

## Committee of the Whole (2) Report

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**DATE:** Monday, March 8, 2021

**WARD:** 4

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.17.013  
ZONING BY-LAW AMENDMENT FILE Z.17.040  
DUFCEM CONSTRUCTION INC.  
VICINITY OF DUFFERIN STREET AND CENTRE STREET**

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole to amend Vaughan Official Plan 2010 and Zoning By-law 1-88 for the subject lands shown on Attachment 1. The Owner seeks to permit a residential development comprised of 10 and 12-storey apartment buildings, containing 450 dwelling units, and 134 stacked back-to-back townhouse units, for a total of up to 584 dwelling units, as shown on Attachments 1 to 6.

**Report Highlights**

- The Owner seeks approval to amend Vaughan Official Plan 2010 and Zoning By-law 1-88 to permit a development consisting of 10 and 12-storey apartment buildings (450 dwelling units), and 134 stacked back-to-back townhouse units.
- An easement(s) from Infrastructure Ontario in favour of the subject lands is required for a private access road to connect to the Dufferin Street and Beverley Glen Boulevard intersection.
- A public park is recommended as part of the proposed development.
- Official Plan and Zoning By-law Amendment Files OP.17.013 and Z.17.040 have been appealed to the Local Planning Appeal Tribunal (File PL 200219). Council direction is requested for staff and Legal counsel to attend the Local Planning Appeal Tribunal Hearing in support of the Recommendations in this report.

## **Recommendations**

The Local Planning Appeal Tribunal be advised that City of Vaughan Council ENDORSES the following Recommendations:

1. THAT Official Plan Amendment File OP.17.013 (Dufcen Construction Inc.), BE APPROVED, to amend Vaughan Official Plan 2010 for the subject lands shown on Attachment 1 to redesignate the subject lands from “Community Commercial Mixed-Use” to “Mid-Rise Residential” and the implementing Official Plan Amendment shall:
  - a) permit a maximum building height of 12-storeys and 10-storeys for Buildings A and B respectively;
  - b) permit a maximum building height of 13.43 m for the stacked back-to-back townhouse units (Blocks C to G);
  - c) permit up to a maximum of 584 dwelling units;
  - d) permit a maximum Floor Space Index of 2.43 times the area of the lot; and
  - e) include policies regarding the coordination of development with the landowners in the northwest quadrant of Dufferin Street and Centre Street to provide a private access road to Dufferin Street, Centre Street and the signalized intersection at Dufferin Street and Beverley Glen Boulevard.
  
2. THAT Zoning By-law Amendment File Z.17.040 (Dufcen Construction Inc.), BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “C7 Service Commercial” to “RM2(H) Multiple Residential Zone” with the Holding Symbol “(H)”, as shown on Attachment 2, together with the site-specific zoning amendments identified in Table 1 of this report; and include an OS2 Open Space Park Zone for a public park.
  
3. THAT the implementing Zoning By-law shall:
  - a) permit up to a maximum of 134 stacked back-to-back townhouse units;
  - b) permit a maximum of 150 dwelling units in Building A and a maximum of 300 dwelling units in Building B;
  - c) permit up to a maximum Floor Space Index of 2.43 times the area of the lot;
  - d) include a provision respecting density bonusing pursuant to Section 37 of the *Planning Act*, as it read September 17, 2020 and the policies of Vaughan Official Plan 2010, to be implemented through a Density Bonusing Agreement, consistent with the City’s Guideline for the

- Implementation of Section 37 of the *Planning Act*, executed between the City and the Owner, to the satisfaction of the City of Vaughan; and
- e) shall ensure that building setbacks are consistent with the minimum clearance requirements as required by the hydro authority and applicable law.
4. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until such time as the following conditions are addressed to the satisfaction of the City:
- a) The Owner and the City shall execute a Density Bonusing Agreement, in accordance with Section 37 of the *Planning Act*, as it read on September 17, 2020, and the Owner shall pay to the City the Section 37 Density Bonusing Agreement surcharge in accordance with the Tariff of Fees for Planning Applications in effect at the time of the execution of the agreement which is registered on title;
  - b) The Owner shall provide to the City of Vaughan a land appraisal report to determine the Section 37 contribution amount resulting from the increased height and density, to the satisfaction of the City of Vaughan;
  - c) The Owner shall enter into and execute an agreement with the City of Vaughan to provide securities and undertake the necessary works for the provision of external municipal services, and appropriate easements and any required studies and/or detailed design drawings, to the satisfaction of the City;
  - d) The Owner successfully obtained necessary approvals, easements, and/or permits from all parties including but not limited to City of Vaughan, York Region, Hydro One, and Infrastructure Ontario to construct a private access road connecting the Subject Lands to the Dufferin Street and Beverley Glen Boulevard intersection to the satisfaction of the City of Vaughan;
  - e) THAT the Owner dedicate a 0.3 ha public park adjacent to Concord Community Park/Patricia Kemp Community Centre to the City, meeting all standards and requirements of the City free of all charges and encumbrances and having public road frontage. In addition to the parkland conveyance, the Owner shall provide a cash-in-lieu of parkland dedication to meet the requirement of the *Planning Act*, Vaughan Official Plan 2010 (Section 7.3.3 Parkland Dedication) and By-law 1390-90, as amended by By-law 205-2012, to the satisfaction of the City; and

- f) The Owner has submitted a revised Community Services and Facilities Study.
5. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, to permit minor adjustments to the in-effect Zoning By-law before the second anniversary of the day the implementing Zoning By-law for the Subject Lands comes into full force and effect.
6. THAT should the Local Planning Appeal Tribunal approve Official Plan and Zoning By-law Amendment Files Z.17.013 and Z.17.040, either in whole or in part, that the Local Planning Appeal Tribunal withhold its final Order until such time the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City.
7. THAT City of Vaughan staff and Legal counsel be directed to attend the Local Planning Appeal Tribunal Hearing in support of the Recommendations contained in this report regarding Official Plan and Zoning By-law Amendment Files OP.17.013 and Z.17.040.

