

Committee of the Whole (1) Report

DATE: Tuesday, May 4, 2021 **WARD(S):** 3

TITLE: FDF INVESTMENTS LTD. AND PLAYACOR HOLDINGS LTD.
OFFICIAL PLAN AMENDMENT FILE OP.16.011
ZONING BY-LAW AMENDMENT FILE Z.16.048
15 JEVLAN DRIVE AND 156 CHRISLEA ROAD
VICINITY OF WESTON ROAD AND CHRISLEA ROAD

FROM:

Jim Harnum, City Manager

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment Files OP.16.011 and Z.16.048. The Owner proposes to redesignate the subject lands shown on Attachment 1 from "General Employment" to "Employment Commercial Mixed-Use", to permit additional retail and service uses together with the site-specific amendments shown on Table 1. In addition, to amend the "EM3 Retail Warehouse Employment Area Zone" requirements in Zoning By-law 1-88 to permit additional retail and service commercial uses, together with the site-specific zoning exceptions identified in Table 2.

Report Highlights

- The Owner proposes to permit additional retail and service commercial uses for the existing employment buildings
- There are no changes proposed to the buildings or site for the subject lands
- An amendment to Vaughan Official Plan 2010 and Zoning By-law 1-88 is required to permit the proposal
- The Development Planning Department supports the approval of the applications as they are consistent with Provincial policy, conform to the York Region Official Plan 2010, and are compatible with the surrounding existing and planned land uses

Recommendations

- THAT Official Plan Amendment File OP.16.011 (FDF Investments Ltd. and Playacor Holdings Ltd.), BE APPROVED, to amend Vaughan Official Plan 2010 to redesignate the Subject Lands from "General Employment" to "Employment Commercial Mixed-Use" together with the site-specific exceptions identified in Table 1 of this report.
- 2. THAT Zoning By-law Amendment File Z.16.048 (FDF Investments Ltd. and Playacor Holdings Ltd.), BE APPROVED, to amend Zoning By-law 1-88, specifically the "EM3 Retail Warehouse Employment Area Zone" subject to Exception 9(931) for 15 Jevlan Drive and Exception 9(950) for 156 Chrislea Road. The amendment would permit additional retail and service commercial uses together with the site-specific zoning exceptions identified in Table 2 of this report.
- 3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment 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.

Background

The subject lands (the 'Subject Lands') are municipally known as 15 Jevlan Drive and 156 Chrislea Road and are located on the north side of Chrislea Road, east of Weston Road. The Subject Lands and surrounding lands are shown on Attachment 1.

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

The City on September 11, 2020, circulated a Notice of a Public Meeting to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the Subject Lands along Jevlan Drive and the east and south sides of Chrislea Road in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on October 21, 2020, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of October 6, 2020, and to 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, and no individuals made deputations regarding the applications at the October 6, 2020, Public Meeting.

Previous approvals were granted by Vaughan Council for 156 Chrislea Road Playacor Holdings Ltd., the Owner of 156 Chrislea Road, submitted Official Plan and Zoning By-law Amendment Files OP.19.004 and Z.19.012 to permit a medical office, and office and stationary supply, sales, service, and rental uses within the existing building located at 156 Chrislea Road. The Owner wanted additional uses for 156 Chrislea Road in the interim period while York Region conducted its Municipal

Comprehensive Review ('MCR') which included a review of the Proposal to determine if it was a conversion of employment lands to non-employment lands. Vaughan Council, at its March 11, 2020 meeting, ratified the March 3, 2020 Committee of the Whole recommendation to approve Official Plan and Zoning By-law Amendment Files OP.19.004 and Z.19.012. The implementing documents, being Official Plan Amendment 56 and Zoning By-law 85-2020, are in-effect.

The applications do not constitute an Employment Land Conversion
Policy 2.2.4.6, "Employment Area" of Vaughan Official Plan 2010 ('VOP 2010') states:

"That, in accordance with Provincial policy, conversion of Employment Areas to non-employment uses, which includes any retail uses not otherwise permitted in Employment Areas by this Plan (VOP 2010), may only be considered following a Regional municipal comprehensive review, in consultation with the City of Vaughan, and in accordance with the applicable policies, forecasts and land budget of the Region. The criteria for permitting Employment Area conversions will be as contained in the Growth Plan."

