

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, May 4, 2021

WARD(S): 3

**TITLE: OZNER CORPORATION (SOUTH)
OFFICIAL PLAN AMENDMENT FILE OP.11.011
ZONING BY-LAW AMENDMENT FILE Z.11.042
10131 WESTON ROAD
VICINITY OF WESTON ROAD AND RETREAT BOULEVARD**

FROM:

Jim Harnum, City Manager

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to redesignate and rezone the Subject Lands to permit a 3 to 9-storey residential apartment building (192 dwelling units) and 10, 3-storey block townhouse units on a condominium road, as shown on Attachments 2 to 5.

Report Highlights

- The Owner proposes a 3 to 9-storey residential apartment building (192 dwelling units) and 10, 3-storey block townhouse units on a condominium road
- Amendments to the Vaughan Official Plan and Zoning By-law are required to permit the proposed development
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.11.011 and Z.11.042 (Ozner Corporation (South)) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 10131 Weston Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Original Development Proposal

The Owner (Ozner Corporation (South)) on December 19, 2011, submitted applications to redesignate and rezone the Subject Lands to permit two, 12-storey residential apartment buildings (379 dwelling units) connected by a 1-storey lobby, as shown on Attachment 6.

Committee of the Whole (Public Meeting)

The Committee of the Whole (Public Meeting) on February 28, 2012, considered the applications. At this meeting the following comments were received:

- there will be an increase in traffic
- the 2, 12-storey residential apartment buildings will negatively impact the character of the neighbourhood
- there will be a decrease in surrounding land value(s)
- there will be an increase in air and noise pollution
- there will be added pressure on existing infrastructure and services
- there is a lack of commercial space at street level
- the development is not appropriate for the surrounding area

Vaughan Official Plan 2010

Vaughan Council on September 7, 2010, adopted Vaughan's new Official Plan 2010 (VOP 2010). VOP 2010 designated the Subject Lands "Mid-Rise Mixed-Use" with a maximum building height of 6-storeys and a Floor Space Index (FSI) of 2 times the area of the lot. Subsequently, Vaughan Council on April 17, 2012, modified the Council adopted designation for the Subject Lands from "Mid-Rise Mixed-Use" to "Low-Rise Residential" which was forwarded to York Region for approval. York Region adopted VOP 2010 and the modification for the Subject Lands on June 28, 2012.

Existing Local Appeal Tribunal (LPAT) Appeals

The Owner on May 28, 2012, appealed VOP 2010 to the former Ontario Municipal Board (OMB), now the Local Planning Appeal Tribunal (LPAT). In addition, the Owner on July 22, 2013, appealed the site-specific Official Plan and Zoning By-law Amendment and Site Development Applications to the LPAT, for non-decision by the City based on the timelines prescribed by the *Planning Act*.

A Case Management Conference (CMC) was held on October 13, 2020. The Tribunal on October 26, 2020, issued a written Order directing the following:

- the Owner shall file a full resubmission with the City within 60 days of the issuance date of the written notice; and
- the City and York Region will have 75 days from the receipt of the resubmission to circulate and prepare comments.

The Owner on December 23, 2020, filed a full application resubmission to the Development Planning Department. The City and York Region has submitted all comments received to-date to the Owner for review within the prescribed 75-day period.

The Owner, on April 1, 2021, removed the proposed pool from the northeast corner of the Subject Lands and replaced it with an outdoor amenity area as shown on Attachment 2.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the proposed development (the 'Development') as shown on Attachments 2 to 5:

1. Official Plan Amendment File OP.11.011 to amend in-effect Official Plan Amendment 650 (Vellore Village District Centre Plan) to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential" with a maximum Floor Space Index (FSI) of 1.82 times the area of the lot and a maximum building height of 9-storeys.
2. Zoning By-law Amendment File Z.11.042 to rezone the Subject Lands from "RT1 Residential Townhouse Zone" and "C3 Local Commercial Zone" subject to site-specific Exception 9(1223) to "RA3 Apartment Residential Zone" in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this Report.

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

- a) Date the Notice of Public Meeting was circulated: April 9, 2021.

The Notice of Public Meeting was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed along Weston Road and Retreat Boulevard in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within an extended polling area of 650 m as shown on Attachment 1, the Vellore Woods Ratepayers Association, Millwood Woodend Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.

- c) The following is a summary of written comments received as of April 13, 2021:

- the Development does not fit within the character of the community
- it will cause negative impact on local schools, traffic, and infrastructure

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and

addressed by the Development Planning Department in a future comprehensive report to the Committee of the Whole.

Previous Reports/Authority

A previous report related to the Applications can be found at the following link: February 28, 2012, Committee of the Whole Public Hearing (Item 4, Report 10)

Analysis and Options

An amendment to in-effect Official Plan Amendment 650 (Vellore Village District Centre Plan) is required to permit the development

Official Plan Designation (OPA 650)

- “Low-Rise Residential” by Official Plan Amendment 650 (Vellore Village District Centre Plan) (OPA 650)
- This designation permits detached, semi-detached and townhouse dwellings and institutional uses
- The permitted density range is between 17 and 40 units per hectare (uph) and maximum building height is 2.5-storeys
- An amendment to OPA 650 is required to permit the Development

Vaughan Official Plan 2010, Volume 1 has been appealed to the Local Planning Appeal Tribunal, as it pertains to the Subject Lands

Official Plan Designation (VOP 2010)

- “Community Areas” on Schedule 1 - Urban Structure by VOP 2010
- “Low-Rise Residential” on Schedule 13 - Land Use by VOP 2010
- The “Low-Rise Residential” designation permits detached, semi-detached and townhouse dwelling units
- The designation does not permit the Development

