

## Committee of the Whole (Public Meeting) Report

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**DATE:** Monday, September 13, 2021

**WARD(S):** 4

**TITLE:** YORK MAJOR HOLDINGS INC.

**OFFICIAL PLAN AMENDMENT FILE OP.21.010**

**ZONING BY-LAW AMENDMENT FILE Z.21.014**

**10,000 DUFFERIN STREET**

**VICINITY OF MCNAUGHTON ROAD EAST AND EAGLE ROCK WAY**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on applications to redesignate the subject lands to permit two 28-storey and two 12-storey apartment buildings containing a total of 1,006 residential dwelling units and having a Floor Space Index of 3.2 times the area of the lot, as shown on Attachments 2 to 8.

### **Report Highlights**

- To receive comments from the public and the Committee of the Whole on the proposed amendments to the Official Plan and Zoning By-law to facilitate the development of four apartment buildings
- This report identifies preliminary issues to be considered in a comprehensive report to be prepared by the Development Planning Department to be considered 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.21.010 and Z.21.014 (York Major Holdings Inc.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a technical report to the Committee of the Whole.

### **Background**

**Location:** Part of 10,000 Dufferin Street along McNaughton Road East within the privately owned Eagles Nest Golf Course and within the closed Keele Valley Landfill

(the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1. The former Keele Valley Landfill ('KVLS') and the related buffer areas are shown on Attachment 9.

Date of Pre-Application Consultation Meeting: November 28, 2019

Date applications were deemed complete: June 7, 2021

***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, as shown on Attachment 1, to redesignate and rezone the Subject Lands to permit two 28-storey and two 12-storey apartment buildings containing a total of 1,006 residential dwelling units, 78,012 m<sup>2</sup> of gross floor area and having a Floor Space Index of 3.2 times the area of the lot (the 'Development'), as shown on Attachments 2 to 8:

1. Official Plan Amendment File OP.21.010 to amend the policies of Vaughan Official Plan 2010 ('VOP 2010') to redesignate the Subject Lands from "Private Open Spaces" to "High-Rise Residential" to permit a maximum building height of 28-storeys and a density of 3.2 times the area of the lot.
2. Zoning By-law Amendment File Z.21.014 to rezone the Subject Lands from "OS2 Open Space Park" subject to site-specific Exception 9(1097) to "RA3 Residential Apartment Zone", in the manner shown on Attachment 2, together with the site-specific zoning exceptions 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: August 20, 2021.

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 McNaughton Road and Major Mackenzie Drive in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within an extended polling area shown on Attachment 1, Upper Thornhill & Area Community Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received as of August 24, 2021 by the Development Planning Department.

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**

Not applicable.

## **Analysis and Options**

***Amendments to Vaughan Official Plan 2010 ('VOP 2010') are required to permit the Development***

### **Official Plan Designation:**

- “Community Area” on Schedule 1 – Urban Structure by VOP 2010
- “Private Open Spaces” on Schedule 13 – Land Use by VOP 2010 and are also located within the Secondary Buffer, “Policy Area 3” within the Waste Disposal Assessment Area of Section 12.3 of VOP 2010, KVLS Area Specific Plan
- The Subject Lands are also within the “Natural Areas and Countryside” of the “Oak Ridges Moraine Conservation Plan Area”
- The “Private Open Space Area” designation permits cemeteries, golf courses, and public and private open spaces. Given the specialized nature of private open space buildings, specific building types are not prescribed by VOP 2010
- Policy 12.3.2.13 states that Policy Area 3 may only be used for the monitoring and mitigation of the effects of waste disposal, and other uses such as drainage works and passive recreation uses including a golf course, golf driving range/training centre and ancillary uses
- Policy 12.3.3.3 states an application for an amendment to the Official Plan or Zoning By-law to permit development within the Waste Disposal Assessment Area shall meet the following requirements:
  - a) studies of gas, leachate, stormwater management and hydrogeology being carried out by a qualified engineer as may be required to the satisfaction of the City, in consultation with the Toronto and Region Conservation Authority, and the Province, which indicate that development can safely take place;
  - b) implementation of such remedial measures indicated by the required studies, to the satisfaction of the City in consultation with the Ministry of Environment, Conservation and Parks;
  - c) the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
  - d) the City being satisfied with the required studies with respect to any matter regarding structural stability, safety, and integrity of any or all structures; and
  - e) studies to demonstrate to the satisfaction of the City in consultation with the Ministry of Environment, Conservation and Parks and the City of Toronto that:
    - i) the existing or closed landfill will not cause an adverse impact on the proposed use
    - ii) the proposed use will not cause or potentially cause any change to ground water quality
    - iii) the proposed use will not affect the implementation of long-term environmental controls related to landfilling and

