

Committee of the Whole (1) Report

DATE: Tuesday, May 04, 2021

WARD: 4

**TITLE: TDC MEDICAL PROPERTIES INC.
ZONING BY-LAW AMENDMENT FILE Z.20.012
SITE DEVELOPMENT FILE DA.20.056
400 BRADWICK DRIVE (PART OF LOT 9, CONCESSION 3) AND
PART OF LOT 8, CONCESSION 3
VICINITY OF HIGHWAY 7 AND BRADWICK DRIVE**

FROM:

Jim Harnum, City Manager

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Site Development Files Z.20.012 and DA.20.056 for the subject lands shown on Attachment 2. The Owner proposes to permit regulated health professional office uses, and a 140 m² pharmacy in addition to the current uses permitted by the “EM1 Prestige Employment Area Zone”, within the existing two-storey office building, and to construct a new parking lot, as shown on Attachment 3 and 4.

Report Highlights

- The Owner proposes to permit regulated health professional offices and a pharmacy use in addition to the current uses permitted in the “EM1 Prestige Employment Area Zone”, within the existing two-storey office building
- The Owner proposes to amend Zoning By-law 1-88 and requires a Site Development Application to construct a new parking lot
- The Development Planning Department supports the proposal as it is consistent with the Provincial Policy Statement 2020, conforms to the Growth Plan, the York Region Official Plan, the Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Zoning By-law Amendment File Z.20.012 (TDC Medical Properties Inc.) BE APPROVED, to amend Zoning By-law 1-88, to permit regulated health care professional offices and pharmacy use in addition to the current permitted uses in the “EM1 Prestige Employment Area Zone” together with site-specific zoning exceptions identified in Table 1 of this report.
 - a. THAT prior to the enactment of the Zoning By-law, the Owner shall make an Application to Annex Restrictive Covenants Section 118, in accordance with Section 118 of the *Land Titles Act*, or another mechanism to the satisfaction of the Development Planning Department in consultation with Legal Services, for the registration of a restriction on the entirety of the lands whereby no transfer or change of any part of the lands shall be registered without the written consent of The Corporation of the City of Vaughan.
2. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.
3. THAT Site Development File DA.20.056 (TDC Medical Properties Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS identified in Attachment 1, to the satisfaction of the Development Planning Department, to facilitate a new parking lot and minor revisions to the exiting parking lot on the Subject Lands.

Background

The subject lands ('Subject Lands') are municipally known as 400 Bradwick Drive and are located on the southwest corner of Highway 7 and Bradwick Drive and are currently developed with a two-storey building currently being used as an office building. The Subject Lands and surrounding land uses are shown on Attachment 2.

Site Development File DA.02.016

The previous Owner on March 4, 2002, submitted Site Development File DA.02.016 to permit the development of the existing two-storey office building located at 400 Bradwick Drive. Site Development File DA.02.016 was approved subject to conditions by Vaughan Council on May 27, 2002. The Site Plan Agreement was registered on title on October 24, 2002.

Part of Lot 8, Concession 3

Since the Public Meeting held on June 23, 2020, the Owner has acquired an abutting vacant parcel of land (Part of Lot 8, Concession 3), which is located south of 400 Bradwick Drive. These lands were acquired in order to accommodate 33 additional parking spaces, and now form part of the Subject Lands shown in Attachment 2.

Date application submitted: April 3, 2020

Date application deemed complete: May 1, 2020

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

TDC Medical Properties Inc. (the 'Owner') has submitted the following applications (the 'Applications') to permit regulated health professional offices, a 140 m² pharmacy and a new parking lot on the Subject Lands (the 'Proposal'):

1. Zoning By-law Amendment File Z.20.012 to amend Zoning By-law 1-88 to permit regulated health professional offices and a pharmacy use, in addition to the current permitted uses in the "EM1 Prestige Employment Area Zone", together with site-specific zoning exceptions identified in Table 1 of this report.
2. Site Development File DA.20.056 to facilitate the development of a vacant parcel of land for a new parking lot and other parking configuration changes, as shown on Attachments 3 and 4.

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

On June 2, 2020, a Notice of Public Meeting (the 'Notice') was circulated to all property owners within 150 m of the Subject Lands, the Concord West Ratepayers Association and anyone on file with Office of the City Clerk. A copy of the Notice was also posted on the City's website at 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 June 29, 2020, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of June 23, 2020, and forward a comprehensive report to a future Committee of the Whole meeting. No written submissions regarding the Applications were received by the Development Planning Department. The Owner and Rosemarie Humphries of Humphries Planning Group Inc. made deputations at the Public Hearing on June 23, 2020, regarding the Application.