## **Background**

The subject lands (the 'Subject Lands') are municipally known as 7850 Dufferin Street and are located on the west side of Dufferin Street, north of Centre Street, shown as the "Subject Lands" on Attachment 1. The surrounding land uses are shown on Attachment 1.

### **Local Planning Appeal Tribunal**

On March 16, 2020 Dufcen Construction Inc. (the 'Owner') appealed their Official Plan and Zoning By-law Amendment applications (the 'Applications') to the Local Planning Appeal Tribunal ('LPAT'), pursuant to Sections 22(7) and 34(11) of the *Planning Act*, citing the City's failure to make a decision on the Applications within the prescribed timelines of the *Planning Act*. An LPAT Hearing is scheduled for June 22, 2021 to July 2, 2021.

Two LPAT Case Management Conferences were held on October 27, 2020 and January 15, 2021 for Case No. PL200219. The October 27, 2020 Case Management Conference identified the Parties and Participants to the appeal. The January 15, 2021 Case Management Conference was held to finalize the Procedural Order and Issues List for the Hearing. The Parties to the Hearing, following the January 15, 2021 Case Management Conference are:

1. Dufcen Construction Inc. (the 'Appellant')
2. City of Vaughan
3. Regional Municipality of York
4. 7818 Dufferin Inc. (owners of lands to south of the Subject Lands)
5. Brownridge Ratepayers Association

There are no participants to the hearing of this appeal.

#### Site Development File DA.20.023

The Owner has also submitted a Site Development application for the Subject Lands, however, this file has not been appealed to the LPAT. A technical report regarding the Site Development Application will be considered at a future Committee of the Whole Meeting once an LPAT decision is issued regarding the Official Plan and Zoning By-law Amendment Applications.

#### ***Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol***

The City on August 23, 2019, circulated a Notice of Public Meeting (the 'Notice') to all property owners within 150 m of the Subject Lands, the Brownridge Ratepayers Association, and those individuals on file with the Office of the City Clerk requesting to be notified. A copy of the Notice was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a notice sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on October 2, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of September 17, 2019, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following speakers appeared at the Public Meeting and written submissions were received by the Development Planning Department:

#### Speakers

- Mr. Kevin Bechard, Weston Consulting, on behalf of the Owner
- Mr. Mario Racco, Brownridge Ratepayers Association, Checker Court , Thornhill

#### Written Submissions

- Mark McConville, Humphries Planning Group Inc., on behalf of 267 King High Drive in relation to the Dufferin Street and Centre Street Intersection Study
- Brownridge Ratepayers Association

The following is a list of the comments received at the Public Meeting of September 17, 2019 and submitted in writing to the Development Planning Department:

## Density and Compatibility

- The land is designated Community Commercial Mixed-Use and the community is satisfied with this designation
- The area will benefit from a commercial development, office, and institutional uses
- Residential is not appropriate adjacent to a Hydro One Corridor and Highway 407
- The parcel is too small to accommodate residential uses
- The existing residential uses in the area are primarily detached residential dwellings

Responses to these comments are provided in this report.

The Development Planning Department on February 24, 2021 sent out a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the applications.

## Previous Reports/Authority

Previous reports (September 17, 2019 Committee of the Whole Public Meeting) related to these Applications can be found at the following link:

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=21833>

## Analysis and Options

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

The Owner has submitted the following Applications to permit the development of the Subject Lands with 10-storey and 12-storey residential apartment buildings, containing a total of 450 apartment dwelling units and 134 stacked back-to-back townhouse units, as shown on Attachments 1 to 6 (the 'Development'):

1. Official Plan Amendment File OP.17.013 to amend Vaughan Official Plan 2010 ('VOP 2010') to redesignate the Subject Lands from "Community Commercial Mixed-Use" to "Mid-Rise Residential" to permit the following:
  - a) A maximum building height of 10-storeys and 12-storeys with a total of 450 apartment dwelling units;
  - b) 134 stacked back-to-back townhouse units; and
  - c) A Floor Space Index ('FSI') of 2.43 times the area of the lot.

2. Zoning By-law amendment File Z.17.040 to amend Zoning By-law 1-88 to rezone the Subject Lands from “C7 Service Commercial” subject to site-specific Exceptions 9(1411) and 9(1186), as shown on Attachment 1 to “RM2 Multiple Residential Zone” in the manner shown on Attachment 2 to permit the development, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. Site Development File DA.20.023 to permit a 10-storey and 12-storey residential apartment building with a total of 450 apartment dwelling units and 134 stacked back-to-back townhouse units, as shown on Attachments 2 to 6.

***The Development is consistent with the Provincial Policy Statement, 2020***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘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 of and management of resources and protecting public health and safety. The *Planning Act* requires the Council’s planning decisions be consistent with the PPS.