- iv) required ongoing monitoring and maintenance of the site will not be disrupted.
- Any undertaking which is subject to the *Environmental Assessment Act* shall not be permitted until such time as an approval or exemption under that Act has been given by the appropriate authority
- The City may implement the above through the enactment of a Holding By-law and prior to lifting the Holding Symbol “(H)” within the subject lands or change of use on lands covered by the Certificate of Approval, the City shall have received the approval of the zoned use from the Province
- Amendments to VOP 2010 are required to redesignate the Subject Lands to “High-Rise Residential” to permit a maximum building height of 28-storeys, a density of 3.2 times the area of the lot, together with site specific standards to facilitate the proposed Development

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

**Zoning:**

- “OS2 Open Space Park Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1097)
- This zone does not permit residential uses or high-rise buildings
- The Owner proposes to rezone the Subject Lands from “OS2 Open Space Park Zone”, as shown on Attachment 1, to “RA3 Apartment Residential Zone” (“RA3’), in the manner shown on Attachment 2, together with the following site-specific zoning exceptions:

**Table 1:**

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Zone</b>
a.	Permitted Uses	Apartment Dwelling	<ul style="list-style-type: none"> <li>▪ Apartment Dwelling</li> <li>▪ Multiple Family Dwelling (Buildings 1 &amp; 2 – Attachments 4 and 5)</li> </ul>
b.	Minimum Lot Area Per Unit	67 m <sup>2</sup>	24.9 m <sup>2</sup>
c.	Minimum Rear Yard Setback	7.5 m	0 m (Buildings 1 and 2 – Attachments 4 and 5)
d.	Minimum Interior Yard Setback	20.95 m	14.28 m (Building 4)
e.	Maximum Building Height	44 m	<ul style="list-style-type: none"> <li>▪ 89.1 m (Buildings 1 and 2 - Attachments 4 and 5)</li> <li>▪ 41.9 m (Buildings 3 and 4 - Attachments 6 and 7)</li> </ul>
f.	Minimum Amenity Area	36,500 m <sup>2</sup>	4,122.4 m <sup>2</sup>

	Zoning By-law 1-88 Standard	RA3 Zone Requirements	Proposed Exceptions to the RA3 Zone
g.	Minimum Parking Requirements	<u>Residential</u> 1.5 spaces x 1,006 units = 1,509 spaces  <u>Visitor</u> 0.25 spaces/unit x 1,006 units = 252 spaces  Total Parking Required = 1,761 spaces	<u>Residential</u> 1.08 spaces x 1,006 units = 1,087 spaces  <u>Visitor</u> 0.152 spaces/unit x 1,006 units = 153 spaces  Total Parking Proposed = 1,240 spaces
h.	Minimum Number of Accessible Parking Spaces	22 spaces for residential parking and 6 spaces for visitor parking	17 spaces
i.	Minimum Landscape Strip Around the Periphery of the Outdoor Parking Area	<ul style="list-style-type: none"> <li>▪ 3 m strip of land</li> <li>▪ 1.2 m height</li> </ul>	0 m

