

## Committee of the Whole (Public Hearing) Report

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**DATE:** Tuesday, September 22, 2020

**WARD(S):** 5

**TITLE: AGAU DEVELOPMENTS LIMITED  
OFFICIAL PLAN AMENDMENT OP.20.006  
ZONING BY-LAW AMENDMENT Z.20.014  
10 AND 30 DISERA DRIVE AND 750, 760 AND 770 CENTRE  
STREET, NORTHWEST OF CENTRE STREET AND DISERA  
DRIVE**

**FROM:**

Nick Spensieri, Deputy City Manager, Infrastructure Development

**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.20.006 and Z.20.014 for the subject lands shown on Attachment 1. The Owner is seeking approval of a development for 27 and 29-storey apartment buildings connected by a 3-storey podium, with 630 residential units and ground floor retail uses, a Floor Space Index of 8.0 times the area of the lot and 510 on-site parking spaces, as shown on Attachments 2 to 4.

**Report Highlights**

To receive input from the public and the Committee of the Whole for a proposed development for 27 and 29-storey apartment buildings connected by a 3-storey podium and including 630 residential units and retail uses  
Official Plan and Zoning By-law Amendments are required to permit the proposed development  
A Site Development Application has been submitted in support of the

## **Recommendations**

1. THAT the Public Hearing report for Official Plan Amendment and Zoning By-law Amendment Files OP.20.006 and Z.20.014 (AGAU Developments Limited) 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') are municipally known as 10 and 30 Disera Drive, 750, 760 and 770 Centre Street as shown on Attachment 1. The proposed development is located at the northwest corner of the Subject Lands, on the property municipally known as 770 Centre Street. The balance of the Subject Lands is currently developed with existing multi-unit commercial buildings and surface parking areas proposed to remain and are currently under the same ownership. The surrounding land uses are shown on Attachment 1.

### ***Official Plan and Zoning By-law Amendment and Site Development applications have been submitted to permit the development***

AGAU Developments Limited (the 'Owner') has submitted the following applications (the 'Applications') for the Subject Lands Shown on Attachment 1 to permit a proposed development including 27 and 29-storey apartment buildings connected by a 3-storey podium along Street A (Gatineau Drive extension), with a total of 630 residential units and ground floor retail uses, a Floor Space Index of 8.0 times the area of the lot (the 'Development') as shown on Attachments 2 to 4. A total of 536 parking spaces are proposed, including 510 spaces located on-site and distributed as follows: 139 spaces within the underground parking garage; 371 spaces within the ground floor mezzanine and the 2<sup>nd</sup> and 3<sup>rd</sup> levels of the podium; and 26 shared off-site spaces located on at 10 and 30 Disera Drive owned by the Owner.

1. Official Plan Amendment File OP.20.006 to amend VOP 2010, Volume 2, Area Specific Policy Section 12.11, the Bathurst and Centre Street; Thornhill Town Centre Secondary Plan ('BCTCSP') to redesignate the Subject Lands from "Mid-Rise Mixed Use" and "High-Rise Mixed Use" to "High-Rise Mixed Use", to increase the maximum permitted building height from 14-storeys to 29-storeys and increase the Floor Space Index (FSI) from 2.0 times the lot area to 8.0 times the area of the lot.
2. Zoning By-law Amendment File Z.20.014 to amend Zoning By-law 1-88 to rezone the Subject Lands from "CMU1 Mixed Use 1 Town Centre" and "CMU2 Mixed Use 2 Town Centre" subject to site-specific Exception 9(1225) to "CMU2 Mixed Use 2 Town Centre" in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. Site Development File DA.20.019 to permit the proposed Development shown on Attachments 2 to 4.

***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: August 28, 2020

The Notice of Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and Notice Signs were 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 plus the extended polling area as shown on Attachment 5, to the Beverly Glen and Brownridge Ratepayers' Associations, and to anyone on file with the Office of the City Clerk having requested notice
- c) Comments Received to Date: To date the City has received an email from a resident living at 60 Disera Drive, the condominium building to the north of the Subject Lands expressing concern with the size of the building and its proximity to his building.