The Development is consistent with the PPS, specifically the following:

- Section 1.0 - Building Strong Healthy Communities
- Section 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. This Section of the PPS requires that land use planning is cost effective, efficiently uses infrastructure, minimizes land consumption and is transit supportive  
Section 1.1.3.3 states, in part: Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment
- Section 1.4 Housing includes polices such as 1.4.3, in part: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents
- Section 1.6 Infrastructure and Public Service Facilities, specifically Section - 1.6.7.4 states: A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The mid-rise residential Development shown on Attachments 2 to 6 is located within a settlement area and adjacent to a Regional Road (Dufferin Street), and close to a major arterial road (Centre Street). The Development would facilitate residential intensification in proximity to existing transit facilities such as the existing Bus Rapid Transit Route on Centre Street ('Centre Street BRT'), located approximately 120 m south of the Subject Lands.

Consistent with Sections 1.1, 1.1.3.3, 1.4 and 1.6, the Development would provide apartment and stacked back-to-back townhouse units that:

- efficiently uses infrastructure, minimizes land consumption and is transit supportive
- provides for a range of housing types and unit sizes through intensification
- promotes an opportunity for transit-supportive development
- minimizes the length and number of vehicles trips and supports current and future use of transit and active transportation

On this basis, the Development is consistent with the PPS.

***The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 as amended***

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) as amended, is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provide 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.

Council's planning decision 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 the proposed built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density supportive of the Growth Plan objectives, specifically:

- Section 1.2.1 - Guiding Principals
- Section 2.2.1.4 (a), (d), and (e), in part, - Applying the policies of this Plan will support the achievement of complete communities that:
  - a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;



- d. expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;

an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and

- e. provide for a more compact built form and a vibrant public realm, including public open spaces;

- Section 2.2.4 - Transit corridors and station areas, specifically Sections 2.2.4.2 and 2.2.4.10
- Section 2.2.4.10 - Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities
- Section 2.2.6 - Housing, which includes, in part, to identify a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents

Under the Growth Plan, Major Transit Station Areas (MTSAs) are generally defined as areas within an approximate 500 to 800 metre radius surrounding an existing or planned high-order transit stop or station. MTSAs are areas intended to accommodate a substantial proportion of a municipality's future residential and employment growth in order to encourage transit usage. The current Growth Plan requires York Region and the City to delineate the boundaries of MTSAs on priority transit corridors or subway lines. York Region Council has approved an MTSA at the intersection of Dufferin Street and Centre Street (Dufferin MTSA), as shown on Attachment 1.

In consideration of the Growth Plan policies, the Owner seeks to permit mid-rise residential buildings in a built up area where there is existing vacant land to accommodate population growth, as well as providing a variety of housing units (apartments and stacked townhouse units) (Section 2.2.6). In addition, allowing for a more intensified land use supports and promotes transit-supportive density which is considered to be appropriate.

The Development is in proximity to an existing transit facility (Section 2.2.4), the Centre Street BRT, and within a York Region Council approved MTSA. The Development would be required to provide travel demand management and active transportation measures to support alternative modes of transportation. In consideration of the above, the Development conforms to the Growth Plan.

### ***The Development conforms to York Region Official Plan 2010 ('YROP')***

York Region Official Plan 2010 (YROP 2010) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 - Regional Structure of YROP 2010 and are located approximately 120 metres north of the Centre Street Regional Corridor also shown on Map 1 - "Regional Structure".

The Development is consistent with the policy framework of the YROP 2010 as the proposed density and built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide a range and mix of housing, specifically:

- Section 1.2.1 - City building, focusing on Regional Centres and Corridors and including innovation in urban design and green building
- Section 3.5 - Housing our Residents, states in part: A full mix and range of housing options in optimal locations allows residents to contribute positively to the economy and society. Encouraging residents to work in and contribute to the area in which they live supports the Region's urban structure and transportation networks thus promoting vibrant, healthy communities, a strong economy, and a clean environment
- Section 4.2.6 - to work with local municipalities to ensure the Regional Centres and Corridors include a significant amount of mixed-use, pedestrian-oriented, and street related uses including retail
- Section 5.3 - intensification will occur in strategic locations in the built-up area to maximize efficiencies in infrastructure delivery, human services provision, and transit ridership
- Section 5.4 - Regional Centres and Corridors states, in part: A forward-looking and coordinated planning approach for the Regional Centres and Corridors is necessary to realize the vision of a vibrant and livable City. This approach combines the Region's significant investments in rapid transit with a land use planning system that creates compact, sustainable, and people-oriented places, integrated community needs with effective services, bolsters the Region's economic competitiveness, and preserves natural heritage and agricultural uses
- Section 7.2.53 - To restrict vehicle access from developments adjacent to Regional streets to maximize the efficiency of the Regional street system through techniques such as suitable local street access, shared driveways, and interconnected properties. Exceptions may be made to this policy in Regional Centres and Corridors, and mainstreets
- Section 7.3.2 - To ensure that the provision of appropriate water and wastewater infrastructure and servicing capacity is coordinated with plans of subdivision, plans of condominium, site plans or any other development applications in order to ensure services are available prior to occupancy

The Development is located on Dufferin Street, a Regional Road, and located approximately 120 m from the Centre Street Regional Corridor. Accordingly, it conforms to policy 1.2.1 where development is focused in proximity to a Regional Corridor. The Development is located within a built up area of the Urban Area, close to

the Centre Street BRT, and would provide a mix of housing types and sizes conforming to policies 3.5, 4.2.6, 5.3, and 5.4 . The Recommendations in this report require the Owner to obtain the appropriate connections to the Regional street system and water and wastewater infrastructure in order to conform to policies 7.2.53 and 7.3.2.