Policy 2.2.5 of the Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019, as amended ('Growth Plan') requires the assessment of an employment land conversion request to occur through a MCR.

The Region's MCR of the York Region Official Plan 2010 ('YROP 2010') employment conversion requests have been evaluated. York Region, in their letter dated March 27, 2020, advised that through its MCR, the proposed applications do not constitute an employment land conversion as discussed in the "Broader Regional Impacts / Considerations" section of this report. In addition, Recommendation 3c of the May 20, 2020, Committee of the Whole Report titled "Request for Comments: York Region Evaluation of Employment Land Conversion Requests" and prepared by the Policy Planning and Environmental Sustainability Department, confirmed the Proposal was not an employment land conversion.

Increased flexibility in the permitted uses for the Subject Lands can be accommodated within the City's existing employment lands framework, and therefore an employment land conversion is not required. Vaughan Council, on May 27, 2020, ratified Recommendation 3c.

Previous Reports/Authority

The following are links to previous reports regarding the Subject Lands:

March 3, 2020 Committee of the Whole Meeting (Item 2, Report 9)

May 20, 2020 Committee of the Whole Meeting (Item 10, Report 20)

October 6, 2020 Committee of the Whole (Public Meeting) (Item 2, Report 45)

Analysis and Options

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the proposed uses

The Owner has submitted the following applications (the 'Applications') to permit the following uses (the 'Proposal') in the existing two-storey, 2,317.97 m² employment building located at 15 Jevlan Drive and the existing one-storey, 2,146 m² employment building located at 156 Chrislea Road:

- 1. Official Plan Amendment File OP.16.011 to amend VOP 2010 as follows:
 - i) redesignate the Subject Lands from "General Employment" to "Employment Commercial Mixed-Use"; and
- Zoning By-law Amendment File Z.16.048 to amend Zoning By-law 1-88, specifically the "EM3 Retail Warehouse Employment Area Zone" ('EM3 Zone') subject to Exception 9(931) for 15 Jevlan Drive and subject to Exception 9(950) for 156 Chrislea Road. The amendment would permit additional retail and service commercial uses together with the site-specific zoning exceptions identified in Table 2 of this report.

There are no changes proposed to the buildings or to the Subject Lands shown on Attachment 3.

The Proposal is consistent with the Provincial Policy Statement 2020

In accordance with 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 PPS recognizes the importance of the local context and character. Policies are outcome oriented, and some policies provide flexibility in their implementation provided Provincial interests are upheld. The *Planning Act* requires that Council's planning decisions be consistent with the PPS.

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

- Policy 1.1.3 settlement areas being the focus of development based on densities and land uses which efficiently use land
- Policy 1.3.1 a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs
- Policy 1.3.1 b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses

- Policy 1.7.1 a) supporting long-term economic prosperity by promoting opportunities for economic development and community investment-readiness
- Policy 1.3.2.1 protecting and preserving employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs

The Proposal is to permit retail and service commercial uses for the existing employment buildings located within a settlement area. The proposed "Employment Commercial Mixed-Use" designation forms part of the City's "Employment Area" land supply in accordance with the PPS. The Proposal will provide flexibility and permit additional commercial uses for the day-to-day convenience and service needs of businesses and industries in the surrounding employment area. In consideration of the above, the Proposal is consistent with the PPS.

The Proposal conforms to the Growth Plan

The Growth Plan is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides 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 decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Proposal is consistent with the policy framework of the Growth Plan, specifically:

- Policy 2.2.1.a) the vast majority of growth will be directed to settlement areas that have a delineated built boundary and existing or planned municipal water and wastewater systems
- Policy 2.2.5.1 economic development and competitiveness will be promoted by:
 - a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities; and
 - b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan.
- Policy 2.2.5.3 directing retail and office uses to locations that support active transportation and have existing or planned transit

The Subject Lands are located within an "Employment Area" on Schedule 1 - Urban Structure of VOP 2010. The Proposal encourages the concentration of employment growth within settlement areas and utilizes the Subject Lands more efficiently and makes more efficient use of existing infrastructure. The Proposal makes more efficient use of existing and underutilized sites within an employment area. In consideration of the above, the Proposal conforms to the Growth Plan.

