

# Committee of the Whole (1) Report

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**DATE:** Tuesday, May 4, 2021

**WARD:** 5

**TITLE:** 8188 YONGE INC.

**ZONING BY-LAW AMENDMENT FILE Z.20.010**

**SITE DEVELOPMENT FILE DA.20.015**

**8136 - 8188 YONGE STREET AND 5 UPLANDS AVENUE**

**VICINITY OF YONGE STREET AND UPLANDS AVENUE**

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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## **Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Site Development Files Z.20.010 and DA.20.015. The Owner proposes to rezone the subject lands from “C1 Restricted Commercial Zone” and “R1V Old Village Residential Zone” to “RA3 Apartment Residential Zone” to permit two, 10-storey apartment buildings connected by a 7-storey podium containing 282 residential dwelling units, having a Floor Space Index of 3.4 times the area of the subject lands, ground floor commercial uses, 343 underground parking spaces and a privately-owned public space as shown on Attachments 3 to 6.

## **Report Highlights**

- The Owner proposes to rezone the subject lands and requests site plan approval to permit two, 10-storey mixed-use apartment buildings connected by a 7-storey podium containing 282 dwelling units and ground floor commercial area
- A Section 37 contribution in exchange for the increased density is required in accordance with a Local Planning Appeal Tribunal Order
- The Development Planning Department supports the development as it is consistent with the Provincial Policy Statement 2020, conforms to a Place to Grow – Growth Plan 2019 as amended, the York Regional Official Plan 2010 and meets the intent of Vaughan Official Plan 2010 and the Yonge Steeles Corridor Secondary Plan, and is considered to be compatible with the surrounding existing and planned land uses

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.20.010 (8188 Yonge Inc.) BE APPROVED to:
  - a) amend Zoning By-law 1-88 to rezone the Subject Lands from “C1 Restricted Commercial Zone,” subject to site-specific Exceptions 9(9), 9(264) and 9(389) and “R1V Old Village Residential Zone,” subject to site-specific Exception 9(662) to “RA3 Apartment Residential Zone” in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
  - b) permit the bonusing for increased height and density for the proposed Development shown in Attachments 3 to 6, in accordance with the LPAT Order (File No. PL11184, Appeal #157), in return for the following potential community benefits totalling \$3,400,000 pursuant to the *Planning Act*, the policies of Vaughan Official Plan 2010, the Yonge Steeles Corridor Secondary Plan and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*.
    - i) Improvements and/ or repairs to nearby heritage properties including:
      - The Armstrong House at 42 Old Yonge Street (i.e. window repair, roof, and exterior door replacement)
      - The MacDonald House at 121 Centre Street (i.e. window and siding repair, interior door replacement)
      - The Arnold House at 21 Spring Gate Boulevard (i.e. window repair, exterior brick, and interior flooring replacement)
    - ii) A contribution to Housing York Inc. for affordable housing;
    - iii) A contribution to the Yonge Street Corridor Public Art Strategy;
    - iv) Landscaping costs associated with the privately-owned public space and the mid-block connection on the Subject Lands;
    - v) Improvements and/or upgrades to Langstaff School Park, Riverside Park and/or Thornhill Park; (i.e. shade structure, site furnishings, improvements to playground and basketball courts, outdoor fitness equipment, new water play);
    - vi) Improvements to Uplands Trail;
    - vii) Improvements and/or upgrades to Bathurst Clark Library (i.e. parking lot renovation); and
    - viii) Improvements / upgrades to Garnet A. Williams Community Centre(i.e. room divider for multi-purpose room, locker upgrades, sound system installations, lobby furniture, shade structure).
2. THAT prior to the enactment of the implementing Zoning By-law, the Mayor and the City Clerk be authorized to execute the Section 37 Density Bonusing

Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of community benefits identified in Recommendation 1b. The Owner shall pay to the City the Section 37 surcharge fee in accordance with the Tariff of Fees By-law for Planning Applications, prior to the execution of the Section 37 Agreement.

3. 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 came into effect, to permit minor adjustments to the implementing Zoning By-law, if required.
4. THAT Site Development File DA.20.015 (8188 Yonge Inc.) BE DRAFT APPROVED SUBJECT TO CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department to permit two, 10-storey mixed-use apartment buildings connected by a 7-storey podium consisting of 282 residential dwelling units, ground floor commercial area, two levels of underground parking and a privately-owned public space.
5. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage capacity:

“IT IS HEREBY RESOLVED THAT Site Plan Development File DA.20.015 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 282 residential apartment dwelling units (623 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

### **Background**

The subject lands (the ‘Subject Lands’), shown on Attachment 2, includes 6 properties municipally known as 8136, 8140, 8150, 8178 and 8188 Yonge Street and 5 Uplands Avenue. The Subject Lands are located on the west side of Yonge Street, between Helen Avenue and Uplands Avenue. The Subject Lands are currently developed with one and two storey commercial and retail buildings fronting onto Yonge Street and a detached dwelling is located on 5 Uplands Avenue.