Although York Region staff have recommended that new residential land uses should progress in coordination with the City of Vaughan OPR and MTSA work they also recognize the Official Plan and Zoning By-law Amendments are before the LPAT. Regional staff have determined Vaughan is best able to determine local compatibility issues associated with the proposed heights densities and the appropriate mix of land uses in this MTSA. York Region is a Party to the LPAT Appeal.

***The Subject Lands are located within a York Region Council Approved MTSA boundary identified by the YROP Municipal Comprehensive Review (MCR)***

Under the Growth Plan, York Region in consultation with local municipalities is required to delineate boundaries and set minimum density targets for MTSA's located on Provincial Priority Transit Corridors, as identified within Schedule 5 of the Growth Plan. The purpose is to plan for intensification within walking distance of high order transit stops such as the Bus Rapid Transit Corridor on Centre Street and Highway 7. The Growth Plan defines MTSA's as areas within an approximate 800 metre (10 minute walk) of higher order transit stations.

As part of the ongoing York Region Official Plan update and the Region's Intensification Strategy York Region Council has identified and approved MTSA boundaries. This includes an MTSA focused around the Dufferin Street and Centre Street intersection, as shown on Attachment 1, centered by the Dufferin Street Bus Rapid Transit Station (Dufferin Station). The MTSA's approved by York Region Council are subject to Provincial approval. The Development is within the York Region Council approved Dufferin MTSA being a 10 minute walk to the Dufferin Station located at the intersection of Dufferin Street and Centre Street. The Centre Street BRT is located 120 m south of the Subject Lands along Center Street, and the Dufferin Street BRT stations are located on Centre Street east and west of Dufferin Street.

York Region has also identified this MTSA (Dufferin MTSA) having a minimum density target of 160 persons and jobs per hectare. The Subject Lands are approximately 2.0 hectares in size and up to 584 dwelling units are proposed thus yielding an estimated population of 1,405 people. This represents approximately 700 persons per hectare thereby contributing to the minimum residential density target for the MTSA.

The City of Vaughan is undertaking an OPR. Through this process the land use planning framework, proposed minimum density requirements and boundary for each MTSA will be implemented, in order to conform to the York Regional Official Plan.

Conformity to the York Region Official Plan through the City's OPR and MTSA review will be implemented either through an area-specific plan or site-specific policies. The LPAT decision regarding the Applications will inform the City's OPR and MTSA policy review. Based on the scale and density of development approved, it will establish a baseline of development to be considered in the evaluation of the heights and density's to be considered in the remaining area of the MTSA.

***Amendments to VOP 2010 are required to permit the Development***

The Subject Lands are located in a "Community Area" as shown on VOP 2010 Schedule 1 Urban Structure and are designated "Community Commercial Mixed-Use" on Schedule 13 - Land Use.

The Development is not permitted by the "Community Commercial Mixed-Use" designation of VOP 2010. Accordingly, an application to redesignate the Subject Lands to "Mid-Rise Residential" has been submitted to permit the following:

- Maximum building heights of 12 and 10-storeys for Buildings A and B, containing a total of 450 dwelling units
- 134 stacked back-to-back townhouse units
- An FSI of 2.43 times the area of the lot

The Development Planning Department can support the redesignation of the Subject Lands in consideration of the following Goals and Policies of VOP 2010:

- Section 1.5 - Goal 1: Strong and Diverse Communities, in part, direct well designed, context-sensitive growth to strictly defined areas, and provide for a wide range of housing choices and a full range of community services and amenities within each community
- Section 1.5 Goal 5: Moving Around without a car, in part, the Viva bus rapid transit and regional bus network and increased GO Transit service will provide a strong foundation for Vaughan's public transit infrastructure. With this foundation, the Official Plan will focus on implementing planning and design policies that make walking, cycling and transit use realistic options for moving around
- Section 1.5 Goal 8: Directing Growth to Appropriate Locations, in part, this means a shift in emphasis from the development of new communities in greenfield areas to the promotion of intensification in areas of the City with the infrastructure capacity and existing or planned transit service to accommodate growth
- Section 2.1.3.2, To address the City's main land-use planning challenges and to manage future growth by: in part, identifying Intensification Areas, consistent with the intensification objectives of this Plan and the Regional Official Plan, as the primary locations for accommodating intensification

- Section 2.2.5, Intensification Areas, in part, Regional Intensification Corridors will link Regional Centres both in Vaughan and beyond and are linear places of significant activity . They may accommodate mixed-use intensification or employment intensification
- Section 7.5.1, Ensuring a Range of Housing Options, in part, ensuring there is a diversity of housing options to accommodate all those who choose to make Vaughan their home.

Section 7.5.1 of VOP 2010, Ensuring a Range of Housing Options, states that increasing housing choices in terms of housing type, tenure and affordability is required. The Development includes condominium stacked back-to-back townhouses and apartment units to provide unit type options with a range of sizes.

Directing growth to a York Region Council approved MTSA is appropriate, as MTSA's are planned for intensification. VOP 2010 Schedule 1 - Urban Structure identifies Centre Street as a Regional Intensification Corridor. VOP 2010 Section 2.2.1.1 states that Regional Intensification Corridors will be a major focus for intensification on lands which are adjacent to major transit routes. The addition of mid-rise residential land uses in the north west quadrant of the Dufferin Street and Centre Street intersection is appropriate because it supports the policies regarding intensification. The Development has limited impact in consideration of the immediate surrounding land use context, as the Subject Lands are bounded by a Regional Road, a hydro corridor, an institutional use, and a vacant parcel of land.

VOP 2010 Section 4.1.1 includes policies to support mobility options. The Development is located in proximity to the Centre Street BRT, which is part of York Region's significant transit infrastructure. The Development will aid in mobility without a car, as robust Travel Demand Management ('TDM') and Active Transportation measures will be required such as bicycle parking standards, the removal of parking spaces associated with individual residential units, and reduced parking rates.

