

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, October 06, 2020

WARD(S): 5

**TITLE: 1529749 ONTARIO INC. (TORGAN GROUP)
OFFICIAL PLAN AMENDMENT FILE OP.16.006
ZONING BY-LAW AMENDMENT FILE Z.20.019
7700 BATHURST STREET
VICINITY OF BATHURST STREET AND CENTRE STREET**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.16.006 and Z.20.019 for the subject lands shown on Attachment 1. The Owner seeks approval of the development shown on Attachments 2 to 6 consisting of the following:

- Building 1: A 30-storey mixed-use apartment building with 331 units and at grade retail
- Building 2: A 28-storey residential apartment building with 354 units
- Building 3: A 2-storey commercial and medical office building
- A maximum density (Floor Space Index – FSI) of 5.48 times the area of the Phase 1 lands
- To permit residential uses at-grade along an arterial street (Centre Street)
- 4 levels of underground parking with a total of 692 parking spaces and 21 at-grade parking spaces

Report Highlights

- To receive input from the public and the Committee of the Whole for a mixed-use apartment development including 685 residential units, 856 m² of retail uses, 944m² of office uses, and 4 levels of underground parking and parking at-grade Official Plan and Zoning By-Law Amendments are required to permit the proposed development
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole Meeting

Recommendations

1. THAT the Public Hearing report for Official Plan and Zoning By-law Amendment File OP.16.006 and Z.20.019 (1529749 Ontario Inc. (Torgan Group)) 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

The subject lands (the 'Subject Lands') are municipally known as 7700 Bathurst Street and are located on the southwest corner of Centre Street and Bathurst Street. The Owner proposes to develop a portion of the Subject Lands, identified as Phase 1 on Attachment 1. The Subject Lands are currently developed with three commercial buildings, one to two storeys in height, and at-grade parking spaces. The surrounding land uses are shown on Attachment 1, including the Promenade Shopping Centre.

Vaughan Official Plan 2010 and Official Plan Amendment File OP.16.006 were appealed to the Local Planning Appeal Tribunal

1529749 Ontario Inc. (Torgan Group) (the 'Owner') on October 18, 2012 appealed Vaughan Official Plan 2010 ('VOP 2010') to the Ontario Municipal Board ('OMB') for non-decision of the Plan with regards to the "High-Rise Mixed-use" designation for the Subject Lands.

The Owner on April 1, 2016 submitted Official Plan Amendment File OP.16.006 to amend VOP 2010 for the entirety of the Subject Lands. The Owner on November 23, 2017, appealed Official Plan Amendment File OP.16.006 to the then Ontario Municipal Board ('OMB'), now the Local Planning Appeal Tribunal ('LPAT') (File No. PL111184, Appeal #47). The LPAT on April 28, 2020, issued an Order to allow a portion of the Subject Lands defined as Phase 1, as shown in Attachment 1, to proceed in advance of the Promenade Secondary Plan and identified the Phase 1 lands would be subject to the general policies of VOP 2010. The Order also removed the Subject Lands from area specific-policy 12.11 Bathurst and Centre Street: Thornhill Town Centre. As such, Official Plan Amendment File OP.16.006 has been amended to permit a mixed-use development on the Phase 1 lands.

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

The Owner has submitted the following applications (the 'Applications') for Phase 1 of the Subject Lands as identified on Attachment 1 to permit the development (the 'Development') shown on Attachments 2 to 6:

1. Official Plan Amendment File OP.16.006 to amend Vaughan Official Plan 2010 ('VOP 2010') to permit a maximum building height of 30-storeys and a maximum density of 5.48 FSI for the Phase 1 lands, whereas neither are prescribed by VOP 2010, to permit a low-rise building type (2-storey commercial and medical office building), to permit residential uses at grade along an arterial street, and site-specific amendments to Urban Design policies.

2. Zoning By-law Amendment File Z.20.019 to amend Zoning By-law 1-88 to rezone the Subject Lands from “C2 – General Commercial Zone” to “RA3 – Apartment Residential Zone” in the manner shown on Attachment 2, and to permit 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 Hearing was circulated: September 11, 2020.

