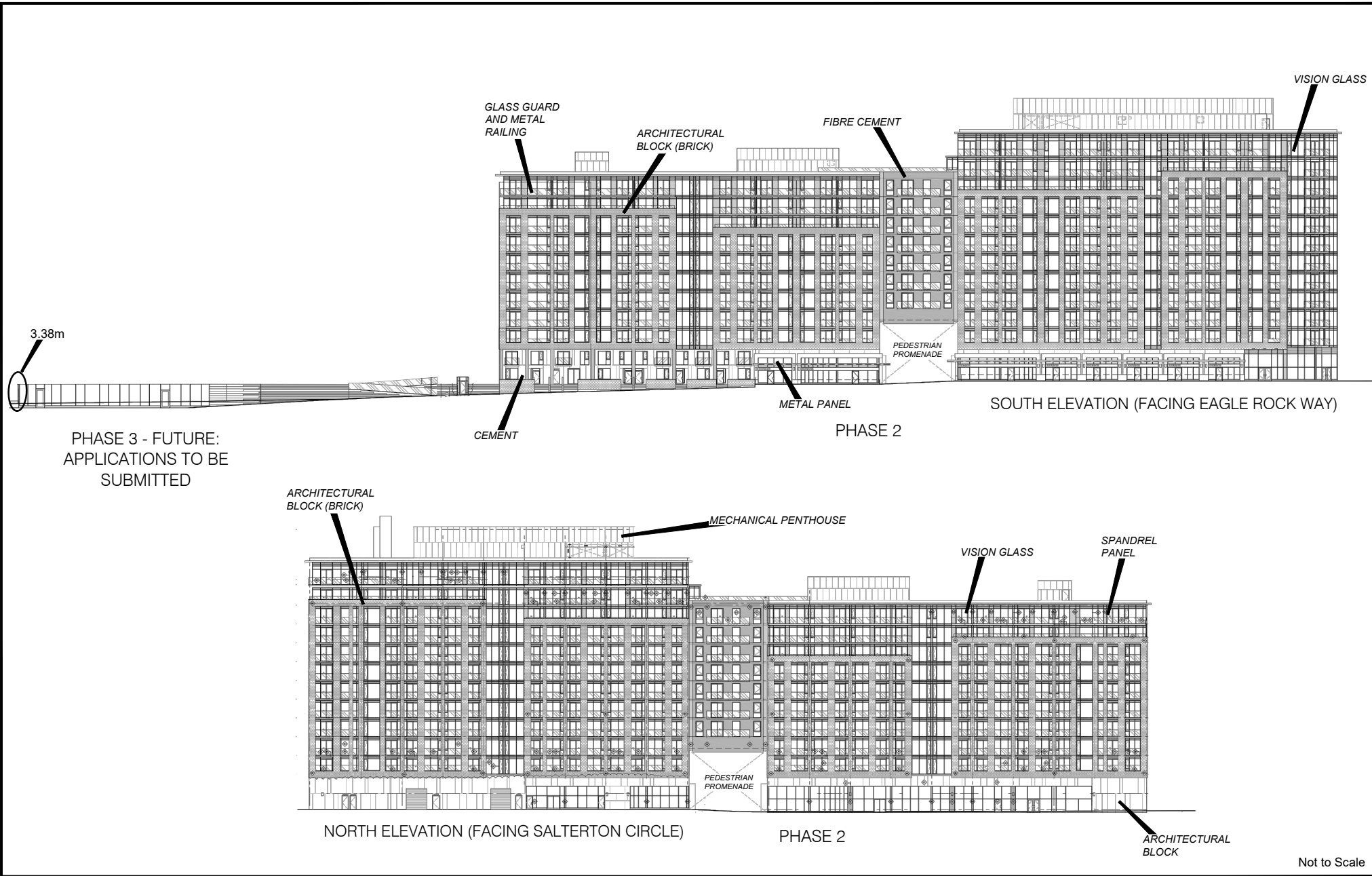
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File:
Z.17.044 & DA.17.086

Date:
June 5, 2018

4

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Elevations (North & South)

Location: Part of Lot 22,
Concession 3

Applicant:
York Major Holdings Inc.