The following are responses to comments made at the Committee of the Whole during the Public Meeting on June 23, 2020:

a) Appropriateness of the proposed Parking Spot Rental Agreement with an adjacent property Owner (267 North Rivermede Road)

Concerns were raised about the appropriateness of the proposed parking spot rental agreement, that would have allowed the Owner the use of 37 parking spaces of the adjacent property (267 North Rivermede Road).

Response

The Owner is no longer proposing a parking spot rental agreement with the Owner of 267 North Rivermede Road. The Owner has acquired a vacant parcel of land (Part of Lot 8, Concession 3) abutting the Subject Lands to the south of 400 Bradwick Drive (Part of Lot 9, Concession 3), thereby being able to provide parking entirely on the Subject Lands, as shown on Attachment 2.

b) Landscaping of the Vacant Parcel of Land

If the Owner was able to acquire the additional parcel of land to the south (Part of Lot 8, Concession 3) for additional parking, comments were raised with respect to ensuring sufficient landscaping was provided to achieve proper screening of parked cars along Highway 7.

Response

Since the Public Hearing, the Owner has acquired the parcel of land to the south and has submitted Site Development File DA.20.056. A landscape buffer along Highway 7 on the Subject lands and York Region's right-of-way, ranging in width from 4.75 m to 6.25 m is proposed with new plantings, as shown on Attachments 3 and 4.

c) Ensuring Sufficient Parking

Comments were made about the importance of providing an adequate number of parking spaces to support the medical office use.

Response

The Proposal, if approved, would comply with the parking requirements of Zoning By-law 1-88.

Previous Reports/Authority

The following is a link to the public hearing report for the Zoning By-law Amendment File:

[June 23, 2020, Committee of the Whole Public Hearing, Zoning By-law Amendment File Z.20.012](#)

The following are links to staff reports for the previous Minor Variance File and Site Development File:

[January 16, 2020, Committee of Adjustment, Minor Variance File A179/19](#)

[May 21, 2002, Committee of the Whole, Site Development File DA.02.016](#)

Analysis and Options

The Proposal 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 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest on land use planning and development. The policies support the overall goal of enhancing the quality of life for all Ontarians. The key policy objectives of the PPS include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety and recognition of local character and context. The *Planning Act* requires planning decisions be consistent with the PPS.

The Proposal is consistent the PPS, specifically Sections 1.1.1.e), 1.1.3.1 and 1.1.3.2. a) and b) and 1.3.1 regarding cost-effective development patterns and standards to minimize land consumption and servicing costs, focusing growth and development in a Settlement Area, and providing a range of employment and institutional uses to meet long-term needs.

The Owner proposes to use the existing two-storey building on the Subject Lands for regulated health professional offices and a pharmacy use and to construct a new parking lot. The Subject Lands are located within a Settlement Area and the proposed uses would efficiently utilize the existing two-storey building in an area where infrastructure, transportation and public services already exist. The Proposal is compatible with the surrounding land uses. As such, the Proposal is consistent with the PPS.

The Proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

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

The Growth Plan provides a framework for managing growth, including directions for where and how to grow. The Growth Plan encourages compact built form; transit supportive communities; access to local amenities and connections to municipal water and sewer systems. Council's planning decisions are required by the *Planning Act* to conform with the Growth Plan.

The Proposal is consistent with the policy framework of the Growth Plan, specifically Sections 2.2.1 and 2.2.5 regarding development in Settlement Areas and promoting economic development and competitiveness. The Subject Lands are located within a Settlement Area and a delineated built-up area and have existing connections to municipal water and sewer systems. The Proposal makes efficient use of the Subject Lands and will add variety to the employment uses in the area in an appropriate location. As such, the Proposal conforms to the Growth Plan.

The Proposal conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are designated "Urban Area" on Map 1 – "Regional Structure" of the YROP. The Urban Area designation permits a range of residential, industrial, commercial, and institutional uses, subject to additional policy criteria. The Subject Lands are located within an employment area and will be efficiently utilized through the introduction of additional permitted uses on the Subject Lands for regulated health professional offices and an accessory pharmacy use.

Section 4.3 of the YROP 2010 seeks to protect employment lands designated in local municipal official plans. The Proposal meets the objectives of Policy 4.3.5 of the YROP as it maintains and enhances the long-term viability of the employment lands with new compatible land uses. As such, the Proposal conforms to the YROP.