The Proposal conforms to YROP 2010

The YROP 2010 guides economic, environmental and community building decision making 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 located within the "Urban Area" on Map 1 - Regional Structure of YROP 2010. The Urban Area permits a range of residential, commercial, employment and institutional uses, subject to additional policy criteria. The Subject Lands are in proximity to a "Regional Rapid Transit Corridor" (Highway 7) on Map 11 - Transit Network of YROP 2010.

Policy 4.3 of YROP 2010 seeks to protect employment lands that are designated in local municipal official plans. The Proposal meets the objectives of Policy 4.3.5 of YROP 2010 as it enhances the long-term viability of the employment lands with a greater range of land uses. The Proposal is located in proximity to an existing 400-series highway (Highway 400) and is transit accessible, with transit on Highway 7 and Weston Road, in support of Policy 4.3.15 of YROP 2010. In consideration of the above, the Proposal conforms to YROP 2010.

An amendment to VOP 2010 is required to permit the Proposal

The Subject Lands are located within an "Employment Area" on Schedule 1 - Urban Structure of VOP 2010 and are not located within an "Intensification Area". The Subject Lands are designated "General Employment" by Schedule 13 - Land Use of VOP 2010, as shown on Attachment 2. The "General Employment" designation does not permit the Proposal for office and/or retail uses. Accordingly, an application to amend VOP 2010 has been submitted to redesignate the Subject Lands from "General Employment" to "Employment Commercial Mixed-Use" together with the following site-specific amendments:

Table 1

	VOP 2010 Policy	Proposed Amendments to VOP 2010
a.	Volume 1, Policy 9.2.2.7 a) – the "Employment Commercial Mixed- Use" designation shall be located along a Regional Intensification Corridor, a Primary Intensification Corridor or a Major Arterial Roa	Permit the "Employment Commercial Mixed-Use" designation to be located along a Major or Minor Collector Road (Jevlan Drive and Chrislea Road) as identified on Schedule 9 "Future Transportation Network" of VOP 2010
b.	Volume 1, Policy 9.2.3.7 d) surface parking between the front or side of an Employment Building and a public street is not permitted	Permit surface parking between the front (Chrislea Road) and side (Jevlan Drive and Chrislea Road) of a Low-Rise Building and a street for the existing buildings

	VOP 2010 Policy	Proposed Amendments to VOP 2010
C.	Volume 1, Policy 5.2.3.8 permits drive- through facilities in association with retail uses subject to not adversely affecting the policies of VOP 2010 respecting intensification, pedestrianization, attractive streetscapes and transit supportiveness	No drive-through facilities shall be permitted

The "Employment Commercial Mixed-Use" designation permits the following in "non-Intensification Areas":

- i) office uses up to a maximum of 12,500 m² of Gross Floor Areas ('GFA') per lot;
- ii) cultural and entertainment uses:
- iii) retail uses, provided that no retail unit shall exceed 3,500 m² GFA; and
- iv) gas stations.

Policy 2.2.4.7 - Employment Areas of VOP 2010 permits limited retail uses within the employment area to serve the day-to-day needs of the surrounding business and their needs. Policy 5.1.2 - Directing Economic Activity of VOP 2010 encourages the employment area to provide a range of ancillary uses that primarily support business and employees in the employment area.

Policy 9.2.2.7 of VOP 2010 states areas designated "Employment Commercial Mixed-Use" are located in employment areas abutting major arterial streets, and are intended to permit the following:

- non-residential intensification that makes efficient use of existing or planned transit investment
- commercial buildings that allow for a variety of business uses to occur in proximity to each other

The Subject Lands are located in proximity to an existing 400-series highway (Highway 400) and is transit accessible, with transit on Highway 7 and Weston Road. The existing two-storey, 2,317.97 m² employment building located at 15 Jevlan Drive and the existing one-storey, 2,146 m² employment building located at 156 Chrislea Road do not exceed the maximum office and retail GFA limits in VOP 2010 and would support the planned function of the "Employment Commercial Mixed-Use" designation. The Proposal supports the policy initiatives of VOP 2010.

The existing site condition includes parking spaces located between the current buildings and the street frontages of both Jevlan Drive and Chrislea Road. An exception to VOP 2010 is identified in Table 1 in order to maintain and permit the existing parking layout.