The Notice of Public Hearing was also posted on the City’s website at www.vaughan.ca and Notice Signs were installed on the property (Centre Street, North Promenade and Promenade Circle) in accordance with the City’s Notice Signs and Procedures and Protocols.

- b) Circulation Area: An expanded notification area of 500 m, and to the Brownridge Ratepayer’s Association, Beverly Glen Ratepayer’s Association and the Springfarm Ratepayer’s Association and to anyone on file with the Office of the City Clerk having requested notice.

- c) Comments Received to Date:

The Development Planning Department has received written comments from the following individual (as of September 15, 2020)

- B. Lupidus, email dated September 4, 2020
- G. Gorelik, Promenade Circle, email dated September 9, 2020

The following is a summary of the comments provided in the written correspondence received to date:

- the Development should be accessed from a public roadway instead of a private roadway (Promenade Circle)
- the Traffic Study should analyze 24-hour days over a 30-day period
- the Development is too dense and congested
- the entrance to the underground parking garage is too close to the driveway entrance into the Subject Lands
- there are minimal visitor and commercial parking spaces provided
- Building 3 does not fit in the context of the Development - consideration should be made to move the commercial and medical office space from Building 3 and place it within the 1st and 2nd storeys of Buildings 1 and 2, thereby removing Building 3

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. All written comments received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

Not applicable.

Analysis and Options

Amendments to VOP 2010, Volume 1 are required to permit the Development

The Subject Lands are designed “High-Rise Mixed-Use” with no prescribed maximum building height or density (FSI) by VOP 2010, Volume 1. The Subject Lands are located within an Intensification Area – “Primary Centre” by Schedule 1 – Urban Structure with access to and frontage onto a “Regional Intensification Corridor” (Centre Street) and onto a “Regional Transit Priority Network Corridor” (Bathurst Street).

VOP 2010 identifies Primary Centres will be locations for intensification accommodated in the form of predominately mixed-use, high and mid-rise buildings, developed at an intensity supportive of transit. A Primary Centre is identified in VOP 2010 as Intensification Areas. VOP 2010 identifies Intensification Areas will be the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities. The policies related to Intensification Areas shall be consistent with policies for such areas as contained in the *Provincial Policy Statement*, the *Provincial Growth Plan for the Greater Golden Horseshoe* (the ‘Growth Plan’) and the York Region Official Plan.

In addition to the Vaughan Metropolitan Centre (‘VMC’), the main places where transformation will occur in the City of Vaughan are Primary Centres, intended to evolve as distinct places of major activity around planned subway stations and existing regional shopping destinations. Vaughan Mills, Bathurst Street and Centre Street (Subject Lands) and Weston Road and Regional Road 7 are each shopping destinations of regional significance and have the potential for residential intensification and the introduction of additional uses through development of surface parking areas and out-parcels.

The Regional Intensification Corridors (Centre Street), together with the VMC, provide the locations for the most intensive and greatest mix of development in the City. Regional Intensification Corridors and Regional Roads identified for major higher-order transit investments, such as Via Rapid Transit on Regional Road 7 and Yonge Street. Development on the lands fronting the roads will serve to support the transit investments by creating urban main streets connecting Regional Centres and other Intensification Areas (Primary Centres) in Vaughan and across York Region.

The Subject Lands Development have access to Centre Street, Bathurst Street and Clark Avenue West through Promenade Circle and has frontage onto Centre Street. The Development conforms to the Primary Centres and Regional Intensification Corridor policies of VOP 2010.

High-Rise Mixed-Use designated lands are located in Intensification Areas and provide for a mix of residential, retail, community and institutional uses. These areas will be carefully designed with a high standard of architecture and public realm, and well-integrated with adjacent areas. The High-Rise Mixed-Use designation permits residential units, home occupations, community facilities, cultural uses, including commercial galleries and theatres, retail uses, office uses up to a maximum of 12,500m² in non-intensification areas, parking garages, hotels and gas stations. In areas designated High-Rise Mixed-Use the ground floor frontage of buildings facing arterial and collector streets shall predominately consist of retail uses or other active uses that animate the street. When located in Intensification Areas retail uses shall not exceed 50% of the total gross floor area of all uses on the lot.