The Proposal conforms to the Vaughan Official Plan 2010

The Subject Lands are designated "Prestige Employment" by Vaughan Official Plan 2010 ('VOP 2010'). The "Prestige Employment" designation permits low-rise buildings, office uses up to a maximum Gross Floor Area ('GFA') of 10,000 m², and ancillary retail uses. The Owner proposes to permit offices for regulated health professionals and an accessory pharmacy use within the existing two-storey office building having a GFA of approximately 3,044 m². The Proposal conforms to VOP 2010.

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

The Subject Lands are zoned “EM1 Prestige Employment Area Zone”. The Committee of Adjustment On January 16, 2020, approved Minor Variance Application A179/19 to permit an office of a regulated health professional for a period of two years, limited to 35% of the GFA of the office building and to permit a minimum of 99 parking spaces on the Subject Lands.

A Zoning By-law Amendment is required to permit an office of a regulated health care professional and pharmacy use on a permanent basis, in addition to the uses currently permitted in the “EM1 Prestige Employment Area Zone”, together with the following site-specific exceptions to Zoning By-law 1-88.

Table 1:

	Zoning By-law 1-88 Standard	EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to EM1 Prestige Employment Area Zone Requirements
a.	Permitted Uses	<ul style="list-style-type: none"> • Business and Professional Offices, not including regulated health professional • Employment Use • Accessory Retail Sales to an Employment Use • Accessory Office Uses to an Employment Uses • Banquet Hall • Bowling Alley • Club, Health Centre, • Convention Centre, Hotel, Motel • Funeral Home • Car Brokerage • Office Building • Recreational Uses • Service and Repair Shop • Any Public Garage legally existing as of the date of enactment of By-law 80-95 	<p>Permit the following additional uses in the EM1 Zone on the Subject Lands:</p> <ul style="list-style-type: none"> • Office of a Regulated Health Professional • Pharmacy not exceeding 140m²

	Zoning By-law 1-88 Standard	EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to EM1 Prestige Employment Area Zone Requirements
b.	Minimum Parking Space Size	2.7 m X 6 m	2.7 m X 5.7 m (new parking spaces on Part of Lot 8, Concession 3)
c.	Landscape Strip Width	9 m (Highway 7)	0.1 m (Highway 7)

The Development Planning Department supports the site-specific zoning exceptions identified in Table 1 for the following reasons:

- the proposed office of a regulated health professional and pharmacy use implement the policies of VOP 2010 and are therefore considered appropriate
- parking for the proposal is provided entirely on the Subject Lands and complies with the zoning by-law requirements
- the reduced parking space size is considered minor in nature and is supported by the Development Engineering Department
- the reduced landscape width will be offset by the Owner providing a landscape buffer ranging from 4.75 m to 6.25 m with new plantings along Highway 7 using a combination of the Subject Lands and York Region’s right-of-way, as shown in Attachment 4

The Owner is required to consolidate and register the Subject Lands as one lot

The Subject Lands consist of two separate parcels of land described as 400 Bradwick Drive (Part of Lot 9, Concession 3) and Part of Lot 8, Concession 3. Prior to the enactment of the site-specific zoning by-law, the Owner is required to register a restrictive covenant on title (Section 118) on the Subject Lands. The Section 118 is required in order to comply with Zoning By-law 1-88, as a stand-alone parking lot without an associated building is not a permitted use. A condition to this effect is included in the Recommendations section of this report.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law Amendment File Z.20.012, the Development Planning Department has included a Recommendation to permit the Owner to apply for Minor Variance application(s), if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Proposal. A condition to this effect is included in the Recommendation of this report.

The Development Planning Department supports the Proposal, subject to the Recommendations of this Report

Site Plan

The site plan shown on Attachment 3 includes an existing two-storey office building, an existing parking lot and a new parking lot. The Subject Lands will continue to use the existing access off Bradwick Drive. The existing internal driveway will connect south to the new parking lot. The final site plan must be to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1.

Landscape Plan

The landscape plan shown on Attachment 4, features a landscape buffer ranging from 4.75 m to 6.25 m in width along the new parking lot. This landscape buffer will contain new plantings along the Highway 7 corridor using a combination of the Subject Lands and York Region's right-of-way. Development Planning and York Region staff are satisfied with this approach. The existing landscaping contained on the existing lands (400 Bradwick Drive) will remain unchanged. The final landscape plan, details and cost estimate must be to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1.