Date of pre-application consultation: January 17, 2020

Date applications deemed complete: April 30, 2020

### ***A Zoning By-law Amendment and Site Development application have been submitted to permit the Development***

8188 Yonge Inc. (the ‘Owner’) has submitted the following applications (the ‘Applications’) to permit the development of two, 10-storey mixed-use apartment buildings connected by a 7-storey podium containing 282 residential dwelling units, a Floor Space Index of 3.4 times the area of the Subject Lands, 678 m<sup>2</sup> of ground floor

commercial area, 343 parking spaces within two levels of underground parking, and a privately-owned public space (POPS) (the 'Development'):

1. Zoning By-law Amendment File Z.20.010 to amend Zoning By-law 1-88 to rezone the Subject Lands from "C1 Restricted Commercial Zone", subject to site-specific Exceptions 9(9), 9(264), and 9(389) and "R1V Old Village Residential Zone" with site-specific Exception 9(662), to "RA3 Apartment Residential Zone" in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Site Development File DA.20.015 to permit the Development as shown on Attachments 3 to 6.

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

The City on August 21, 2020, mailed a Notice of Public Meeting to all property owners within 150 m of the Subject Lands, plus an extended notification area, the Rosedale North Ratepayer's Association, the City of Markham and anyone on file with the Office of the City Clerk. A copy of the Notice of Public Meeting was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and notice signs were installed along the street frontages of the Subject Lands, in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on September 29, 2020, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of September 22, 2020, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

The following is a summary of the comments provided in the deputations and in writing at the Public Meeting of September 22, 2020, and written submissions received by the Development Planning Department. Resident comments have been organized by theme as follows:

Density and Compatibility

- The Development does not fit with the existing low-rise residential area
- The Development will create sun, shadow, and privacy impacts on the adjacent low-rise residential dwellings

Access, Traffic and Parking

- The access off Uplands Avenue will create traffic and congestion issues
- The Development will create traffic and congestion issues
- Visitors will park along local streets
- New roads and traffic signals will be needed

### Noise

- Noise pollution from personal and delivery vehicles, loading activities, POPS, and construction activities

### POPS

- The POPS will only serve the occupants of the Development, not the broader community

### Other

- The Development will affect property values in the area
- The Development will impact sewer and drainage capacity in the area
- The Development will impact the cultural value of the property and the Old Village of Thornhill Character
- During construction there will safety concerns, dust, vibration, and negative visual impacts
- The Development should include larger units to attract families to the area

The comments above are addressed throughout this report.

The City on April 23, 2021, sent a non-statutory courtesy notice of this Committee of the Whole meeting to all individuals who made a deputation at the Committee of the Whole or submitted written and email correspondence to the City regarding the Applications.

### **Previous Reports/Authority**

The following is a link to a previous report regarding the Subject Lands:

[September 22, 2020, Committee of the Whole \(Public Meeting\) Item 1, Report No. 42](#)

### **Analysis and Options**

#### ***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 and management of resources; and protecting public health and safety. The Development is consistent with the PPS, specifically the following:

- Section 1.1.1 by contributing to healthy, livable, and safe communities
- Section 1.1.3.1 by focusing growth and development in settlement areas
- Section 1.1.3.2 by efficiently using land and promoting a density and mix of land uses that are transit supportive
- Section 1.1.3.6 by allowing new development within designated growth areas having a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public services facilities

- Section 1.4.1 and 1.4.2 by providing an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional area
- Section 1.6.3 by optimizing existing infrastructure and public service facilities
- Section 1.7.1 by supporting the long-term economic prosperity, providing necessary housing supply and range of housing options for a diverse workforce, encouraging a sense of place by promoting well-designed built form

The Subject Lands are located within a Settlement Area as defined by the PPS. The Development will facilitate intensification with the replacement of four stand-alone commercial buildings with 282 residential dwellings units and 678 m<sup>2</sup> of commercial space. The Development provides a compact and mixed-use built form at a density that is transit supportive and contributes to the range of housing options and typologies (apartment units) in the area for future and current residents. The proposed built form, including podium heights, commercial at grade and the application of a 45-degree angular plane to reduce impacts on the abutting properties, provides an appropriate pedestrian scale and minimizes the impact to surrounding low-density residential uses.

The Development promotes efficient use of the lands, reduces land consumption, and optimizes existing and planned municipal infrastructure. The proposed density will utilize and support the transit investments planned for the Yonge North Subway Extension (YNSE).

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

***The Development conforms to the Provincial 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, as amended (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 provision of infrastructure to support growth; protecting natural systems and cultivating a culture of conservation.

Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density that is supportive of the Growth Plan objectives, specifically:

- Section 2.2.1 respecting directing growth to settlement areas that have existing or planned municipal infrastructure and the achievement of complete communities
- Section 2.2.2 respecting contributing to meeting residential development growth targets within the delineated built-up area

- Section 2.2.6 respecting providing Complete Communities, as defined by the Growth Plan, to encourage a diverse mix of housing densities to meet the needs of current and future residents and establish targets for affordable ownership housing and rental housing
- Section 3.2.3 respecting optimizing public investments in higher order transit
- Section 3.2.6 - optimize and improve efficiency within existing water and wastewater systems, and utilize existing systems to serve growth in a manner that supports the minimum intensification targets of the Growth Plan

The Subject Lands are located within a Settlement Area, as defined by the Growth Plan and a delineated built-up area. The compact built form of the Development makes efficient use of the Subject Lands and adds a range and mix of housing units and uses for the community. The Development provides for pedestrian-built form at-grade, new pedestrian linkages through the community and will also provide an appropriate transition to the surrounding low-rise residential community.