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

Zoning:

- “RT1 Residential Townhouse Zone” and “C3 Local Commercial Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1223)
- These Zones do not permit the proposed Development
- The Owner proposes to rezone the Subject Lands to “RA3 Apartment Residential Zone” together with the following site-specific zoning exceptions to permit the Development:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
a.	Permitted Uses	<ul style="list-style-type: none"> • Apartment Dwelling • Day Nursery 	Permit a maximum of 10 Block Townhouse Dwellings as an additional use

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
b.	Minimum Lot Area Per Unit	67 m ²	43.2 m ²
c.	Minimum Exterior Side Yard	7.5 m	2.35 m (Townhouse Block adjacent to Weston Road)
d.	Minimum Setback to Underground Parking Garage (All Lot Lines)	1.8 m	0.5 m
e.	Minimum Parking Requirements	<p><u>Apartment Dwelling Residential</u> 1.5 spaces/unit x 192 units = 288 spaces</p> <p>Visitor 0.25 spaces/unit x 192 units = 48 spaces</p> <p><u>Block Townhouse Residential</u> 1.5 spaces/unit x 10 units = 15 spaces</p> <p>Visitor 0.25 spaces/unit x 10 units = 3 spaces</p> <p>Total Parking Required = 354 spaces</p>	<p><u>Apartment Dwelling Residential</u> 1 spaces/unit x 192 units = 192 spaces</p> <p>Visitor 0.2 spaces/unit x 192 units = 39 spaces</p> <p><u>Block Townhouse Residential</u> 2 spaces/unit x 10 units = 20 spaces</p> <p>Visitor shall not apply</p> <p>Total Parking Proposed = 251 spaces</p>
f.	Minimum Parking Space Dimension	2.7 m x 6 m	2.7 m x 5.7 m
g.	Minimum Amenity Area	<p>3 Bachelor Units x 15 m²/unit = 45 m²</p> <p>116 One Bedroom Units x 20 m²/unit = 2,320 m²</p> <p>65 Two Bedroom Units x 55 m²/unit = 3,575 m²</p> <p>18 Three Bedroom Units x 90 m²/unit = 1,620 m²</p>	Provide a total amenity area of 1,084 m ²

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
		Total required amenity area = 7,560 m ²	
h.	Minimum Bicycle Parking	No minimum requirement	Short-term: 23 spaces total (at-grade) Long-term: 0.475 spaces/unit x 202 units = 96 spaces (underground) Provide a total of 119 spaces

Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> The Applications will be reviewed for conformity and consistency with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP'), OPA 650 and VOP 2010
b.	Appropriateness of Amendments to OPA 650, VOP 2010 and Zoning By-law 1-88	<ul style="list-style-type: none"> The appropriateness of the amendments to OPA 650 and VOP 2010 will be reviewed in consideration of the proposed land use designation, building height and density The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses
d.	Studies and Reports	<ul style="list-style-type: none"> The Owner submitted studies and reports in support of the Applications which are available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process

	MATTERS TO BE REVIEWED	COMMENT(S)
e.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol “(H)”, which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council
d.	Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines
e.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region and external public agencies and utilities and the Public, Separate, and French School Boards
f.	Sustainable Development	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the City of Vaughan’s 2010 sustainability policies and Sustainability Metrics Program. The Development would achieve a Bronze score of 41
g.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan’s Parkland Dedication Policy
h.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> ▪ The Applications will be subject to and reviewed in consideration of the City’s bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i> as it read September 17, 2020), policies of VOP 2010, and the City’s Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits ▪ As of the date of this report, the City can continue to apply the version of the Section 37 provisions in the <i>Planning Act</i> in effect as of September 17, 2020. By way of background, Bill 197, the COVID-19 Economic Recovery Act, 2020, received royal assent on July 21, 2021, and the Bill 197 provisions related to Section 37 were proclaimed to come into effect on September 18, 2020. Bill 197 repeals and replaces the Section 37 policy regime, as it read on September 17, 2020, with a new regime known as a Community Benefit Charge (‘CBC’), which charge shall not exceed an amount equal to the prescribed percentage of the

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>value of the land (4%). As of the date of this report the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act, 2020</i>; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act, 2020</i> propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land</p> <ul style="list-style-type: none"> ▪ Transitional provisions in the <i>Planning Act</i> permit municipalities to continue to apply the Section 37 provisions of the <i>Planning Act</i> as it read on September 17, 2020 until the earlier of the City's passage of a CBC By-law or September 18, 2022 (the date the transition ends). Should the approval and enactment of any Zoning By-law Amendment for the Subject Lands occur after the earlier of the City's passage of a CBC By-law or September 18, 2022, the City will not be permitted to collect community benefits through Section 37 of the <i>Planning Act</i>, as it read on September 17, 2020. If the CBC By-law is in place at that time, the City will be permitted to collect community benefits pursuant to that instrument. Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)
i.	Related Site Development Application	<ul style="list-style-type: none"> ▪ The Owner has submitted related Site Development File DA.11.113 to be reviewed with the Applications in a future comprehensive report
j.	Required Applications Related	<ul style="list-style-type: none"> ▪ The Owner is required to submit a Draft Plan of Condominium Application to facilitate the condominium tenure of the Development as a condominium.

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the comprehensive report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Mary Caputo, Senior Planner, Development Planning Department, ext. 8635.

Attachments

1. Context and Location Map
2. Proposed Zoning & Site Plan
3. Landscape Plan
4. Building Elevations - West and North
5. Building Elevations - East and South
6. Original Submission - December 19, 2011

Prepared by

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