The proposed mixed use and residential apartment buildings, medical office and commercial uses (1,800.70 m²) conform to the policies of the High-Rise Mixed-Use Designation and will not exceed 50% of the total floor area of the proposed uses on the lot (50,941.50 m²). Residential apartment Building 2, shown on Attachment 2, includes residential units on the ground floor fronting Centre Street, inconsistent with the policies of VOP 2010 to animate arterial streets with at-grade retail uses.

A high-rise building type is permitted in the High-Rise Mixed-Use designation. VOP 2010 identifies high-rise buildings as buildings generally over 12-storeys in height, up to a maximum height prescribed by Schedule 13, and shall be designed with a pedestrian-scaled podium between 3 to 6-storeys in height. High-rise buildings shall be designed as slender towers with a floorplate no greater than 850 m², with the portions above 12-storeys shall be setback a minimum of 15 m from any property line; and, where more than one high-rise building is located on the same lot, the distance between any portions of the buildings above 12-storeys should be at least 30 m. All high-rise buildings are required to accommodate a minimum amount of parking within the high-rise structure. All surface parking areas must provide a high level of landscape treatment and pedestrian pathways. The rooftop of high-rise buildings should include landscape green space and private outdoor amenity space.

Buildings 1 and 2 feature a 6-storey residential podium connected by a single-storey lobby, as shown on Attachments 2, 4 and 5. The towers are slender in design, with floorplates of 802 m² and 807 m², will be served by underground parking and will have access to a privately-owned public space. Building 3, as shown on Attachments 2 and 6, is a two-storey low-rise building and is not a permitted building type in VOP 2010. Accordingly, an Official Plan Amendment application has been submitted.

Building 1 would have a setback ranging between 5.5 m and 8 m for the portions above 12-storeys and Building 2 would have a setback ranging between 5.4 m and 7.2 m for

the portions above 12-storeys to the property line. The distance between Buildings 1 and 2 is 23 m. The Development does not meet the minimum required setbacks or separation distances in VOP 2010 for high-rise building types. Policy 10.2.1.7 of VOP 2010 states that where policies contain numerical standards, minor variations from those standards may be permitted without an amendment, with the exception of any variations to floor space index, height, or environmental standards set out in Chapter 3, provided that such variations respond to unique conditions or context of a site, and are supported by a Planning Justification report or Urban Design Brief. The Owner has submitted an Urban Design Brief to address the reduced setbacks and separation distances to be reviewed to the satisfaction of the City.

Policy 9.2.1.7 of VOP 2010, states where no height and floor space index is indicated on Schedule 13, the maximum building height and density shall be established through a Secondary Plan or Area Specific Policy as contained in Volume 2, of VOP 2010, where such a Secondary Plan or Areas Specific Policy exists, or through the application of the various policies of VOP 2010. The Owner proposes to amend the VOP 2010 to establish maximum building heights of 30 and 28-storeys and a maximum density of 5.48 times the area of the lot for the Phase 1 portion of the Subject Lands, whereas neither are prescribed by VOP 2010.

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

The Subject Lands are zoned “C2 General Commercial Zone,” subject to site-specific Exception 9(480) by Zoning By-law 1-88. The C2 Zone does not permit the Development. The Owner proposes to amend Zoning By-law 1-88, to rezone the Subject Lands to “RA3 Apartment Residential Zone” together with the following site-specific zoning exceptions to Zoning By-law 1-88 to permit the Development shown on Attachments 2 to 6:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
a.	Permitted Uses	• Apartment Dwelling • Day Nursery	Permit the following additional uses in Buildings 1 and 3: • Business or Professional Office • Office of a Regulated Health professional • Retail Store • Eating Establishment • Eating Establishment, Convenience & Take-out • Service Uses • Financial Institution • Place of Worship • Library