The Growth Plan sets out a regional vision for transit and seeks to align transit growth by directing growth in the Major Transit Station Areas ('MTSA') and other strategic growth areas, including growth centres. Yonge Street is identified as a Priority Transit Corridor with higher-order transit planned in this area with the YNSE. The Development is located adjacent to the YNSE and proposes a higher density that supports this major transit investment.

The Development conforms to the goals and objectives of the Growth Plan, will make more efficient use of the Subject Lands, and will optimize municipal water and wastewater infrastructure (Sections 2.2.2 and 3.2.6). On this basis, the Development conforms to the Growth Plan.

***The Development 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. The Subject Lands are designated "Urban Area" by the YROP which permits a wide range of residential, commercial, industrial, and institutional uses. The Development conforms to the YROP, specifically:

- Section 3.5 respecting housing objectives which include providing a mix and range of affordable housing and smaller unit types, and meeting density
- Section 4.2.4 respecting encouraging a mixed-use pedestrian environment in Regional Centres and Corridors that promotes transit uses and enhances these areas as destinations for business, entertainment, and recreation
- Section 5.3 respecting development within the urban structure by encouraging residential development to occur within built-up areas as defined by the Province's Built Up Area Boundary in the Growth Plan
- Section 5.4 respecting the need for urban, compact, and pedestrian friendly built form that is transit supportive.

The Subject Lands are located along Yonge Street which is identified as a “Regional Corridor” on Schedule 1 - Regional Structure in the YROP. The Development would increase the mixed-use function of the Subject Lands by adding residential and commercial uses and a POPS. The Development has an urban and compact built form, with a total of 282 residential dwelling units which contributes to the range of housing choice in the City to meet the needs of residents and workers within York Region. The range and mix of uses together with the proposed density will optimize the use of the YNSE and encourage pedestrian activity.

On this basis, the Development conforms to the policies of the YROP.

***The Development conforms to City of Vaughan Official Plan 2010 (‘VOP 2010’)***

The portion of the Subject Lands fronting onto Yonge Street is identified as a “Regional Intensification Corridor” on Schedule 1 - Urban Structure of VOP 2010 and is designated “Mid-Rise Mixed-Use” by VOP 2010, Volume 2, Yonge Steeles Corridor Secondary Plan (‘YSCSP’). The property located at 5 Uplands Avenue is designated “Low-Rise Residential” by VOP 2010.

The Local Planning Appeal Tribunal (‘LPAT’) on October 7, 2019, issued an Order for the Subject Lands (File No. PL111184, Appeal 157) approving site-specific policies to the YSCSP of VOP 2010. The Order establishes a permitted building height of 10-storeys and an FSI of 3.4 times the area of the lots for the portion of the Subject Lands fronting onto Yonge Street designated “Mid-Rise Mixed-Use”. The Order allows for additional uses, such as outdoor amenity, privately-owned publicly accessible park, open space, underground parking, access, and driveways for the portion of the Subject Lands fronting on Uplands Avenue. The Order also permits the net developable area for the portion of the Subject Lands fronting onto Yonge Street to include the land area of 5 Uplands Avenue for the purposes of calculating the FSI.

The Development consists of two, 10-storey mixed-use apartment buildings connected by a 7-storey podium with an FSI of 3.4 times the area of combined lots. The height and density are focused along Yonge Street. The Development tapers downwards to 2-storeys towards the west to provide a transition to the existing “Low-Rise Residential” neighbourhood. The POPS provides a buffer between the north building and the existing neighbourhood. Commercial space is located on the ground floor having frontage on Yonge Street to encourage pedestrian activity and to animate the street. The Development conforms to the YSCSP and VOP 2010.

***The Owner is required to enter into a Section 37 Bonus Agreement for the proposed increase in building height in exchange for community benefits***

Under Section 37(1) of the *Planning Act*, permits an increase to building height or density above what is otherwise permitted may be authorized in return for the provision of community benefits. The site-specific LPAT Order for the Subject Lands (File No. PL11184, Appeal #157) states the requirements for a Section 37 Agreement and contribution calculation using a Base Density of 1.5 FSI shall be satisfied prior to the implementation of the site-specific zoning by-law.



To determine the uplift value and Section 37 contribution, the Owner retained Janterra Real Estate Advisors Inc. who provided an appraisal report for the uplift on the Subject Lands resulting from the increased building height and density approved by the LPAT. The Owner on December 18, 2020, submitted the appraisal to the City for review and approval. The appraisal report identifies the uplift value of the Subject Lands as \$17,000,000. The Infrastructure Development Department, Real Estate Division, reviewed and accepted the appraisal report.