Policy 5.2.3.8 of VOP 2010 provides criteria to consider permitting a drive-through facility, and is applied to evaluate how the proposed drive-through facility meets the intent of VOP 2010. The Owner advised that a drive-through facility is not proposed for development at this time for the Subject Lands. An exception to VOP 2010 as identified in Table 1 is required to prohibit a drive-through facility on the Subject Lands. An amendment to the Official Plan shall be required to permit a drive-through facility should it be requested in the future and it must conform to Policy 5.2.3.8 of VOP 2010. Also, a Site Development Application will be required to implement the detailed design for any proposed drive-through facility on the Subject Lands.

Summary of Planning Policy

In consideration of the applicable Provincial policies and the YROP 2010 and VOP 2010 policies outlined in this report, the Proposal will provide uses to meet the needs of the existing businesses and provide a range of ancillary uses to primarily support business and employees in the employment area. The Proposal also makes efficient use of an existing and underutilized site within a defined employment area. The Development Planning Department is of the opinion that the Proposal is consistent with the policies of the PPS, conforms to the Growth Plan and the YROP, and maintains the intent of VOP 2010.

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

The Subject Lands are zoned EM3 Zone and subject to Exceptions 9(931) (15 Jevlan Drive) and 9(950) (156 Chrislea Road), as shown on Attachment 1. The Owner is proposing the following site-specific zoning exceptions to the EM3 Zone to permit the Proposal:

Table 2

	By-law Standard	"EM3 Zone" subject to site-specific Exception 9(931) and 9(950) Requirements	Proposed Exceptions to the "EM3 Zone" subject to site- specific Exceptions 9(931) and 9(950)
a.	Permitted Uses	 Employment Use with or without Accessory Retail and Office Uses Banquet Hall in a Single Unit Building Bowling Alley Business and Professional Offices, not including a Regulated Health Professional Club, Health Centre Convention Centre, Hotel, Motel 	Permit the following additional uses: Automotive Retail Store Bank and Financial Institution Banquet Hall, including an eating establishment, provided the eating establishment does not exceed 20% of the GFA of the banquet hall Car Rental Service Eating Establishment with Outdoor Patio, subject to the

By-law Standard	"EM3 Zone" subject to site-specific Exception 9(931) and 9(950) Requirements	Proposed Exceptions to the "EM3 Zone" subject to site- specific Exceptions 9(931) and 9(950)
	 Funeral Home in a Single Unit Building Car Brokerage Office Building Recreational Uses, including a golf driving range and miniature golf course Service and Repair Shop Public Garage, if legally existing by By-law 80-95 Building Supply Outlet Catalogue Sales Convention Centre Retail Nursery Swimming Pool Recreational Vehicles Leasing/Rental/Sales Limited outdoor display of merchandise, goods, or materials Retail Warehouse, limited to the ground floor and Unit C shall have a minimum GFA of 230 m² devoted to retail warehouse uses (15 Jevlan Drive) Retail Warehouse, limited to a maximum 1,488 m² GFA (156 Chrislea Road) Business and Professional Offices, including Regulated Health Professional (156 Chrislea Road) Office and Stationary Supply, Sales, Service and Rental (156 Chrislea Road) Office Actionary Supply, Sales, Service and Rental (156 Chrislea Road) 	Outdoor Patio provisions in Section 5.1.6 Eating Establishment, Convenience/Take-out/Outdoor Patio subject to the Outdoor Patio provisions in Section 5.1.6 Education or Training Facility Pet Grooming Establishment, to be contained within a wholly enclosed building Print Shop with Accessory Retail Sales Personal Service Shop One (1) Pharmacy Retail Store Business and Professional Offices, including Regulated Health Professional (15 Jevlan Drive) Office and Stationary Supply, Sales, Service and Rental (15 Jevlan Drive)