The Forestry Operations Division and the Development Planning Department have no objection to the Proposal, subject to the Recommendations of this report

The Owner submitted an Arborist Report by The Urban Arborist Inc., dated August 11, 2020 and revised February 19, 2021. The Arborist Report identifies 2 replacement trees are required on the Subject Lands. The Development includes the 2 required replacement trees, therefore cash-in-lieu is not applicable.

The Forestry Operations Division of the Transportation Services, Parks, Forestry and Operations Department ('Vaughan Forestry') and the Development Planning Department have no objection to the Proposal and is satisfied that the Proposal is in compliance with the City's Tree Protection Protocol and Tree Protection By-law 052-2018. The final tree inventory, preservation and removals plan and Arborist Report must

be to the satisfaction of the Vaughan Forestry Department and the Development Planning Department. A condition to this effect is included in Attachment 1.

The Subject Lands are cleared of any Cultural Heritage concerns

The Subject Lands are cleared of any concern for archaeological resources and do not contain any elements identified as archaeological resources.

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

The DE Department has no objection to the Proposal subject to the conditions included in Attachment 1 and have provided the following comments:

Water Services, Sanitary Services and Stormwater Services

The Proposal will be serviced with existing water supply, sanitary service systems and storm drainage servicing systems.

Transportation

In accordance with the requirements of VOP 2010, the DE Department notes that a Traffic Demand Management (TDM) Plan is required for office buildings greater than 2,000 m². The Proposal includes an office building with a GFA of approximately 3,044m². Prior to the execution of the Site Plan Letter of Undertaking, the Owner must satisfy the requirements of the DE Department, including the submission of a TDM Plan. A condition to this effect is included in Attachment 1.

The Financial Planning and Development Finance Department has no objection to the Proposal

The Financial Planning and Development Finance Department has no objection to the Proposal and advise Development Charges are not required since there is no additional GFA.

The Infrastructure Development Department, Real Estate Services Division has no objection to the Proposal

The Real Estate Services Division has no objection to the Proposal and advise cash-in-lieu of the dedication of parkland is not required.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Proposal, subject to a condition

The TRCA previously issued a permit (Permit No. C-2000336) on May 11, 2020 to facilitate the inclusion of an office of a regulated health professional use and accessory pharmacy within the existing building. The Owner has since purchased the vacant parcel of land to the south to accommodate more parking. Therefore, a permit revision is required in order to facilitate site alterations for the new parking lot. A condition to this effect is included in Attachment 1.

The Subject Lands are located within the TRCA's Regulated Area and a Source Water Protection Area ('WHPA-Q2'), as shown on Attachments 3 and 4. The WHPA-Q2 area requires water balance to meet pre-to-post infiltration rates. The Functional Servicing and Stormwater Management Report, prepared by GM Blueplan Engineering Limited, dated February 17, 2021, identifies the water balance criteria will be met through the addition of a 2.5 m by 2.0 m infiltration pit in the proposed parking lot being added to the lands. The TRCA has no objection to the Proposal, subject to the final approval of the site-specific water balance assessment. A condition to this effect is included in Attachment 1.

The various utilities have no objection to the Proposal

Hydro One, Alectra Utilities Corporation, Rogers Communications and Canada Post have no objections to the Proposal.

Other City Departments have no objection to the Proposal

Parks Development, By-law & Compliance and Licensing and Permit Services Departments of the City have no objection to the Proposal.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region have no objections to the proposed landscape buffer and associated plantings within the Highway 7 right-of-way shown on Attachment 4. The final landscape plan, details, tree inventory, preservation and removals plan and Arborist Report must be to the satisfaction of York Region. The Owner will require an encroachment permit from York Region with regards to ownership and maintenance of the new plantings. Prior to execution of the Site Plan Letter of Undertaking, all the requirements of York Region's Community Planning and Development Services Department must be satisfied. A condition to this effect is included in Attachment 1.

Conclusion

The Development Planning Department is satisfied the Applications to permit regulated health professional offices and a pharmacy within the existing two-storey building, in conjunction with additional lands to be used for a new parking lot, on the Subject Lands are consistent with the policies of the PPS, conforms to the Growth Plan, YROP, VOP 2010 and is compatible with the surrounding area context. Accordingly, the Development Planning Department supports the approval of Zoning By-law Amendment File Z.20.012 and Site Development File DA.20.056, subject to the Recommendations section of this report and the Conditions of Site Plan Approval in Attachment 1.

For more information, please contact: Daniela DeGasperis, Planner, Development Planning Department, ext. 8382.

Attachments

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Site Plan
4. Landscape Plan

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