Based on the policies of VOP 2010 and the City's Guidelines for the Implementation of Section 37 Benefits, the Owner and the City have agreed to a monetary contribution of \$3,400,000. This contribution will be included in the implementing zoning by-law and secured through a Section 37 Density Bonus agreement executed between the Owner and the City prior to the enactment of the Zoning By-law, to the satisfaction of the City. The contribution will be directed towards the following potential community benefits, to be finalized prior to the execution of the Density Bonus Agreement:

- Improvements and/ or repairs to nearby heritage properties:
  - The Armstrong House at 42 Old Yonge Street (i.e. window repair, roof, and exterior door replacement)
  - The MacDonald House at 121 Centre Street (i.e. window and siding repair, interior door replacement)
  - The Arnold House at 21 Spring Gate Boulevard (i.e. window repair, exterior brick, and interior flooring replacement)
- A contribution to Housing York Inc. for affordable housing
- A contribution to the Yonge Street Corridor Public Art Strategy
- Landscaping costs associated with the privately-owned public space and the mid-block connection on the Subject Lands;
- Improvements and/or upgrades to Langstaff School Park, Riverside Park and/or Thornhill Park (i.e. shade structure, site furnishings, improvements to playground and basketball courts, outdoor fitness equipment, new water play)
- Improvements to Uplands Trail
- Improvements and/or upgrades to Bathurst Clark Library (i.e. parking lot renovation)
- Improvements / upgrades to Garnet A. Williams Community Centre (i.e. room divider for multi-purpose room, locker upgrades, sound system installations, lobby furniture, shade structure)

The Owner will be required to pay the Section 37 Bonus Agreement Surcharge Fee in accordance with the "Tariff of Fees By-law for Planning Applications," in effect at the time the execution of the Agreement to prepare the Section 37 Agreement. Conditions to this effect are included in the Recommendations of this report.

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

The portion of the Subject Lands fronting onto Yonge Street is zoned "C1 Restricted Commercial Zone" by Zoning By-law 1-88 subject to site-specific Exceptions 9(9),

9(264) and 9(389). The “C1 Restricted Commercial Zone” permits a variety of retail, service and office uses. The portion of the Subject Lands fronting onto Uplands Avenue is zoned “R1V Old Village Residential Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(662) and permits detached dwellings.

The Owner proposes to amend Zoning By-law 1-88 to rezone the Subject Lands to “RA3 Apartment Residential Zone” in the manner shown on Attachment 3, together with the following site-specific zoning exceptions to permit the Development:

Table 1

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone Requirements</b>
a.	Definition “Gross Floor Area”	Means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure	Means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure and excludes any service commercial corridors for retail uses
b.	Permitted Uses	<ul style="list-style-type: none"> <li>• Apartment Dwelling</li> <li>• Day Nursery</li> </ul>	Permit the following additional uses on the ground floor, up to a maximum combined total Gross Floor Area (‘GFA’) of 700 m <sup>2</sup> : <ul style="list-style-type: none"> <li>• Bank for Financial Institution</li> <li>• Business or Professional Office</li> <li>• Eating Establishment, Convenience and Take-out</li> <li>• Personal Service Shop</li> <li>• Pharmacy</li> <li>• Store, Retail</li> <li>• Store, Convenience Retail</li> </ul>
c.	Minimum Lot Area Per Unit	67 m <sup>2</sup> /unit	26.8 m <sup>2</sup> /unit
d.	Minimum Front Yard	7.5 m	3 m (Yonge Street)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
e.	Minimum Exterior Side Yard	7.5 m	3 m (Uplands Avenue) 3 m (Helen Avenue)
f.	Minimum Landscape Strip Width	6 m	0 m (Uplands Avenue, Yonge Street, Helen Avenue)
g.	Minimum Amenity Area	159 One Bedroom Units @ 20 m <sup>2</sup> /unit = 3,180 m <sup>2</sup>  104 Two Bedroom Units @ 55 m <sup>2</sup> /unit = 5,720 m <sup>2</sup>  19 Three Bedroom Units @ 90 m <sup>2</sup> /unit = 1,710 m <sup>2</sup>  Total amenity area required = 10,610 m <sup>2</sup>	Total amenity area proposed: 1,700 m <sup>2</sup> (including POPS)
h.	Minimum Parking Requirements	<u>Residential</u> 282 units @ 1.5 spaces/unit = 423 spaces  <u>Visitor</u> 282 units @ 0.25 spaces/unit = 71 spaces  <u>Commercial</u> 678 m <sup>2</sup> @ 6 spaces/100 m <sup>2</sup> = 41 spaces  Total Parking Required = 532 spaces  <u>Eating Establishment</u>	<u>Residential</u> 159 One Bedroom Units @ 0.85 spaces/unit = 136 spaces  99 Two Bedroom Units @ 0.95 spaces/unit = 95 spaces  24 Three Bedroom Units @ 1.15 spaces/unit = 28 spaces  <u>Visitor</u> 282 units @ 0.20 spaces/unit = 57 spaces  <u>Commercial</u> 678 m <sup>2</sup> @ 3 spaces/100 m <sup>2</sup> = 21 spaces  Total Parking Proposed = 337 spaces  <u>Eating Establishment</u>

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone Requirements</b>
		16 spaces /100 m <sup>2</sup>	6 spaces /100 m <sup>2</sup>
i.	Minimum Parking Space Size	2.7 m by 6 m	2.7 m by 5.8 m
j.	Minimum Driveway Width	7.5 m	6 m
k.	Minimum Front and Exterior Side Yard Setbacks to Underground Parking	1.8 m	0 m
l.	Permitted Yard Encroachment for Canopies	0.5 m	1.0 m

The Development Planning Department supports the above noted site-specific zoning exceptions for the following reasons:

- The proposed uses conform to the permitted uses in the “Mid-Rise Mixed-Use” designation of VOP 2010 and the YSCSP and are considered compatible and will provide for market flexibility
- The proposed commercial uses are consistent with the currently permitted uses in the “C1 Restricted Commercial Zone”
- The proposed building setbacks, lot area, driveway width, landscaping and encroachment facilitate a Development that is consistent with the policies of the PPS and conforms to the Growth Plan, York Region Official Plan, the City of Vaughan Official Plan, and the Yonge Steeles Corridor Secondary Plan. These development standards also provide for an appropriate built form, active streetscape frontage and facilitate a pedestrian realm relationship that is supported by existing and planned transit
- The proposed minimum amenity area is appropriate given the proximity of parks and open space areas to the Subject Lands, particularly Langstaff School Park
- The proposed reduced parking ratios are supported by a Traffic Impact and Parking Study prepared by BA Group, dated March 2020 and revised July 20, 2020. The proposed parking rates are consistent with the City’s draft parking standards as recommended by the IBI Study. The Development Engineering Department (DE) Department has reviewed the parking study and concurs with the parking standards proposed for the Development

***The Planning Act, permits Vaughan Council to pass a resolution to permit a landowner to apply for a future Minor Variance application(s), 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(s) to the Committee of Adjustment within two (2) 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 Minor Variance Applications within two (2) years of the passing of a by-law amendment. Should Council approve Zoning By-law Amendment File Z.20.010 the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s), if required, prior to the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

***The Development Planning Department supports the Development***  
**Site Design**

The Site Plan shown on Attachment 3 consists of two, 10-storey apartment buildings connected by a 7-storey podium with commercial uses and amenity spaces at grade. The base of the podium along Yonge Street features a mid-block pedestrian connection to encourage pedestrian activity through the Development and into the POPS located at the northwest corner of the Subject Lands, as shown on Attachments 3 and 4. The two residential buildings have a total of 282 residential dwelling units ranging in a variety of sizes (159 one-bedroom units, 77 two-bedroom units and 19 three-bedroom units). Vehicular access to the Subject Lands is provided from Uplands Avenue. The proposed parking spaces are distributed over two levels of underground parking.

The south building gradually decreases in height to provide a transition in scale to the adjacent “Low Rise Residential” neighbourhood by deploying a modified 45-degree angular plane. The south building features appropriate setbacks and step backs to reduce the impact of this Development on the properties to the immediate west of the Subject Lands. The proposed south building would be setback between 7.5m and 35 m to the west property line and would step back between 2 m and 3.5 m on each level starting above the 3<sup>rd</sup> storey. The proposed north building would be setback over 27 m from the adjacent detached dwellings and is also buffered by the POPS. The proposed separation distances for the Development is adequate to mitigate overlook and privacy issues and would not create significant shadowing.

**Landscape and POPS**

The Landscape Plan shown on Attachment 4, consists of new concrete planters with shrubbery and enhanced pavers along Uplands Avenue and Helen Avenue, as well as new plantings concentrated along the mid-block connection. The Yonge Street frontage includes hard landscape and features to support pedestrian activity and the commercial uses at grade. Special paving pattern designs will be installed to enhance wayfinding throughout the mid-block connection to ensure a pedestrian friendly environment through to the POPS.

High-quality landscape is provided throughout the midblock connection including tiered concreted planters, wood bench concrete walls, and picnic tables. The POPS will feature a garden walk, naturalized play area and a dog run. The residential amenity area is provided on the ground floor of the Development, as shown on Attachment 4, and features a pool, pool cabanas, raised pool deck, and outdoor dining area.

York Region has indicated that the Yonge Street Corridor Streetscape Master Plan update (the 'YSCSPMP') is currently ongoing. The update will see the re-location of the cycling facilities in the Regional right-of-way and will outline details on the boulevard design for Yonge Street. The Owner must work with York Region to implement YSCSPMP into the final design of the Landscape Plan.

### Building Elevations

The Building Elevations shown on Attachments 5 to 6, utilizes a modern architectural design with vision and spandrel glass and precast concrete as the primary building materials. All primary lobby entrances and individual residential ground floor unit entrances are located at-grade and are clearly visible and accessible to the public realm. Commercial uses are proposed at-grade with entrances along Yonge Street to activate the Yonge Street streetscape and promote a vibrant and pedestrian friendly environment. Development Planning Staff have reviewed the Development as shown on Attachments 5 to 6. The final building elevations shall be approved by the Development Planning Department. Conditions to this effect are included in Attachment 1.

### Shadow Impacts

The Owner submitted a Sun/Shadow Study prepared by Z01 Architecture and dated November 16, 2020 ('Shadow Study'). The Shadow Study consists of shadow tests conducted for March 21, June 21, September 21, and December 21 using one-hour intervals from 9:18 am to 6:18 pm. The Development maintains over five (5) hours of consecutive sunlight for all seasons on Helen Avenue and Uplands Avenue.

The Subject Lands are located east of the existing residential community. It is anticipated the Development would have minimal shadow impacts to the existing residential community as the sun sets in the west. In addition, the Development would have minimal shadow impact on adjacent commercial properties to the east side of Yonge Street. The Development maintains over (5) hours of consecutive sunlight on the north side of the Development for the spring, summer and fall seasons. The Development will have minimal impacts on the open space at the Uplands Community Learning Centre, as shown on Attachment 2, during the winter months only. The Sun/Shadow Study is consistent with the City-Wide Urban Design Guidelines.