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

***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"> <li>▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), the Growth Plan, and the policies of the York Region Official Plan, 2010 ('YROP'), and VOP 2010</li> </ul>
b.	Appropriateness of Amendments to VOP 2010	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the VOP 2010 policies, including but not limited to the following:  - High-Rise Buildings</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<ul style="list-style-type: none"> <li>- Appropriateness of the proposed building heights, density, road and pedestrian network, and land use as the location of the Subject Lands has not been identified as an intensification area</li> <li>- Affordable Housing Policies</li> <li>- Park and Open Space and Recreation Policies</li> <li>- Section 12.3 of VOP 2010, Keele Valley Landfill Area Specific Plan and whether the Development is appropriate within the secondary buffer area</li> </ul>
c.	Appropriateness of Proposed Zoning and Site-Specific Exceptions	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposed rezoning of the Subject Lands and the proposed amendments to Zoning By-law 1-88 identified on Table 1 required to implement the Development will be reviewed in consideration of the existing, planned surrounding land uses</li> </ul>
d.	Lot Creation	<ul style="list-style-type: none"> <li>▪ The Subject Lands are part of a larger land holding and are within the Eagles Nest Golf Course. The lots for the proposed Development must be created through a consent application or another type of development application</li> </ul>
e.	Eagles Nest Golf Course ('golf course')	<ul style="list-style-type: none"> <li>▪ Existing planning approvals on the golf course must be amended, should the Applications be approved</li> <li>▪ There are a total of 27 trees located on the Subject Lands and will need to be removed for the Development. Compensation or replanting must be provided in accordance with City policies</li> </ul>
f.	KVLS and the Ministry of Environment, Conservation and Parks ('MECP')	<ul style="list-style-type: none"> <li>▪ The Subject Lands are within the designated secondary buffer of the closed City of Toronto owned and operated KVLS. The existing Certificate of Approval ('COA') with City of Toronto and York Major Holdings Inc. will be reviewed by the MECP and must be amended to remove the lands from the secondary buffer in order for the Subject Lands to be considered developable</li> <li>▪ The Owner has submitted an application to the MECP to amend the existing COA. The MECP will</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		consider whether the removal of the Subject Lands from the secondary buffer will affect the post-closure landfill operations, monitoring, maintenance, and contingency measures
g.	Design Review Panel ('DPR')	<ul style="list-style-type: none"> <li>▪ The DPR reviewed the Applications on April 29, 2021. Comments from the DPR must be reviewed and incorporated into the Development prior to proceeding to the Committee of the Whole</li> </ul>
h.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ Opportunities for sustainable design, including Crime Prevention Through Environmental Design ('CPTED'), Leadership in Energy and Environmental Design ('LEED'), permeable pavers, bio swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan review process, if the Applications are approved</li> <li>▪ In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score</li> </ul>
i.	NavCanada and Bombardier Review	<ul style="list-style-type: none"> <li>▪ The Subject Lands are located within regulatory flight paths under the jurisdiction of NavCanada and Bombardier Aerospace. The Owner will be required to satisfy all conditions of NavCanada and Bombardier</li> </ul>
j.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner submitted studies and reports, including but not limited to the following: <ul style="list-style-type: none"> <li>- Environmental Site Assessments</li> <li>- Air Quality Assessment</li> <li>- Species at Risk Assessment</li> <li>- Noise Feasibility Study</li> <li>- Transportation Impact Study</li> <li>- Hydrogeology and Water Balance Assessment</li> </ul> </li> <li>▪ The above were submitted in support of the Applications which are available on the City's website at <a href="https://maps.v Vaughan.ca/planit/">https://maps.v Vaughan.ca/planit/</a> (PLANit Viewer) and must be approved to the satisfaction of</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
		<p>the City or respective approval authority. Additional studies and/or reports may be required as part of the Application review process</p> <ul style="list-style-type: none"> <li>▪ The Owner is requested to undertake a methane gas investigation for the Subject Lands to the satisfaction of the City or respective approval authority</li> </ul>
k.	Allocation and Servicing	<ul style="list-style-type: none"> <li>▪ 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</li> </ul>
l.	Urban Design Guidelines and Public Art	<ul style="list-style-type: none"> <li>▪ The Development will be reviewed in consideration of the City-Wide Public Art Program, the City-Wide Streetscape Implementation Manual and City-Wide Urban Design Guidelines</li> </ul>
m.	Site Development and Draft Plan of Condominium Applications	<ul style="list-style-type: none"> <li>▪ Site Development and Draft Plan of Condominium Applications will be required, if the Applications are approved, to permit the Development and to establish the future ownership tenure(s) for the buildings</li> </ul>
n.	Public Agency/Municipal Review	<ul style="list-style-type: none"> <li>▪ The Applications must be reviewed by City of Toronto, York Region, the Toronto and Region Conservation Authority, the Ministry of Environment, Conservation and Parks, external public agencies and utilities, and the Public, Separate, and French School Boards</li> </ul>
o.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ 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</li> </ul>
p.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City	<ul style="list-style-type: none"> <li>▪ 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</li> </ul>



	MATTERS TO BE REVIEWED	COMMENT(S)
	Guidelines (Bonusing for Increases in Height or Density)	<p><i>Planning Act</i> as it reads 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</p> <ul style="list-style-type: none"> <li>▪ 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, 2020, 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 value of the land (4%)</li> <li>▪ 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 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</li> </ul>
q.	Affordable Housing	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of Provincial, Regional and City polices to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City’s affordable housing goals</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
r.	York Region Council Approved Major Transit Station Corridor ('MTSA')	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the York Region Council approved MTSA. This MTSA boundary as shown on Attachment 1 is subject to Provincial approval as part of York Region's Official Plan submission</li> </ul>
s.	Intersection of McNaughton Road and Major Mackenzie Drive	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the increase in traffic on the existing signalized intersection at McNaughton Road and Major Mackenzie Drive</li> </ul>
t.	Parks Infrastructure Planning and Development	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the Development requiring dedicated parkland and recreational facilities to ensure the community is well serviced adhering to the recommended service levels in the <i>Active Together Master Plan 2018</i></li> </ul>

**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 identified will be addressed when the technical report is considered. The Owner has requested exemption of Regional Approval for Official Plan Amendment File OP.21.010. At the time of the preparation of this report, exemption from York Region approval was not confirmed. 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: Margaret Holyday, Senior Planner, Development Planning Department, ext. 8216.

**Attachments**

1. Location and Context Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations – Building 1
5. Building Elevations – Building 2
6. Building Elevations – Building 3
7. Building Elevations – Building 4
8. Perspective Rendering
9. Keele Valley Landfill and Buffers

**Prepared by**

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