***A Section 37 Contribution is required***

Section 37 of the *Planning Act*, as it read September 17, 2020, allows municipalities to authorize increases in height and/or density of development in return for the provision of facilities, services or other matters (i.e. contribution) as determined by the municipality, only if the proposed increase is considered to be appropriate.

To determine the contribution, the Owner is required to provide to the City a land appraisal report, in accordance the City's Guideline for the Implementation of Section 37 of the *Planning Act*, to determine the uptick amount resulting from the increased height and density.

Should the LPAT approve the Official Plan and Zoning By-law Amendment Files, either in whole or in part, staff recommend the Holding Symbol “(H)” be placed on the Subject Lands until such time as this matter is resolved.

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

The Subject Lands are zoned “C7 Service Commercial Zone”, subject to Exceptions 9(1411, 1186) by Zoning By-law 1-88, which does not permit the Development.

Therefore, an amendment to Zoning By-law 1-88 is required to permit the Development. Staff recommend the Subject Lands be zone “RM2(H) Multiple Residential Zone” with the Holding Symbol “(H)”, as shown on Attachment 2, together with the following site-specific zoning exceptions, and include an OS2 Open Space Park Zone for a public park:

Table 1:

	<b>By-law Standard</b>	<b>RM2 Multiple Family Zone Requirements</b>	<b>Proposed Exceptions to the RM2 Multiple Family Zone Requirements</b>
a.	Minimum Lot Area/Unit	230 m <sup>2</sup>	34 m <sup>2</sup>
b.	Front Yard	4.5 m	3 m - Dufferin Street
c.	Maximum Building Height	11 m	37.7 m - Buildings A and B 13.5 m - Blocks C and D 13.4 m - Block E 13.2 m - Block F 13 m - Block G
d.	Minimum Amenity Area	20 Bachelor units @ 15m <sup>2</sup> / unit = 300 m <sup>2</sup>  362 -1 Bedroom units @ 20 m <sup>2</sup> / unit = 7,240 m <sup>2</sup>  194 - 2 Bedroom units @ 55 m <sup>2</sup> / unit = 10,670 m <sup>2</sup>  8 - 3 Bedroom units @ 90m <sup>2</sup> / unit = 720 m <sup>2</sup>  Total Required Amenity Area = 18,930 m <sup>2</sup>	Total Proposed Amenity Area = 17,330 m <sup>2</sup>

	<b>By-law Standard</b>	<b>RM2 Multiple Family Zone Requirements</b>	<b>Proposed Exceptions to the RM2 Multiple Family Zone Requirements</b>
e.	Minimum Parking Requirements	584 units @ 1.5 spaces/unit = 876 spaces  Visitor - 584 units @ 0.25 spaces/unit = 146 spaces  Total Parking Required = 1,022 spaces	584 units @ 1 space/unit = 584 spaces (proposing 592 spaces) Visitors - 584 units @ 0.2 spaces/unit = 117 spaces (proposing 118 spaces)  Total Parking Proposed = 710 spaces
f.	Minimum Landscape Strip Width	<ul style="list-style-type: none"> <li>• 3 m around the periphery of an outdoor parking area</li> <li>• 6 m on Dufferin Street</li> </ul>	<ul style="list-style-type: none"> <li>• 0 m</li> <li>• 3 m on Dufferin Street</li> </ul>
g.	Bicycle Parking Rates	<ul style="list-style-type: none"> <li>• By-law 1-88 does not include minimum bicycle parking rates in the proposed Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Short-Term bicycle spaces: 584 units @ 0.1/unit or 6 spaces whichever is greater = 59 spaces</li> <li>• Long-term bicycle spaces: 584 units @ 0.5/unit = 292 spaces</li> </ul>

These zoning exceptions are based on the Site Development File DA.20.023, which is not supported at this time due to outstanding requirements, including but not limited to, the provision of a public park, confirmation of the proposed private access road to the Dufferin Street and Beverley Glen intersection and the need to secure easements over abutting lands in favour of the Subject Lands. The final approval of Site Development File DA.20.023 may result in the need for additional zoning exceptions and/or a subsequent Zoning By-law Amendment Application. Should the LPAT approve Zoning By-law Amendment File Z.17.040, the final implementing zoning by-law must reflect the revised site plan.

Development Planning can support the current proposed site specific zoning exceptions identified in Table 1 for the following reasons:

- the proposed lot areas reflect similar approvals for mid-rise stacked back-to-back townhouses

- the proposed minimum amenity area per unit is offset by the recommendation to provide a public park to meet the recreational needs of the residents
- reduced setbacks on Dufferin Street and along Dufferin Street is offset by a development with a strong mid-rise residential urban edge while allowing for a landscape strip to accommodate tree planting
- the maximum building heights being proposed are appropriate for a mid-rise residential development. VOP 2010 policies state that mid-rise buildings are a maximum of 12-storeys and include apartment buildings as a built form
- the Subject lands are located within 120 m from the Centre Street BRT, which allows for greater access to public transit.