### ***The Owner has addressed the Vaughan Design Review Panel's comments***

The Panel, on September 24, 2020, reviewed the Development and provided the following comments:

- Reevaluate the grading and programming within the POPS

- Redefine the arrival and termination points for the POPs and integrate some passive programming into the POPS
- Revise some of the elements of the architectural expression to achieve a wholistic scheme, while still maintaining important individual parts of the Development

The Owner revised the Development to respond to the Panel's comments as follows:

- Included more passive programming into the POPS (i.e. eating areas)
- Improved the arrival and termination points for the POPS by lowering the height of the entry feature wall
- Enhanced the architectural expression by implementing a more cohesive design throughout and upgrading to the commercial facades

The Development Planning Department is satisfied that the Owner has addressed the comments of the Panel, through further refinements to the Development, subject to the Recommendations in Attachment 1.

***A Tree Protection Agreement is required***

The Owner submitted an Arborist Report and Tree Preservation Plan by Kuntz Forestry Consulting Inc. dated March 2, 2020, revised July 27, 2020, and February 4, 2021. The Arborist Report identifies two (2) mature trees abutting Uplands Avenue within the City's right-of-way that will be removed due to construction. The municipally owned trees are valued at \$550 per tree in accordance with the City's Tree Protection Protocol. The Owner shall pay \$1,100 towards the City's Forestry Reserve Fund to fund tree new tree plantings within City-owned properties in the same community.

The Owner proposes to remove several trees on the Subject Lands to accommodate the Development. Based on the City's Replacement Tree Requirements under the City's Tree Protection Protocol, the Arborist Report has confirmed 22 replacement trees are required on the Subject Lands. The proposed landscape plan includes more than the required 22 replacement trees, therefore, cash-in-lieu is not applicable. The Owner shall enter into a Tree Protection Agreement with the City prior to finalizing the Site Plan Agreement in accordance with the City's Tree Protection By-law 052-2018 and Tree Protection Protocol. The Owner shall not remove any trees without written approval by the City. A condition to this effect is included in Attachment 1 of this report.

***The Policy Planning and Environmental Sustainability Department has no objection to the Development, subject to Conditions of Approval***

There are no natural heritage features on the Subject Lands and therefore, the Policy Planning and Environmental Sustainability Department has no concerns respecting the Applications. However, all applications, regardless of their location, are required to abide by the *Endangered Species Act (2007)* regulated by the Ministry of Natural Resources and Forestry ('MNRF'). The Owner is required to complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 1.

***The Development meets the Gold Sustainability Threshold Score***

The Owner has submitted a completed Sustainability Scoring Tool dated April 6, 2020, in support of the Development. The Sustainability Scoring Tool demonstrates an Overall Application Score of 68 and an Overall Community Score of 82, meeting the Gold Sustainability Threshold Score with the following highlights:

- 75% of units are within a 400 m walking distance of basic and lifestyle amenities
- 75% of units are within a 200 m walking distance of one or more bus stops
- 60% of sidewalks abutting the Development having shade by new trees within 10 years

***There are no Cultural Heritage concerns for the Development***

The Cultural Heritage Division of the Development Planning Department has no concerns with the Development, subject to standard archaeological clauses in the Site Plan Agreement. A condition to this effect is included in Attachment 1.

***A Draft Plan of Condominium application is required to establish the condominium tenure of the Development***

The Owner has indicated that the Development will be managed by a Condominium Corporation. Should Vaughan Council approve the Applications, a Draft Plan of Condominium application will be required to create the condominium tenure for the Development and secure future warning clauses and condominium conditions.

***The Development Engineering Department supports the Development, subject to the conditions***

The Development Engineering department ('DE Department') has provided the following comments:

Municipal Water and Sanitary Servicing

The Owner has submitted a Functional Servicing and Stormwater Management report in support of the Development prepared by Schaeffer & Associated Limited, dated November 2020 and revised February 10, 2021 (the 'Servicing Report'). The DE Department has reviewed the Servicing Report and has no objections to the proposed servicing, subject to addressing comments issued April 1, 2021 the conditions included in Attachment 1.

The water supply for the Subject Lands will be provided from the existing municipal watermain on Yonge Street. The Servicing Report concludes that the watermain provides adequate flows and pressures to service the Subject Lands. The existing watermain on Yonge Street and Helen Avenue are proposed to be lowered to allow for the required minimum vertical separation between the watermain and proposed storm and sanitary sewer connections. The Owner will be required to enter into a development agreement to address the required modifications.



The proposed sanitary sewer system will discharge to the existing municipal sanitary sewer on Helen Avenue. The City has initiated a Servicing Master Plan update known as the Integrated Urban Water Master Plan Environmental Assessment (the 'Servicing Master Plan'). The Servicing Master Plan update will assess the existing and planned municipal servicing systems (water, wastewater, stormwater) to support the City's Official Plan Review. A Functional Servicing Strategy for the Yonge Steeles Corridor Secondary Plan Area will be established through this on-going Servicing Master Plan. The servicing on the Subject Lands shall conform to the conclusions and recommendations of Servicing Master Plan update. Conditions to this effect are included in Attachment 1.

#### Lot Grading and Drainage

The DE Department has no objections to the proposed grading, subject to the Owner addressing final comments. A condition to this effect is included in Attachment 1.

#### Sewage and Water Allocation

Vaughan Council on December 15, 2020, endorsed its Allocation of Servicing Capacity Annual Distribution and Allocation of Servicing Capacity Policy. Accordingly, servicing capacity to Site Plan Development File DA.20.015 is available and unrestricted. A Condition to this effect is included in the Recommendation section of this report.