b.	Definition of a Lot	Lot - Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 50 of the <i>Planning Act</i> , R.S.O. 1990, c. P. 13. would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot	Lot - Means the Subject Lands shall be deemed to be one lot, regardless of the number of buildings and units, and the creation of any new lot by plans or subdivision, plan of condominium, part lot control, consent, and any easement or registrations that are given.
c.	Minimum Lot Area	67 m ² / unit	13.5m ² / unit
d.	Minimum Front Yard	7.5 m	3.5 m (Promenade Circle)
e.	Minimum Rear Yard	7.5 m	4.8 m (Centre Street)
f.	Minimum Exterior Side Yard	7.5 m	3 m (North Promenade)
g.	Minimum Interior Side Yard	44.78 m	0 m (abutting future Phase 2 Lands)
h.	Maximum Building Height	44 m (14-storeys)	Building 1 - 95.85 m (30-storeys) Building 2 - 89.55 m (28-storeys)
i.	Minimum Amenity Area	22 Bachelor Units @ 15 m ² /unit = 330 m ² 450 One Bedroom Units @ 20 m ² /unit = 9,000 m ² 213 Two Bedroom Unit @ 55 m ² /unit = 11,715 m ² Total required amenity area = 21,045 m ²	Total provided amenity area: 685 @ 13.37 m ² /unit = 9,160 m ²
j.	Minimum Parking Requirements	<u>Residential</u> 685 units @ 1.5 spaces/unit = 1,028 spaces	<u>Building 1</u> <u>Residential and Visitor</u> 331 Units @

		<u>Visitor</u> 685 units @ 0.25 spaces/unit = 172 spaces <u>Retail</u> 900 m² @ 6 spaces / 100m² of GFA = 54 spaces <u>Medical Office</u> 5 spaces per Practitioner or 900 m² @ 3.5 spaces / 100m² = 32 spaces Total Parking Required = 1286 spaces	1 space/unit = 331 spaces <u>Building 2 Residential and Visitor</u> 354 Units @ 0.929 spaces/unit = 329 spaces <u>Building 3 Commercial</u> 900 m² @ 2.8 spaces/100 m² = 25 spaces <u>Building 3 Medical Office</u> 900 m² @ 3.1 spaces/100 m² = 28 spaces Total Parking Proposed = 713 spaces
k.	Minimum Driveway Width	7.5 m	6 m (along Promenade Circle)
l.	Minimum Landscaping Strip Width	6 m	4.9 m (Centre Street) 3.1 m (North Promenade)

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report at a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies and YROP	The Applications will be reviewed in consideration of the statutory Provincial policies including the Provincial Policy Statement 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan'), and the policies of the York Region Official Plan ('YROP 2010')

b.	City of Vaughan Official Plan	• The Applications will be reviewed in consideration of VOP 2010, Volume 1 policies, including but not limited to the following: - the High-Rise Mixed-Use designation policies - the appropriateness of: maximum permitted building heights of 28 and 30-storeys; an FSI of 5.48 times the area of the lot (Phase 1); permitting a Low-Rise Building (Building 3) in the High-Rise Mixed-Use designation; the proposed building setbacks along Centre Street; and the separation distances between buildings - the requirement to provide retail uses at-grade along major arterial streets (Centre Street) (Building 1 and 2) - the Intensification Areas - Primary Centres policies - the Regional Intensification Corridors policies - Affordable Housing policies • The Applications will be review in consideration of the City's Urban Structure as set out in Vaughan Official Plan 2010
c.	Appropriateness of the Proposed Rezoning and Site-Specific Exceptions	• The appropriateness of the proposed rezoning of the Subject Lands and the site-specific amendments to Zoning By-law 1-88 required to permit the Development will be reviewed in consideration of the existing and planned surrounding land uses and appropriate development standards • The appropriateness of the reduced parking ratios will also be reviewed
d.	Studies and Reports	• The Owner has submitted the following studies and reports in support of the Application: - Planning Justification Report - Urban Design and Sustainability Brief - Sun Shadow Study - Pedestrian Level Wind Study - Arborist Report

