

## Committee of the Whole (Public Hearing) Report

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**DATE:** Monday, July 13, 2020

**WARD(S):** 5

**TITLE: MIZRAHI CONSTANTINE (180 SAW) INC., 742397 ONTARIO LIMITED AND 562443 ONTARIO LIMITED  
OFFICIAL PLAN AMENDMENT FILE OP.20.002  
ZONING BY-LAW AMENDMENT FILE Z.20.005  
180 STEELES AVENUE WEST  
VICINITY OF YONGE STREET AND STEELES AVENUE WEST**

**FROM:**

Nick Spensieri, Acting Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.20.002 and Z.20.005 for the subject lands shown on Attachment 1. The Owner seeks approval of the development shown on Attachments 2 to 7 consisting of the following:

- Buildings 1 and 3: 39 and 29-storey mixed-use apartment buildings with a 5-storey podium, 818 units, and 1,690 m<sup>2</sup> of ground floor retail area
- Buildings 2 and 4: 45 and 25-storey residential apartment buildings with a 5-storeypodium 867 units, and 1,583 m<sup>2</sup> of ground floor retail area
- Buildings 5 and 6: 2, 16-storey residential apartment buildings with attached Block Townhouses (Building 5, 216 apartment units and 7 townhouse units) (Building 6, 179 apartment units and 7 townhouse units)
- 5 levels of underground parking with a total of 1876 parking spaces
- A maximum density (Floor Space Index) of 6.46 times the area of the lot

## **Report Highlights**

- To receive input from the public and the Committee of the Whole for a mixed-use development comprised of 6 buildings having a total of 2080 residential units and ground floor retail uses all served by 5 levels of underground parking
- Official Plan and Zoning By-law Amendments and a Draft Plan of Subdivision are required to permit the Development
- A technical report prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting

## **Recommendations**

1. THAT the Public Hearing report for Official Plan Amendment and Zoning By-law Amendment Files OP.20.002 and Z.20.005 (Mizrahi Constantine (180 Saw) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

## **Background**

The subject lands (the 'Subject Lands') as shown on Attachment 1, are municipally known as 180 Steeles Avenue West and located on the north side of Steeles Avenue West, west of Yonge Street. The Subject Lands are currently developed with 2, single-storey commercial buildings.

### ***Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the Development***

Mizrahi Constantine (180 SAW) Inc. (the 'Owner') has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit the development shown on Attachments 2 to 7:

1. Official Plan Amendment File OP.20.002 to amend the in-effect Official Plan 210 ('Thornhill Vaughan Community Plan') to redesignate the Subject Lands from "General Commercial Area" and "Low Density Residential" to "Mixed Commercial/Residential Area" with a maximum Floor Space Index ('FSI') of 6.46 times the area of the lot and maximum building height of 45-stories.
2. Zoning By-law Amendment File Z.20.005 to amend Zoning By-law 1-88 to rezone the Subject Lands from "C4 Neighbourhood Commercial Zone" subject to site-specific Exception 9(442) to "RA3 Apartment Residential Zone" in the manner shown on Attachment 2, and to permit the site-specific zoning exceptions identified in Table 1 of this report.

### ***Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol and to an extended notification area***

- a) Date the Notice of Public Hearing was circulated: June 23, 2020.

The Notice of Public Hearing was also posted on the City's web-site at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: A minimum 150 m radius from the Subject Lands, to the Springfarm Ratepayers' Association, the City of Toronto, the City of Markham and to anyone on file with the Office of the City Clerk having requested notice.
- c) Comments Received:

The Development Planning Department received written comments from the following (as of June 29, 2020):

- B. Gerstein, Glenmanor Way, email dated June 26, 2020
- S. Clodman; email dated June 26, 2020
- SpringFarm Ratepayers' Association, meeting held on March 12, 2020

The following is a summary of the comments provided in the written correspondence received to date. Resident comments have been organized by theme as follows:

#### **Density and Height**

- the development is too dense and the buildings too high for the neighbourhood
- the proposed density and building heights are double those permitted in the Yonge-Steeles Corridor Secondary Plan (the 'YSCSP')

#### **Traffic/Transportation**

- the Yonge Street and Steeles Avenue area is congested with traffic
- the planned subway will not be constructed in time to alleviate traffic in area with the proposed density of the development
- the proposed developments in the area do not have an integrated road network which will cause further traffic issues
- the development does not include the required east/west road to the rear of the property as identified in the YSCSP

#### **Other**

- no coordination is provided between the proposed developments in the area
- no public uses, parks, community centres, public spaces for existing and new residents in area are proposed

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in

the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

### **Previous Reports/Authority**

Not applicable

### **Analysis and Options**

#### ***Amendments to in-effect Official Plan Amendment 210 (Thornhill Vaughan Community Plan) are required to permit the Development***

The Subject lands are designated “General Commercial Area” and “Low Density Residential” by in-effect Official Plan Amendment 210 (Thornhill Vaughan Community Plan). The “General Commercial Area” designation permits the existing commercial uses to continue, retail stores, restaurants, banks and business and professional offices. The “Low Density Residential” designation permits single detached units with a net density of 22 units per hectare. The Development of mixed-use residential apartment buildings, ranging in heights from 16 to 45-storeys with a density of 6.46 FSI does not conform to the “General Commercial Area” and “Low Density Residential” policies of OPA 210.