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 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 the in-effect Bathurst and Centre Street Secondary Plan (Volume 2, Vaughan Official Plan 2010) are required to permit the Development***

The Subject Lands are designated "Mid-Rise Mixed-Use" and "High-Rise Mixed-Use" by VOP 2010, Volume 2, Area Specific Policy Section 12.11, the Bathurst and Centre Street; Thornhill Town Centre Secondary Plan ('BCTCSP'), which was approved by the Local Planning Appeal Tribunal ('LPAT') on April 28, 2020. The land use permits residential, retail, commercial, and mixed-use buildings with building heights ranging from 2 to 14-storeys and a maximum FSI of 2.0 times the area of the lot.

The proposed Development comprised of a 27 and 29-storey apartment buildings connected by a 3-storey podium along Street A (Gatineau Drive extension), with 630 residential units, ground floor retail uses, and an FSI of 8.0 times the area of the lot, does not conform to the land use policies of the BCTCSP and therefore, an amendment to the Official Plan is required.

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

The Subject Lands are Zoned “CMU1 Mixed Use 1 Town Centre” and “CMU2 Mixed Use 2 Town Centre”, subject to site-specific Exception 9(1225) by Zoning By-law 1-88. The current zoning does not permit the proposed Development. Amendments to Zoning By-law 1-88 are required to rezone the Subject Lands to “CMU2 Mixed Use 2 Town Centre” in the manner shown on Attachment 2, together with the following site-specific zoning exceptions identified in Table 1 to permit the Development shown on Attachments 2 to 4:

Table 1

	<b>Zoning By-law 1-88 Standards</b>	<b>CMU2 Town Centre Zone Requirements</b>	<b>Proposed Exceptions to the CMU2 Town Centre Zone</b>
a.	Maximum Building Height and Floor Space Index (FSI)	Maximum Building Height of 14-storeys (44m) and an FSI of 2.0 times the lot area	Maximum Building Height of 27-storeys (90m) for the west tower and 29-storeys (96 m) for the east tower excluding the mechanical penthouse. The maximum FSI shall be 8.0 times the lot area
b.	Definitions	Lot - Means a parcel of land fronting on a street separate from any abutting land to the 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	Lot - Means the Subject Lands shall be deemed to be one lot, regardless of the number of buildings and units, and the creation of any new lot and or units by way of plans of subdivision, or of condominium, part lot control, consent, and conveyance of private or public roads, strata title arrangements or other permissions, and any easements or registrations granted
c.	Minimum Parking Space Size	2.7 m x 6 m	2.7 m x 5.6 m
d.	Minimum Parking Requirements	Residential - 630 units @ 1.5 spaces/unit = 945 spaces	Residential - 630 units @ 0.75 spaces/unit = 473 spaces