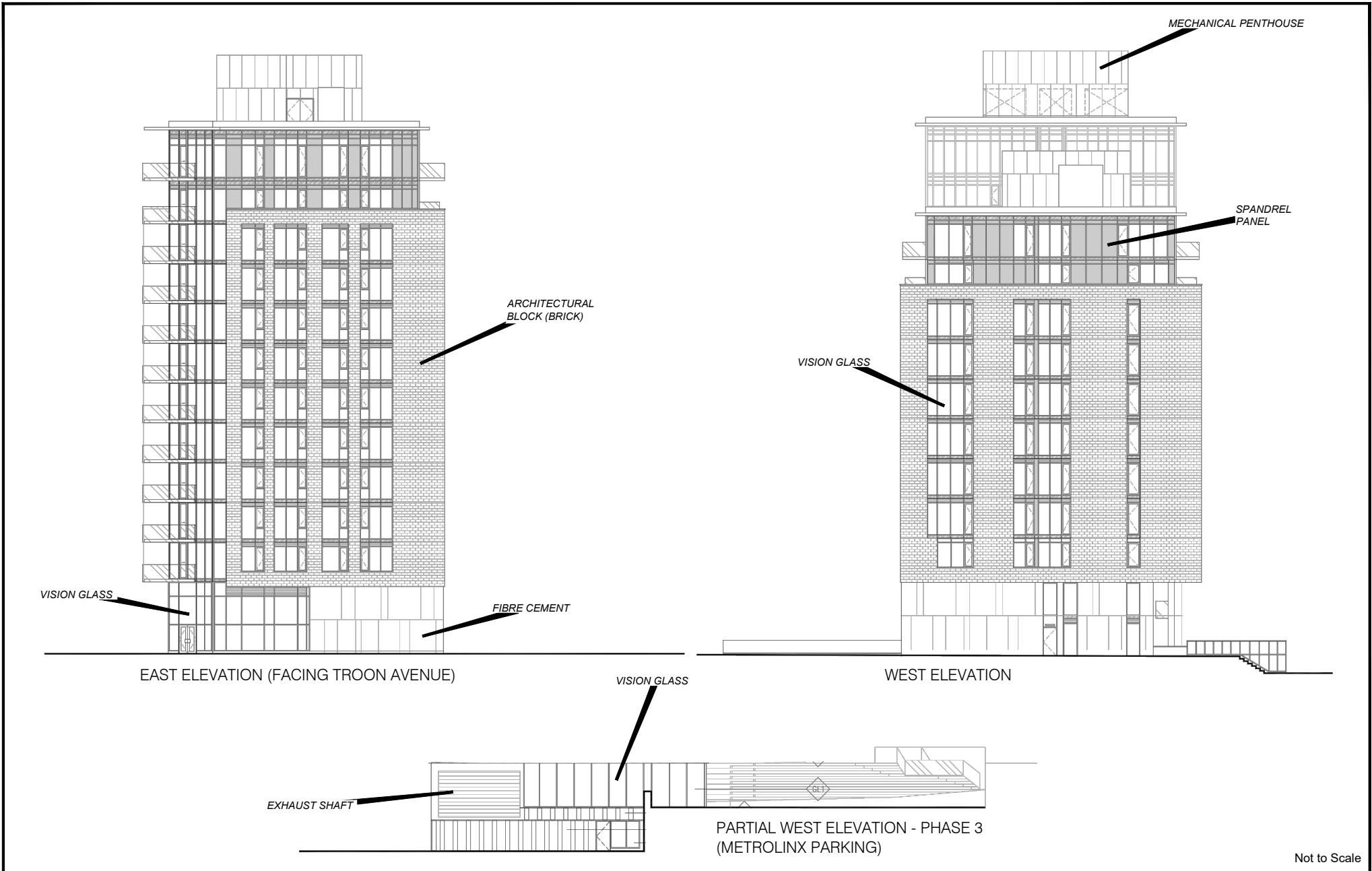


Attachment

File:
Z.17.044 & DA.17.086

Date:
June 5, 2018

5



Elevations (East & West)

Location: Part of Lot 22,
Concession 3

Applicant:
York Major Holdings Inc.



Attachment

File:
Z.17.044 & DA.17.086

Date:
June 5, 2018

6

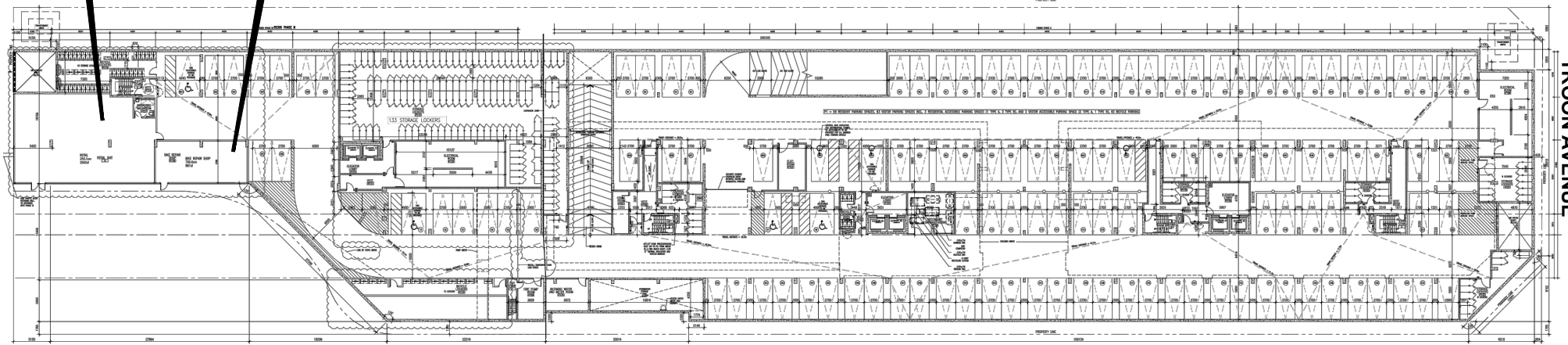


Not to Scale

RETAIL

BIKE REPAIR SHOP

SALTERTON CIRCLE



EAGLE ROCK WAY

PHASE 3

PHASE 2

TROON AVENUE

Not to Scale

Parking Level 1 for Phase 2 and Phase 3

Applicant:
York Major Holdings Inc.

Location: Part of Lot 22,
Concession 3



Attachment

File:
Z.17.044 & DA.17.086

Date:
June 5, 2018

7