The Owner proposes to amend in-effect OPA 210 to redesignate the Subject Lands to “Mixed Commercial/Residential Area” to permit residential uses, business and professional offices, retail uses, and associated facilities with no prescribed maximum building height or density and developed in accordance with a comprehensive design scheme to ensure the compatibility of the retail and residential uses. Owner has submitted design plans and studies in support of the Applications to facilitate the Development shown on Attachments 2 to 7.

#### ***The Yonge Steeles Corridor Secondary Plan (Volume 2, Vaughan Official Plan 2010) has been appealed to the Local Planning Appeal Tribunal***

The subject lands are split designated. The front half of the Subject Lands along Steeles Avue West are designated “High-Rise Mixed-Use” and the rear portion “Mid-Rise Residential” by the Vaughan Official Plan 2010 (“VOP 2010”), Volume 2, Yonge Steeles Corridor Secondary Plan (“YSCSP”).

The “High-Rise Mixed-Use” designation permits residential, retail, community and office uses with a maximum FSI of 3.5 times the area of the lot and a maximum building height of 22-storeys. The High-Rise Mixed-Use policies require new development along Steeles Avenue West to be setback approximately 3 m, be designed with the highest quality and support existing and planning transit services located within approximately 600-700 metres.

The “Mid-Rise Residential” designation is intended to provide a transition from the higher densities and taller buildings along Steeles Avenue West and the existing Low-Rise Residential neighbourhood to the north. New development is expected to be in the

form of townhouses, stacked townhouses and low-rise buildings not exceeding five-storeys in height and a maximum FSI of 1.5 times the area of the lot.

The Development comprised of buildings ranging in height from 16 to 45-storeys, an FSI of 6.46 times the area of the lot does not conform to the building height and density policies of the YSCSP.

Vaughan Council on September 7, 2010, adopted the YSCSP. York Region Council on January 21, 2016, adopted the YSCSP with modifications. A number of landowners in the YSCSP have appealed the YSCSP to the Ontario Municipal Board ('OMB'), now the Local Planning Appeal Tribunal ('LPAT'). The Owner has obtained party status on the appeal of the YSCSP to the LPAT. The YSCSP is not yet in-effect for the Subject Lands.

**Amendments to Zoning By-law 1-88 are required to permit the Development**

The Subject Lands are zoned "C4 Neighbourhood Commercial Zone", subject to site-specific Exception 9(442) by Zoning By-law 1-88. This zoning does not permit the Development. The Owner proposes to amend Zoning By-law 1-88 to rezone the Subject Lands to "RA3 Residential Apartment Zone" together with the following site-specific zoning exceptions to permit the Development shown on Attachments 2 to 7:

Table 1:

	<b>Zoning By-law 1-88 Standards</b>	<b>RA3 Apartment Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone</b>
a.	Permitted Uses	<ul style="list-style-type: none"> <li>- Apartment Dwelling</li> <li>- Day Nursery</li> </ul>	<p>Permit the following additional uses within the Podiums of the Apartment Buildings 1 to 4:</p> <ul style="list-style-type: none"> <li>- Banking or Financial Institution</li> <li>- Club or Health Centre</li> <li>- Eating Establishment</li> <li>- Eating Establishment, Convenience &amp; Take-out</li> <li>- Personal Service Shop</li> <li>- Pharmacy</li> <li>- Retail Store</li> </ul> <p>Permit the additional use of townhouse dwellings in Buildings 5 and 6</p>
b.	Definition of a Lot	Lot - Means a parcel of land fronting on a street separate from any abutting land to the	Lot - Means the Subject Lands shall be deemed to be one lot, regardless of