		- Community Services Facilities Report - Functional Servicing and Stormwater Management Report - Geotechnical Investigation - Hydrogeological Site Assessment - Traffic Impact Study - Phase 1 Environmental Site Assessment - Sustainability Metrics and Summary Letter • These reports are available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) • Additional studies and/or reports may be required as part of the application review process
e.	Urban Design Guidelines	• The Development will be reviewed in consideration of the City of Vaughan City-Wide Urban Design Guidelines
f.	Design Review Panel	• The Development will be reviewed in consideration of the recommendations provided by the City of Vaughan Design Review Panel ("DRP")
g.	Public Agency/Municipal Review	• The Subject Lands are located within the review areas of York Region Rapid Transit Corporation and the Region of York. The Owner will be required to address the comments from the external public agencies, and the Public, Separate, and French School Boards
h.	Site Development and Draft Plan of Condominium Application(s)	• Site Development and Draft Plan of Condominium Application(s) will be required, if the Applications are approved, to permit the Development and to establish the ownership tenure(s) of the Development
i.	Sustainable Development	• Opportunities for sustainable design, including Crime Prevention Through Environmental Design ('CPTED'), Leadership in Energy and Environmental Design ('LEED'), permeable pavers, bioswales, drought tolerant landscaping, energy efficient lighting, reduction in pavement, bird-friendly

		treatments, etc., will be reviewed and implemented through the Site Development Application process, should the Applications be approved • In accordance with the City of Vaughan's Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score
j.	Parkland Dedication	• The Owner will be required to pay to the City of Vaughan a cash-in-lieu of parkland dedication, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-Lieu of Parkland Policy, should the Application be approved • The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the Infrastructure Development, Real Estate Department
k.	Water and Servicing Allocation	• The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, should the Applications be approved • If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", and will be removed once Vaughan Council identifies and allocates servicing capacity for the Subject Lands
l.	Road Widening, Access and Traffic	• The Subject Lands are located on the south side of Centre Street, a Regional Rapid Transit and Intensification Corridor and on Bathurst Street, a Regional Transit Priority Network Corridor • York Region will identify any required road widenings, conveyances, access requirements, turning lanes and servicing • The Development does not direct access to the Centre Street or Bathurst Street; however, York

		Region will review the location and design of the proposed access/egress driveway from Promenade Circle due to its proximity to Centre Street and Bathurst Street • York Region must review and approve the Traffic Impact Study submitted in support of the Applications
m.	Privately-owned Public Space	• The Owner has proposed a privately-owned public space on the Subject Lands. If the Applications are approved, the Owner will be required to register on title and in favour of the City a public access easement over the privately-owned public space, to ensure public access is maintained in perpetuity
n.	Bonusing (Section 37 of the <i>Planning Act</i>)	• The Applications will be reviewed in consideration of the applicability of the City's bonusing for increases in height and density (Section 37 of the <i>Planning Act</i>), whereby Council may authorize an increase in building height and or density otherwise permitted in areas of the City, as contained in Volume 1 and Volume 2 of VOP 2010, in return for community benefits • As of the date of this report the in-effect Section 37 policies are subject to amendment via the COVID-19 Economic Recovery Act, 2020; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the COVID-19 Economic Recovery Act, 2020 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 • 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)
o.	Comprehensive Review	• The Applications will be reviewed concurrently with the Promenade Centre Secondary Plan Study • A phasing plan for the overall Subject Lands has been provided to ensure that proper and coordinated development for the overall Subject Lands is achieved and is compatible The Applications will be considered comprehensively with existing and proposed development on and in the vicinity of the Subject Lands, including the development by Promenade Limited Partnership for the revitalization of Promenade Shopping Centre
p.	Affordable Housing	• The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure the Development includes an appropriate level, range and mix of unit sizes and types to address the affordable housing policies in VOP 2010

Financial Impact

There are no funding requirements 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. The Owner requested exemption from Regional approval of Official Plan Amendment File OP.16.006. At the time of the preparation of this report, York Region has not advised of the status of the request for exemption. Any Regional issues will be addressed when the technical 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 through a technical review, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

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

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Elevations – Building 1
5. Elevations – Building 2
6. Elevations – Building 3 Commercial and Medical Office Building

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