#### Stormwater Management

The Development will outlet to the existing York Region sewer on Yonge Street. Runoff from the Subject Lands, up to and including the 100-year storm event, will be contained on-site. Runoff exceeding the 100-year storm event will be conveyed via an overland flow route towards downstream receiving systems on Helen Street. On-site detention will be provided by a storage tank proposed at the south west corner of the P1 parking level. An access hatch from the underground storage tank provides an emergency spillway for events larger than the 100-year storm and is directed to Helen Avenue. Quality control is provided to a Jellyfish filtration unit that will treat flows from the drive aisle. The 5mm downstream erosion control target will be achieved with the use of an underground rainwater harvesting storage sump located within the stormwater tank and will be utilized for irrigation.

#### Yonge-Steeles Corridor Secondary Plan (YSCSP) Functional Servicing Strategy Report

The YSCSP Functional Servicing Strategy identifies municipal servicing infrastructure improvements to accommodate the ultimate build-out of the YSCSP area. Based on the conclusions and recommendations of the City's on-going Servicing Master Plan update, the Owner is required to contribute its proportionate share of servicing infrastructure improvements. A condition to this effect is included in Attachment 1.

#### Development Agreement

The Owner is required to enter into a development agreement to satisfy all conditions, financial or otherwise, of the City with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads, parks, walkways and municipal services, including modification of the watermain along

Yonge Street and Helen Avenue, installation of new services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the City. Conditions to this effect are included in Attachment 1.

#### Transportation Demand Management

To ensure future transit improvements are taken advantage of and single occupancy vehicle use is minimized as greatly as possible within the Development, Transportation Demand Management ('TDM') will play an important role. The Owner is proposing the following TDM measures:

- Integrated pedestrian connections through the Development, oriented towards the adjacent transit stop facilities
- Long and short-term bicycle parking for both residents and commercial uses
- Implement car share programs
- A lower parking supply to reduce automobile dependence
- Provide a mix of uses in the Development to shorten travel distances for future residents and visitors

The Owner is required to complete a final TDM Plan to the satisfaction of the DE Department and York Region. A condition to this effect is included in Attachment 1.

#### Road Network and Parking

The Owner has submitted a Traffic Impact and Parking Study in support of the Development prepared by BA Group, dated March 2020 and revised July 2020 and November 2020 (the 'Traffic Study'). The Traffic Study concludes the Development can be adequately serviced by the existing road network. Access to the Subject Lands is proposed from Uplands Avenue which is controlled by a traffic signal at its intersection with Yonge Street. The access is not expected to impact the existing road network. The Subject Lands have excellent access to public transit along Yonge Street including the VIVA Blue bus stops (5-minute walking distance) and future YNSE. The Subject Lands are also located within close walking distance from shops, schools, restaurants, and amenities.

The Traffic Study concludes that the proposed parking supply of 337 spaces is sufficient for the Development, as the proposed parking rates are consistent with the City of Vaughan's Parking Standard completed by IBI Group for the City in March 2010 ('IBI Report'). In addition, bicycle parking and TDM measures will be implemented to encourage active transportation. On this basis, the DE Department has no objections to the proposed parking supply of 337 spaces. The final Traffic Study shall be approved by the DE Department. A condition to this effect is included in Attachment 1.

#### Noise Assessment

The Owner has submitted a Noise and Vibration Impact Study prepared by J.E Coulter Associates Limited dated March 17, 2020, and revised July 20, 2020, and February 16, 2021 ('Noise and Vibration Study'). The Noise and Vibration Study concludes that sound levels generated by the combination of Yonge Street, Highway 7, and Highway 407 will

be moderately high, requiring noise control measures. The Noise and Vibration recommends several noise control measures to mitigate noise effects from transportation and stationary sources to meet sound level targets in accordance the Ministry of Environment, Conservation and Parks ('MECP') "Environmental Noise Guidelines NPC-300" ('NPC-300'). The recommendations include mandatory air conditioners, suitable building materials and warning clauses inserted in the agreements of purchase and sale.

The Noise and Vibration Study indicates that ground vibrations will not significantly impact the Development. The vibration levels from the proposed YNSE are expected to be below the level of perception. No actions are recommended.

Prior to the execution of the Site Plan Agreement, the DE Department must approve the final Noise and Vibration Study. In addition, site-specific warning clauses will be included in the implementing Site Plan Agreement. Conditions to this effect are included in Attachment 1.

#### Environmental Engineering

The Environmental Engineering division of the DE Department has reviewed the following Environmental Site Assessments ('ESA') documentation:

- Terraprobe Inc. report titled "Phase One Environmental Site Assessment, 8136-8188 Yonge Street and 5 Uplands Avenue, Vaughan, Ontario" dated February 24, 2020
- Terraprobe Inc. report titled "Phase Two Environmental Site Assessment, 8136-8188 Yonge Street and 5 Uplands Avenue, Vaughan, Ontario" dated September 25, 2020
- Terraprobe Inc Letter of Reliance for Phase One and Two ESA dated January 29, 2020

The findings of the Phase One and Phase Two Environmental Site Assessments identified no contaminants of concern in soil or groundwater on the Subject Lands, and no further investigations were recommended. The Owner is required to obtain a MECP Record of Site Condition ('RSC') filed on the Environmental Site Registry due to the change to a more sensitive land use. A copy of the filed RSC must be submitted to the City and the Region prior to the execution of the Site Plan Agreement. A Condition to this effect is included in Attachment 1.