***The Subject Lands will be zoned with the Holding Symbol “(H)”, should the Applications be approved***

Should Council adopt the Recommendations, staff recommend the implementing Zoning By-law include a Holding Symbol “(H)” on the Subject Lands and it only be removed from the Subject Lands when the following conditions have been satisfied:

- a) The Owner and the City shall execute a Density Bonusing Agreement, in accordance with Section 37 of the *Planning Act*, as it read on September 17, 2020, and the Owner shall pay to the City the Section 37 Density Bonusing Agreement surcharge in accordance with the Tariff of Fees for Planning Applications in effect at the time of the execution of the agreement which is registered on title;
- b) The Owner shall provide to the City of Vaughan a land appraisal report to determine the Section 37 contribution amount resulting from the increased height and density, to the satisfaction of the City of Vaughan;
- c) The Owner shall enter into and execute an agreement with the City of Vaughan to provide securities, and undertake the necessary works for the provision of external municipal services including municipal storm sewers, sanitary sewers and watermains complete with appropriate easements to facilitate the development of the Subject Lands, to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority. This agreement shall be executed prior to removing the Holding Symbol “(H)” unless alternative arrangements are made to the satisfaction of the City;
- d) The Owner has successfully obtained necessary approvals, easements, and/or permits from all parties including but not limited to City of Vaughan, York Region, Hydro One, and Infrastructure Ontario to construct a private access road connecting the Subject Lands to the Dufferin Street and Beverley Glen Boulevard intersection to the satisfaction of the City of Vaughan and York Region;



- e) The Owner has dedicated a 0.3 ha public park adjacent to Concord Community Park/Patricia Kemp Community Centre to the City, meeting all standards and requirements of the City free of all charges and encumbrances and having public road frontage. In addition to the parkland conveyance, the Owner shall provide a cash-in-lieu of parkland dedication to meet the requirement of the Planning Act, Vaughan Official Plan 2010 (Section 7.3.3 Parkland Dedication) and By-law 1390-90, as amended by By-law 205-2012, to the satisfaction of the City; and
- j) The Owner has submitted a revised Community Services and Facilities Study.

***The Site Development Application must be revised to address staff recommendations, including but not limited to, the provision of a park and confirming access arrangements***

The Development shown on Attachments 2 to 6 must be revised to address staff comments related to the provision of a public park on the Subject Lands and arranging for and securing a proposed private access road to facilitate traffic movement for the lands in the northwest quadrant of Dufferin and Centre Street, as discussed in this report, as shown on Attachment 1. Should the LPAT approve the related Official Plan and Zoning By-law Amendment Applications, staff are requesting the LPAT withhold its Order. A report regarding the Site Development Application will be considered at a future Committee of the Whole meeting.

***The Owner continues to work with the City to address the Vaughan Design Review Panel's comments***

The Vaughan Design Review Panel ('DRP') considered the Applications on October 31, 2019 and provided the following comments:

- The DRP requested that the Development better align with the Centre Street Urban Design Guidelines principles and objectives
- The road network and block pattern should have a distinct hierarchy that defines the location of the buildings, their frontages/entrances, and the servicing and loading areas
- Walkability and pedestrian comfort and permeability should be at the forefront of the design and not secondary to vehicular accessibility
- The potential of the Hydro corridor as future open space for connectivity both visually and physically should be explored
- The Development should be revised to create a balance between roads/driveways and built form

The Owner responded to the DRP comments by:

- Optimizing the vehicular access network and balancing the amount of hard surface with landscaping
- Revising the footprints of the buildings to better respond to the public frontages and providing a road hierarchy
- Revising the proposed private road sections to incorporate landscaping and sidewalks for improved walkability and permeability
- Including multiple outdoor amenity areas in the revised plans

DRP comments related to the Site Development application will be considered in a report to a future Committee of the Whole meeting.

The Development Planning Department will continue to work with the Owner to address the DRP comments.

***The Policy Planning and Environmental Sustainability Department has no objection to the approval of the Development***

The Policy Planning and Environmental Sustainability Department ('PPES') are satisfied the Subject Lands do not contain any Core Features of the Natural Heritage Network.

The City of Vaughan PPES Department is undertaking an OPR including a review of York Region Council approved MTSA's. Through this process the land use planning framework, proposed minimum density requirements and boundary for each MTSA will be implemented, in order to conform to the York Regional Official Plan. Conformity to the York Region Official Plan through the City's OPR and MTSA review will be implemented either through an area-specific plan or site-specific policies. The LPAT decision regarding the Applications will inform the City's OPR and MTSA policy review.

***The Development Engineering Department ('DE') has no objection to the Development, subject to the comments and conditions in this report***

The servicing strategy for the proposed municipal infrastructure is generally acceptable to the DE Department, however, the Owner is required to revise the submitted plans and reports to address DE comments and obtain any necessary approvals from other agencies.

The site servicing (Water, Wastewater and Stormwater Management) shall conform to the conclusions and recommendations of the Integrated Urban Water Master Plan Class Environmental Assessment Study ('IUW-MP EA Study'). A Functional Servicing Strategy for the Concord GO Secondary Plan and Dufferin MTSA area will be established through this on-going IUW-MP EA Study. Financial commitments may be required, and if so, costs will be secured associated with implementing the recommendations of the on-going IUW-MP EA Study to the satisfaction of the City.

Due to significant servicing constraints at this time, development of the Subject Lands will be reviewed once the required infrastructure, through an agreement or an alternative arrangement, is secured and available to allow lifting of the Holding Symbol “(H)” outlined in the Recommendations of this report.

#### Water Supply

The Development would be serviced by an existing municipal watermain on Dufferin Street. The submitted Functional Servicing Report (‘FSR’) confirms the existing watermain will be able to service the Development, however, the City cannot confirm this until the completion of the IUW-MP EA Study.