		<p>Visitor - 630 units @ 0.25 spaces/unit = 158 spaces</p> <p>Retail - 861.3 m<sup>2</sup> @ 4 spaces/100 m<sup>2</sup> = 35 spaces</p> <p>Total Parking Required = 1138 spaces</p>	<p>Visitor - 630 units @ .072 spaces/unit = 46 spaces</p> <p>Retail - 861.3 m<sup>2</sup> @ 2 spaces/100 m<sup>2</sup> = 17 spaces</p> <p>Total Parking proposed = 536 spaces (510 spaces located on-site below ground and above ground within the podium and 26 spaces off site)</p>
	Parking Shall be Located on the Lot	Parking to serve the development shall be located on the lot	Permit 26 shared visitor and retail parking spaces to be located off-site on lands owned by the Owner (10 and 30 Disera Drive). The final location shall be identified in the implementing Zoning By-law
e.	Minimum Number of Accessible Parking Spaces	11 Type A and 12 Type B spaces for the residential use and 1 Type A and 1 Type B space for the retail use each having a minimum length of 6 m	11 Type A and 5 Type B for the Development and with a minimum length of 5.6m
f.	Minimum Amenity Area	<p>388, 1 Bedroom units @ 20m<sup>2</sup> / unit = 7760m<sup>2</sup></p> <p>221, 2 Bedroom units @ 55m<sup>2</sup> / unit = 12,155m<sup>2</sup></p> <p>21, 3 Bedroom units @90m<sup>2</sup> = 270 m<sup>2</sup></p> <p>Total Amenity Area Required = 20,185m<sup>2</sup></p>	630 units @ 3.445 m <sup>2</sup> = 2171m <sup>2</sup>
g.	Minimum Front Yard Setback (Gatineau Drive)	<p>6 m (Residential)</p> <p>1 m (Retail)</p>	<p>1 m (Residential)</p> <p>0 m (Retail)</p>
h.	Minimum Setback to Portion of Building	1.8 m	0 m

	Below Ground (Gatineau Drive)		
i.	Lot Frontage	The existing lot frontage is on Centre Street	The lot frontage shall be Gatineau Drive once it is extended
j.	Minimum Landscape Buffer Width	3.5 m (Along north lot line)	1.68 m (along the north lot line)

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 Policies, 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'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan'), and the policies of the York Region Official Plan ('YROP 2010')</li> </ul>
b.	Appropriateness of the Proposed Amendments to the City of Vaughan Official Plan	<ul style="list-style-type: none"> <li>The appropriateness of the proposed redesignation of the Subject Lands to a "High- Rise Mixed-Use" designation will be reviewed in consideration of the policies of VOP 2010</li> <li>The Applications will be reviewed in consideration of the Council and York Region adopted BCTCSP policies, including but not limited to the following: <ul style="list-style-type: none"> <li>the appropriateness of redesignating the Subject Lands to "High-Rise Mixed-Use" and the increased building height and density</li> <li>the appropriateness of locating and design of the parking within the above grade podium</li> <li>ensuring the appropriate road network</li> <li>design policies of the Official Plan</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the City's Urban Structure established in VOP 2010</li> </ul>
c.	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 Guidelines and 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 Report</li> <li>- Functional Servicing Report</li> <li>- Noise and Vibration Feasibility Report</li> <li>- Geotechnical Investigation Report</li> <li>- Transportation Impact and Parking Study</li> <li>- Arborist Opinion Brief</li> <li>- Pedestrian and Bicycle Circulation Plan</li> </ul> </li> <li>▪ These reports are available on the city's website at <a href="https://maps.v Vaughan.ca/planit/">https://maps.v 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 was reviewed by the City of Vaughan Design Review Panel ('DRP') on April 30, 2020. The DRP comments and recommendations</li> </ul>

		will be considered through the processing of the Applications
f.	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>
g.	Comprehensive and Development	<ul style="list-style-type: none"> <li>▪ The BCTCSP encourages development to proceed in a comprehensive and progressive manner to facilitate the development within the secondary plan</li> <li>▪ A phasing plan for the overall Subject Lands shall be provided to ensure that proper and coordinated development of the overall Subject Lands is achieved and is compatible and respects the existing and future development and built form conditions within the BCTCSP</li> </ul>
h.	Related Site Development File DA.20.019	<ul style="list-style-type: none"> <li>▪ The Owner submitted Site Development File DA.17.019 concurrently with the Applications to facilitate the Development</li> <li>▪ The Site Development Application will be reviewed to ensure, but not limited to, appropriate site design, architectural details, materials and colours, transition with the surrounding land uses, relationship of the ground floor with the public realm, pedestrian connectivity and barrier free accessibility, vehicular access and internal traffic movements, parking,</li> </ul>