	By-law Standard	"EM3 Zone" subject to site-specific Exception 9(931) and 9(950) Requirements	Proposed Exceptions to the "EM3 Zone" subject to site- specific Exceptions 9(931) and 9(950)
b.	Minimum Number of Parking Spaces	Retail Warehouse 5.6 spaces/100 m² x 2,317.97 m² = 130 spaces Total Parking Required = 130 spaces (15 Jevlan Drive) Retail Warehouse 4.5 spaces/100 m² x 2,146 m² = 97 spaces Total Parking Required = 97 spaces (156 Chrislea Road)	Proposed Additional Parking Standard: Retail / Shopping Centre 3.5 spaces/100 m² x 2,317.97 m² = 82 spaces Total Parking Proposed = 82 spaces (15 Jevlan Drive) Retail / Shopping Centre 3.5 spaces/100 m² x 2,146 m² = 76 spaces Total Parking Proposed = 76 spaces (156 Chrislea Road)

The Development Planning Department can support the proposed zoning exceptions identified in Table 2 for the following reasons:

The proposed additional uses would implement the intent of the "Employment Commercial Mixed-Use" designation. In addition, the Proposal is compatible with the surrounding area, is consistent with the policies of the PPS, conforms to the Growth Plan and YROP 2010 and maintains the intent of VOP 2010.

The Parking Study prepared by C.F. Crozier and Associates Inc. and dated November 2016 ('Parking Study') in support of the Proposal concludes that the existing parking supply of 130 spaces at 15 Jevlan Drive and 97 spaces at Chrislea Road would be sufficient to accommodate parking demands for the Proposal based on the following studies:

- A detailed parking survey conducted on the Subject Lands
- The Institute of Transportation Engineers Parking Generation Manual 3rd. Edition
- The Review of Parking Standards Contained within the City of Vaughan's Comprehensive Zoning By-law prepared by the IBI Group and dated March 2010.

The proposed additional parking standard of 3.5 parking spaces/100 m² of GFA for a Retail Use / Shopping Centre Use would apply to the proposed uses for the Subject Lands. The existing Retail Warehouse parking standards for the Subject Lands will

continue to apply for any existing or proposed Retail Warehouse use. The Development Engineering Department ('DE Department') agrees with the conclusions in the Parking Study and have no objection with the proposed parking supply for the Applications.

The Planning Act enables a municipality to pass a resolution to permit the Owner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Policy 45(1.3) of the *Planning Act* does not permit the Owner to apply to the Vaughan Committee of Adjustment for a Minor Variance application(s) before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. A condition is included in the Recommendation section of this report to permit the Owner to apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended, should it be necessary.

The Subject Lands are cleared of any concern for archaeological resources

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

The Development Engineering Department has no objection to the Proposal

The DE Department does not object to the Proposal since the additional uses will not require modifications to municipal servicing.

The Parks Infrastructure Planning and Development Department has no objection to the Proposal

The Parks Infrastructure Planning and Development Department has no objection to the Proposal and advises that cash-in-lieu of the dedication of parkland is not required.

Development Charges for the Development are applicable at the Building Permit Stage

The Financial Planning and Development Finance Department requires the Owner to satisfy all conditions, financial or otherwise, regarding matters the City may consider necessary, including paying all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws.

The various utilities have no objection to the Proposal

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

Financial Impact

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

Broader Regional Impacts/Considerations

The Owner submitted a request for exemption from York Regional approval for Official Plan Amendment File OP.16.011. York Region, in their letter dated March 27, 2020 advised that through its MCR the Proposal does not constitute an employment land conversion. The proposed Official Plan Amendment is considered a routine matter of local significance, and in accordance with YROP 2010 Policy 8.3.8, the proposed Amendment does not adversely affect Regional planning policies or interests. Accordingly, Official Plan Amendment File OP.16.011 has been exempted from Regional approval. York Region also have no comments on Zoning By-law Amendment File Z.16.048 as it is considered a matter of local significance.

Conclusion

The Applications have been reviewed in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Proposal shown on Attachment 3 is consistent with Provincial policy, conforms to the Growth Plan and YROP 2010, and maintains the intent of VOP 2010.

The Development Planning Department is satisfied that the Proposal is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department supports the approval of Official Plan and Zoning By-law Amendment Files OP.16.011 and Z.16.048 subject to the Recommendations of this report.

For more information, please contact: Judy Jeffers, Planner, at extension 8645.

Attachments

- 1. Context and Location Map
- 2. Vaughan Official Plan 2010 Schedule 13 Land Use
- 3. Existing Zoning and Site Plans

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