#### Sanitary Sewer Network

The FSR demonstrates the existing sanitary sewer system needs to be upgraded to accommodate flows from the Development. The Owner shall revise the engineering plans and reports to design future upgrades to the downstream sanitary sewers to ensure they operate at less than 80% of their full flow capacity and shall conform to the conclusions and recommendations of the IUW-MP EA Study.

#### Stormwater Management and Storm Sewer Network

The Owner proposes to drain runoff through the neighbouring property, via new storm sewers which would require easements from the property Owner to the south. These easements are required as there is no existing municipal storm sewer adjacent to the Subject Lands, which is a concern for the future operation and maintenance of the infrastructure. Furthermore, the storm sewer flows cross under the Centre Street culvert in a southerly direction, and connect to the existing residential storm sewer system through an easement. The City has received storm sewer capacity complaints from the residents in this area. The City requires the Owner to provide additional information regarding the existing drainage patterns and capacity issues in the area.

The Owner shall obtain the necessary approvals/ permits/ easements from the respective agencies, and affected land owner for the proposed storm sewer system. The City, after receiving the required information and reports, will then be able to determine whether the ownership of the easements will be private or public.

In addition, the Owner shall demonstrate how groundwater flows will be managed and discharged through the proposed stormwater management system. Discharging of groundwater into a City storm sewer is subject to the provisions of the City of Vaughan Sewer Use By-law.

### Noise and Vibration Feasibility Study

The Noise and Vibration Feasibility Study ('NVFS') concludes that the proposed development is feasible from a noise and vibration perspective, and the DE Department concurs with these findings.

At the site plan approval stage, a detailed noise study would be required, which relates to the revised site plan, to confirm the conclusions of the NVFS and include more specific recommendations and warning clauses.

### Environmental Site Assessment (ESA)

The Owner provided Phase I/II ESA reports covering the Subject Lands. The findings of the ESA reports indicated that "based on the review of the available information, there are no significant potentially contaminating activities or areas of potential concern within the Subject Lands, and the environmental condition of the property is satisfactory". The DE Department concurs with these findings. Prior to site plan approval the Owner shall provide a copy of proof of insurance from their environmental consultant (V.A. Wood Associated Limited), as noted in their April 6, 2020 Reliance Letter.

### Transportation

Access to the Development is provided through a Right-In/Right-Out (RIRO) driveway onto Dufferin Street. In addition, the Owner is proposing to provide an private access road, which will form the west leg and connect to, the full moves signalized intersection located at Dufferin Street and Beverley Glen Boulevard. The extension of the proposed private access road across the lands to the north would allow the Development to connect to the signalized intersection, which requires an easement from the land owners to the north. In addition to the proposed RIRO access, it is essential to gain access to the Dufferin Street and Beverley Glen Boulevard intersection to accommodate the Development's traffic with acceptable levels of service.

The Owner has submitted a Transportation Impact Study wherein transportation capacity constraints have been identified under the future conditions during the weekday peak hours. However, the specified capacity constraints are due to the existing high background traffic volume and the Development's traffic impacts are considered to be acceptable. These operational constraints demonstrate the importance of TDM measures and alternative transportation options to reduce vehicular traffic. Therefore, robust TDM and Active Transportation (AT) measures have been proposed to reduce the adverse impacts of the proposed Development and maximize utilization of the BRT system and cycling facilities located in close proximity of the Subject Lands.

The vehicle parking supply rates are less than the minimum rates prescribed by Zoning By-law 1-88, however, the proposed parking supply is consistent with the minimum

requirements of the IBI Draft Parking Standards report, City of Vaughan Draft Zoning By-law Review and TDM policies.

***Servicing Allocation will be reviewed should the Development receive approval at the LPAT***

Servicing Allocation will be reviewed through the final review of the Site Development Application and will require formal approval by Council. Should the Development be phased, servicing capacity will be distributed accordingly.

***Parks Infrastructure Planning and Development ('PIPD') have no objection to the applications subject to conditions***

The Owner is required to submit a revised plan illustrating the conveyance of a minimum 0.3 ha park block on the Subject Lands, as shown on Attachments 1 and 2, to support the Development and provide a base-level of parkland/recreational servicing for the community. Considering the existing Patricia Kemp Community Centre and Concord Community Park (community centre/parkland) directly abuts the Subject Lands to the north, staff recommends that 0.3 ha parcel of land from the Subject lands be conveyed for parkland purposes to adequately contribute to the existing community centre/parkland, creating a consolidated/larger park footprint. PIPD staff recommend that the implementing Official Plan and Zoning By-law amendments include the appropriate policy(ies) and zoning category to implement the required public park.

The PIPD Department will provide specific comments with regard to the construction of the public park at the site plan stage, in addition to warning clauses associated with the park block and the Development. The Owner will be required to submit an Arborist Report at the site plan stage.

To meet dedication requirements under the *Planning Act*, VOP 2010 Section 7.3.3 - Parkland Dedication) and By-law 139-90, as amended by 205-2012, cash-in-lieu of the dedication of parkland shall also be required.

The Office of the Infrastructure Development Department, Real Estate Services ('RE') has no objection to the approval of the Applications. The Owner shall convey land at the rate of 1 ha per 300 units and/or pay to 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 *Planning Act* and the City's "Cash-in-lieu of Parkland Dedication policy".

The PIPD Department require an updated Community Services and Facilities Impact Study ('CSFIS') which includes the future proposed population anticipated for the Development and analysis that includes direct walking distances from the Subject Land

to various amenities in the area considering barriers such as rail corridors or valley/natural open space systems.