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
		extent that a consent contemplated by Section 50 of the <i>Planning Act</i> , R.S.O. 1990, c. P. 13. would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot	the number of buildings and units, and the creation of any new lot by plans or subdivision, plan of condominium, part lot control, consent, and any easement or registrations that are given.
c.	Minimum Parking Requirements	<p style="text-align: center;"><u>Residential</u> 1.5 spaces/unit x 2080 units = 3,120 spaces</p> <p style="text-align: center;"><u>Visitor</u> 0.25 spaces/unit x 2080 units = 520 spaces</p> <p style="text-align: center;"><u>Commercial</u> 3,620 m<sup>2</sup> GFA @ 6 spaces/100 m<sup>2</sup> x = 218 spaces</p> <p style="text-align: center;">Total required parking = 3,858 spaces</p>	<p style="text-align: center;"><u>Residential</u> 0.75 spaces/unit x 2080 units = 1,560 spaces</p> <p style="text-align: center;"><u>Visitor</u> 0.15 spaces/unit x 2080 units = 312 spaces</p> <p style="text-align: center;"><u>Commercial</u> 2 spaces/100 m<sup>2</sup> x 3,620 m<sup>2</sup> = 73 spaces</p> <p style="text-align: center;">Total parking proposed = 2,465 spaces</p>
d.	Minimum Front Yard - Steeles Avenue West	7.5 m	5 m
e.	Minimum Interior Side	7.5 m or half the height, whichever is greater	0 m
f.	Minimum Setback from Front Lot Line to the Nearest Part of a Building Below Finished Grade (Underground Garage)	1.8 m	0 m (Steeles Avenue West)
g.	Minimum Amenity Area	<p style="text-align: center;">92 Bachelor Units x 15m<sup>2</sup>/unit = 1,380 m<sup>2</sup> 1,033 One Bedroom Units x 20 m<sup>2</sup>/unit = 20,660 m<sup>2</sup></p>	Total proposed amenity area of 8,468 m <sup>2</sup>

	Zoning By-law 1-88 Standards	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
		838 Two Bedroom Units x 55 m <sup>2</sup> /unit = 46,090 m <sup>2</sup> 117 Three Bedroom Unit x 90 m <sup>2</sup> /unit = 10,530 m <sup>2</sup> Total required amenity area = 78,660 m <sup>2</sup>	
h.	Maximum Building Height	44 m	Building 1 - 126.5 m (39-storeys) Building 2 - 144.5 m (45-storeys) Building 3 - 95.9 m (29-storeys) Building 4 - 83.6 m (25-storeys) Buildings 5 and 6 - 53.3 m (16-storeys)
i.	Minimum Lot Area Per Unit	67 m <sup>2</sup> /unit	10.8 m <sup>2</sup> /unit

Other zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report at a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Consistency and Conformity with Provincial Polices, and York Region Official Plan	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the statutory Provincial policies including the Provincial Policy Statement 2020 (the “PPS”), the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), and the policies of the York Region Official Plan (“YROP 2010”)</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
b.	City of Vaughan Official Plans	<ul style="list-style-type: none"> <li>▪ The appropriateness of redesignating the Subject Lands to “Mixed Commercial/Residential Area” will be reviewed in consideration of the policies of the in-effect OPA 210 and VOP 2010</li>   <li>▪ The Applications will be reviewed in consideration of the Council and York Region adopted YSCSP policies, including but not limited to, the following: <ul style="list-style-type: none"> <li>- the appropriateness of redesignating of the rear portion of the Subject Lands from “Mid-Rise Residential” to “High-Rise Mixed-Use Residential”</li> <li>- the appropriateness of increasing the maximum permitted FSI from 1.5 and 3.5 FSI to 6.46 times the area of the lot</li> <li>- the appropriateness of increasing the maximum permitted building height from 5 and 22-storeys to 45-storeys</li> <li>- the affordable housing policies of the Official Plan</li> <li>- the policy requirement to provide retail uses along Steeles Avenue West</li> <li>- constraints with the construction of and connections to the future Yonge subway extension and bus station that may affect the site design</li> <li>- coordinated development between all YSCSP landowners and proposed development applications</li> <li>- appropriateness of proposed private road “A”</li>   <li>- provision of and connection to the future extension of Royal Palm Drive at the rear of the Subject lands</li> <li>- requirement of a planned publicly accessible open space at the rear of the Subject lands</li> </ul> </li>   <li>▪ The Applications will be reviewed in consideration of the City’s Urban Structure established in VOP 2010</li> </ul>
c.		