#### ***Cash-in-Lieu of the dedication of parkland is required for the Development***

The Owner is required to pay to the City by way of certified cheque, cash-in-lieu of the dedication of the parkland equivalent to 1 ha per 500 units or at a fixed 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 By-law 139-90, as amended by By-law 205-2012.

The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the

Infrastructure Development Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. Standard conditions to this effect are included in the Site Plan Agreement.

***Development Charges are Applicable to the Development***

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. Standard conditions to this effect would be included in the Site Plan Agreement.

***The Parks Infrastructure Planning and Development Department has no objection to the Development, subject to conditions of approval***

The Parks Infrastructure Planning and Development Department has no objections to the approval of the Applications. The Owner has agreed to convey and register on title a public access easement over the POPS to the City free of cost and encumbrances. Prior to registration of the Site Plan Agreement, the Owner will be required to provide proof of registration for the public easement and an agreement to the Parks Infrastructure Planning and Development Department. A condition to this effect is included in Attachment 1 of this report.

***The Environmental Services Department, Solid Waste Management Division has no objection to the Development***

The Site Plan shown on Attachment 3, identifies an enclosed garbage and recycling area located within the interior of the north building. Two (2) garbage and recycling rooms are proposed to separately serve the residential and commercial components of the Development. Garbage and recycling will be picked up privately via the loading area located on the western side of the north building.

The Environmental Services Department, Solid Waste Management Division has no objections to the proposed waste management plan for the Development. The Site Plan Agreement will include a standard clause requiring private waste collection services for the Development. A condition to this effect is included in Attachment 1.

***Vaughan Fire and Rescue Service supports the Development***

Vaughan Fire and Rescue Service supports the Development subject to the Owner satisfying all Building Code requirements and providing a minimum level of fire safety and protection at the building construction stage of development. A condition to this effect is included in Attachment 1.

***Metrolinx has no objection to the Development, subject to conditions of approval***

The Subject Lands are located in proximity to the YNSE. The alignment of the YNSE is still under review by Metrolinx. Metrolinx has no objection to the Development, however the Owner shall satisfy all requirements of Metrolinx including distressing all tiebacks within the Yonge Street right-of-way by the first quarter of 2024, providing all final approved and as-built drawings, monitoring and recording the surrounding buildings

conditions during construction and preparing and registering all reference plans, strata plans, easement documents and agreements that may be required. Should construction of the Development start before the YNSE construction is complete, coordination of construction activities will be required. A condition to this effect is included in Attachment 1.

Metrolinx further advises that a warning clause respecting the noise, vibration, and other interferences (i.e. smoke, electromagnetic interference etc.) related to the YNSE works shall be included in all agreements of purchase and sale and/or condominium declarations. A condition to this effect is included in Attachment 1.

***Canada Post has no objection to the Development, subject to Conditions of Approval***

The Development includes an internal centralized mail room for the residential and commercial component of the building. Canada Post has no objection to the Development subject to conditions of approval included in Attachment 1.

***NavCanada has no objection to the Development***

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service has advised in a letter dated February 10, 2021, of no objection to the Development. The Owner shall satisfy all the requirements of NavCanada. A condition to this effect is included in Attachment 1.

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

The York Region District School Board and York District Catholic School Board have no objection to or any conditions of approval for the Applications and will not require a new school for the Development. No comments were received from the Conseil Scolaire de District Catholique CentreSud.

***Other external agencies and various utilities have no objection to the Development***

The Owner is required to satisfy all requirements of Alectra Utilities, Enbridge Gas, Bell Canada, and Hydro One for the Development. A condition to this effect is included in Attachment 1.

**Financial Impact**

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

**Broader Regional Impacts/Considerations**

**York Region**

The Applications were circulated to the York Region Community Planning and Development Services Department for review and comment. The Subject Lands are located adjacent to Yonge Street, an arterial road under the jurisdiction of York Region with a planned right-of-way of 43 m. The Owner is required to convey two, 10 m by 10 m daylight triangles at both corners where Helen Avenue and Uplands Avenue intersect

Yonge Street. The Owner is required to satisfy all requirements of York Region. A condition to this effect is included in Attachment 1 of this report.

### City of Markham

The Applications were circulated to the City of Markham as the Development is located directly adjacent to the City of Markham boundary. The Applications were reviewed by Planning and Urban Design Department, Development Engineering Department, and the Transportation Department. The City of Markham has no objection to the Development.

### Conclusion

The Applications have been reviewed in consideration of the policies of the PPS, Growth Plan, YROP 2010, VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the area context.

The Development Planning Department is satisfied that the proposed amendments to Zoning By-law 1-88 to permit the Development is consistent with the PPS, conforms to the Growth Plan and YROP 2010, and is appropriate for the development of the Subject Lands. The Development also conforms to LPAT Order issued for the Subject Lands (File No. PL111184, Appeal 157). The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can support approval of the Applications, subject to the recommendations in this report and Conditions of 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 and Proposed Zoning
4. Landscape Plan
5. Building Elevations – East and North
6. Building Elevations – South and West

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**Reviewed by**



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