		<p>landscaping, servicing and grading, and appropriate amenity area(s)</p> <ul style="list-style-type: none"> <li>All issues identified through the review of a Site Development Application must be addressed to the satisfaction of the City</li> </ul>
i.	Allocation and Servicing	<ul style="list-style-type: none"> <li>Vaughan Council must be identified and allocate the availability of water and sanitary servicing capacity for the Development by, if the Applications are approved. If servicing is unavailable, the Subject Lands will be zoned with a Holding Symbol “(H)”, to be removed once servicing capacity is identified and allocated to the Subject Lands by Vaughan Council</li> </ul>
j.	Proposed Roads and Road Widenings	<ul style="list-style-type: none"> <li>Map 12.11B of the BCTCSP identifies a Transportation Network for the Secondary Plan Map 12.11B including roads required for the development of lands within the plan. The proposed Development and phasing plan for the overall Subject Lands will be reviewed in consideration of policies of the BCTCSP and any future road requirements, widenings, easements or conveyances required to support the transportation network</li> </ul>
k.	Parks and Publicly Accessible Open Space	<ul style="list-style-type: none"> <li>The BCTCSP requires parks to be developed within the plan and where appropriate to satisfy the passive recreational needs of existing and future residents in the BCTCSP through various phases. The establishment/need of parks, urban parks and open space linkages shall be determined through the review of the Applications</li> </ul>
l.	Draft Plan of Condominium Application(s)	<ul style="list-style-type: none"> <li>The Owner will be required to submit a Draft Plan of Condominium Application(s), to facilitate the standard condominium tenure of the Development, should the Applications be approved</li> </ul>

m.	Cash-in-lieu of Parkland Dedication	<ul style="list-style-type: none"> <li>▪ The Owner will be required to pay to the City of Vaughan a cash-in-lieu of the dedication of parkland dedication, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-Lieu of Parkland Policy should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Infrastructure Delivery Department, Real Estate Services</li> </ul>
n.	Bonusing (Section 37 of the <i>Planning Act</i> )	<ul style="list-style-type: none"> <li>▪ The Development exceeds the maximum permitted building height and density identified in VOP 2010. The <i>Planning Act</i>, the policies in VOP 2010 and the City of Vaughan Implementation Guidelines for Section 37 permit an increase in building height and density in exchange for community benefits. The review of the Applications, where applicable, will consider the City's Section 37 policies within VOP 2010 and the City's Guidelines for the Implementation of Section 37</li> <li>▪ As of the date of this report the in-effect Section 37 policies are subject to amendment via the COVID-19 Economic Recovery Act, 2020; however, those amendments are not yet in effect. The amendments to the <i>Planning Act</i> made through the COVID-19 Economic Recovery Act, 2020 propose to replace the current Section 37 policy regime with a new authority known as a Community Benefits Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of land</li> <li>▪ Should the two-year transition period regarding the new CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred), or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law</li> </ul>

		<p>Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)</p> <ul style="list-style-type: none"> <li>▪ The implementing Zoning By-law will include provisions regarding the Owner entering a density bonusing Agreement, to the satisfaction of the City of Vaughan, should the Applications be approved</li> </ul>
o.	Affordable Housing	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure an appropriate range and mix of unit sizes and types are included in the Development to meet the City's affordable housing goals</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. The Owner has requested an exemption from Regional Approval for Official Plan Amendment File OP.20.006. To date, York Region has not provided a response on the Regional exemption request.

### **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 Eugene Fera, Senior Planner, Development Planning Department, ext. 8003.

### **Attachments**

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan

4. Building Elevations
5. Extended Polling Area Map

**Prepared by**

Eugene Fera, Senior Planner, ext. 8003

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

**Approved by**

A handwritten signature in black ink, appearing to read 'Nick Spensieri', with a long horizontal line extending to the right.

Nick Spensieri,  
Deputy City Manager, Infrastructure  
Development

**Reviewed by**

A handwritten signature in black ink, appearing to read 'Jim Harnum', with a long horizontal line extending to the right.

Jim Harnum, City Manager