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
	Appropriateness of Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposed rezoning of the Subject Lands and the site-specific amendments to Zoning By-law 1-88 required to permit the Development will be reviewed in consideration of the existing and planned surrounding land uses, and the City's new draft comprehensive zoning by-law</li> </ul>
d.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner has submitted the following studies and reports in support of the Applications: <ul style="list-style-type: none"> <li>- Planning Justification Report</li> <li>- Urban Design and Sustainability Brief</li> <li>- Community Services and Facilities Plan</li> <li>- Phase 1 Environmental Site Assessment</li> <li>- Pedestrian Wind Assessment</li> <li>- Sun/Shadow Study</li> <li>- Hydrogeological Investigation</li> <li>- Functional Servicing and Stormwater Management Report</li> <li>- Noise and Vibration Feasibility Study</li> <li>- Geotechnical Investigation</li> <li>- Transportation and Parking Study</li> <li>- Pedestrian &amp; Bicycle Circulation Plan</li> <li>- Tree Inventory and Preservation Plan and Study</li> </ul> </li> <li>▪ These reports are available on the city's website at <a href="https://maps.vaughan.ca/planit/">https://maps.vaughan.ca/planit/</a> (PLANit Viewer)</li> <li>▪ Additional studies and/or reports may be required as part of the Application review process</li> </ul>
e.	Design Review Panel	<ul style="list-style-type: none"> <li>▪ The Development will be reviewed by the City of Vaughan Design Review Panel ('DRP')</li> </ul>
f.	Public Agency/Municipal Review	<p>The Subject Lands are located within the review areas of Metrolinx, the Toronto Transit Commission ('TTC'), City of Toronto, City of Markham, York Region Rapid Transit Corporation and York Region. The Owner will be required to address the comments from the external public</p>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		agencies/municipalities, and the Public, Separate and French School Boards
g.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ In accordance with the City of Vaughan Sustainability Metrics Program the Development must achieve a Bronze Threshold Overall Application Score</li> <li>▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan review process, if the Applications are approved</li> </ul>
h.	Comprehensive Development	<ul style="list-style-type: none"> <li>▪ The YSCSP encourages comprehensive assembly within the development blocks of the Secondary Plan. Development shall proceed in an orderly manner including required infrastructure, parks and streets</li> <li>▪ It is encouraged that landowners within the YSCSP propose development on a comprehensive basis including a phasing strategy that provides for the equitable sharing of the costs of public infrastructure among benefitting landowners</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
i.	Yonge Subway Extension Metrolinx/Toronto Transit Commission	<ul style="list-style-type: none"> <li>▪ The planned Yonge Subway Extension (“YSE”) is a cross-jurisdictional project from the City of Toronto into the City of Markham, City of Vaughan and City of Richmond Hill. The YSE includes a subway station located at Yonge Street and Steeles Avenue West</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<ul style="list-style-type: none"> <li>▪ The development will be reviewed in consideration of any land requirements from Metrolinx and/or the Toronto Transit Commission including but not limited to land required during construction and ultimate design for right-of-way, subway connections and bus platform for Steeles Avenue West Bus Route</li> </ul>
j.	Proposed Private Road Network and Road Widening	<ul style="list-style-type: none"> <li>▪ The Development is bisected by a proposed private road network as shown on Attachment 1, with an interim cul-de-sac to the rear of private road "A".</li> <li>▪ The YSCSP establishes a road network for the Secondary Plan area and identifies the eastward extension of Royal Palm Drive at the rear of the Subject Lands</li> <li>▪ The proposed road network and interim cul-de-sac will be reviewed by the Development Engineering Department in consideration of the YSCSP policies</li> <li>▪ The Development fronts onto the Steeles Avenue West. This right-of-way, including the north boulevard, belongs to the City of Toronto and is under their jurisdiction. Required road widenings, encroachment permits, or agreements shall be determined by the City of Toronto</li> </ul>
k.	Parks and Publicly Accessible Open Space	<ul style="list-style-type: none"> <li>▪ The YSCSP delineates Parks and Publicly Accessible Open Space throughout the Secondary Plan area. The YSCSP identifies a Publicly Accessible Open Space to be located on the northerly portion of the Subject Lands abutting the planned Royal Palm Drive eastward extension</li> <li>▪ The requirements and details of the Publicly Accessible Open Space will be reviewed by the Parks Planning Department</li> </ul>
l.	Site Development and Draft Plan of	<ul style="list-style-type: none"> <li>▪ Site Development and Draft Plan of Condominium Application(s) will be required, if the Applications</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
	Condominium Application(s)	are approved, to permit the Development and to establish the ownership tenure(s) of the Development
m.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ The Owner shall convey land at the rate of 1 ha per 300 / units and/or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City's Cash-in-Lieu policies, if the Applications are approved</li> </ul>
n.	Bonusing (Section 37 of the Planning Act)	<ul style="list-style-type: none"> <li>▪ The Applications will be subject to and reviewed in consideration of the City's bonusing for increases in building height and density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits</li> </ul>

### **Financial Impact**

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

### **Broader Regional Impacts/Considerations**

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any Regional issues will be addressed when the technical report is considered. At the time of the preparation of this report the Owner had not requested exemption from York Region approval of Official Plan Amendment File OP.20.002.

### **Conclusion**

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

**For more information**, please contact: Mary Caputo, Senior Planner, Development Planning Department, ext. 8635

## **Attachments**

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Conceptual Landscape Plan
4. South Elevations
5. East Elevations
6. West Elevations
7. North Elevations

## **Prepared by**

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