The DE Department has recommended that a private access road be provided to gain access to the Dufferin Street and Beverley Glen Boulevard intersection. An integrated and comprehensive plan is to be provided showing how the new private access road will function in concert with the surrounding uses; IO lands/Hydro towers, the community centre, the Subject Lands, and the 0.3 ha public park block, including a playground.

Typical for all roads, a pathway connection will be required along the proposed private access road, connecting the Subject Lands to the park/community centre. The proposed pathway is to be asphalt with a minimum width of 3 m and minimum 1.5 m clearances on both sides. Additional design requirements, such as grade and lighting, for the pathway will be provided at the site plan stage.

The location of the proposed private access road will remove existing parking spaces for the Patricia Kemp Community Centre, therefore, staff recommends that the Owner construct a surface parking area for the park/community centre lands, free of cost and to the satisfaction of the City which will be located on IO lands and IO approval will be required. The Owner shall install access gates at the entry of the parking area, and a maintenance access is to be provided at the rear of the parking area for access to the public park.

***Development Charges for the Development are applicable***

The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.

A clause for the payment of Development Charges would be included as a standard condition in the Site Plan Agreement, should the Applications be approved.

***The TRCA has no objection to the Applications***

The TRCA have no objection to the approval of the Development. A portion of the Subject Lands is within TRCA's Regulated Area due to the Regional Storm flood plain on the adjacent lands to the south and east. The TRCA regulates development and site alteration on lands within 15 metres of a Regional Storm flood plain. As such, a permit under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) would be required for portions of the proposed works. A list of the TRCA's permit requirements have been provided to the Owner. Additional comments may be provided through the review of Site Development File DA.20.023 should the Applications be approved.

***An easement is required from Infrastructure Ontario over their lands for vehicular access to the Dufferin Street and Beverley Glen Boulevard signalized intersection***

The DE Department has advised the current proposal seeks to utilize a right-in right-out access driveway, which is inadequate to facilitate the movement of vehicles into and out of the Subject Lands. An additional access is required to provide an adequate level of service, and to meet the anticipated traffic volumes that will be generated by the Development. As such, a connection to the Dufferin Street and Beverley Glen Boulevard signalized intersection is required. The Owner would be required to obtain an easement over Infrastructure Ontario lands located north of the Subject Lands. A resolution to this effect is included in the Recommendations of this report.

***Comments from Hydro One are required***

The Hydro Corridor located west of the Subject Lands contains infrastructure (transmission lines) which are located on lands owned by IO. Hydro One's Land Use Planning Department is reviewing the Applications. Infrastructure Ontario will require Hydro One comments and conditions to determine any required easements over the Infrastructure Ontario lands located north of the Subject Lands. Coordination between IO and Hydro will be required in order to determine whether the proposed private access road, leading to the Dufferin Street and Beverley Glen Boulevard signalized intersection, can be accommodated. Without the proposed private access road, the Development cannot proceed due to inadequate access to and from the Subject Lands. As such, a resolution to this effect is included in the Recommendations of this report.

Hydro One has provided preliminary comments advising that City of Vaughan Zoning By-law 1-88 building setbacks generally accommodate Hydro One assets. Additional comments from Hydro One may be provided through the review of Site Development File DA.20.023 should the Applications be approved. Further zoning exceptions may be required to ensure zoning setbacks are consistent with the minimum clearance requirements from the hydro corridor as required by the hydro authority and applicable law.

***The School Boards have no objection to the Development***

York Region District School Board and York Catholic District School Board have no objection to the Development and do not require a school sites within the Subject Lands.

**Financial Impact**

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

## **Broader Regional Impacts/Considerations**

### ***York Region Community Planning and Development Services consider the Development to be a local matter***

Although York Region staff have recommended that new residential land uses should progress in coordination with the City of Vaughan OPR and MTSA work, they also recognize the Official Plan and Zoning By-law Amendments are before the LPAT. As such, York Region recommends that the local municipality is best able to determine local compatibility issues associated with heights, densities and the appropriate mix of land uses in this MTSA.

York Region is a Party to the LPAT Appeal.

## **Conclusion**

Official Plan and Zoning By-law Amendment Files OP.17.013 and Z.17.040 have been reviewed in consideration of the PPS, the Growth Plan, the YROP, VOP 2010 Zoning By-law 1-88, comments from City departments, received at the Public Meeting, the Brownridge Ratepayers Association, area residents, and external agencies, and the area context.

The Development Planning Department is satisfied that the proposed amendments to the Official Plan and Zoning By-law to permit a residential development consisting 10- and 12-storey residential apartment buildings with a total of 450 dwelling units, and 134 stacked back-to-back townhouse units is consistent with Provincial policies and the YROP.

The Development is considered to be appropriate subject to the recommendations and comments in this report including, but not limited to, the provision of a public park and the Owner securing an access easement over IO lands to provide a proposed private access road to the Dufferin Street and Beverley Glen Boulevard intersection. The proposed Development introduces a range of housing types and unit sizes on the Subject Lands, located in proximity to a Regional Corridor, the Centre Street BRT, and a York Region Council approved MTSA. Accordingly, the Development Planning Department can support the approval of the Applications subject to the Recommendations contained in this report.

**For more information**, please contact: Carol Birch, Planner, Development Planning Department, ext. 8485



## **Attachments**

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Conceptual Building Elevations - Building A
4. Conceptual Building Elevations - Building B
5. Conceptual Typical Townhouse Elevations - Block E (Facing Dufferin Street)
6. Conceptual Typical Townhouse Elevations - Block C (Facing Interior Road)

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## **Approved by**



Mauro Peverini, Acting Chief Planning Official

## **Reviewed by**



Jim Harnum, City Manager