

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, September 14, 2021

WARD(S): 3

**TITLE: THE Q TOWERS LIMITED PARTNERSHIP
OFFICIAL PLAN AMENDMENT FILE OP.21.001
ZONING BY-LAW AMENDMENT FILE Z.21.002
DRAFT PLAN OF SUBDIVISION FILE 19T-21V001
PART OF LOT 20, CONCESSION 6
VICINITY OF MAJOR MACKENZIE DRIVE AND FOSSIL HILL
ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole for a development comprising three phases consisting of 11, three-storey townhouse units on a private road and a 12-storey mixed-use building with 382 residential dwelling units, 996 m² of retail uses and 6,858 m² of business or professional office uses, as shown on Attachments 4 to 9.

Report Highlights

- The Owner proposes to redesignate and rezone the subject lands, and seek approval of a Draft Plan of Subdivision to permit a development over three phases with townhouse units and a mixed-use residential apartment building
- 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 and Draft Plan of Subdivision Files OP.21.001, Z.21.002 and 19T-21V001 (The Q Towers Limited Partnership) 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: The subject lands (the 'Subject Lands') are located at the southwest corner of Major Mackenzie Drive and Fossil Hill Road and are 1.06 ha in size. The Subject Lands and surrounding land uses are shown on Attachment 1.

Date Applications were deemed complete: February 25, 2021

Zoning By-law Amendment and Draft Plan of Subdivision Applications were previously submitted for the Subject Lands

The previous owner of the Subject Lands (Terwol Developments Inc.) submitted Zoning By-law Amendment and Draft Plan of Subdivision Applications (Files Z.03.014 and 19T-03V03) for the lands shown on Attachment 10. Council, on September 25, 2006, ratified the September 18, 2006 Committee of the Whole recommendation to approve the applications. The Committee of the Whole report identified the Subject Lands (Block 37 on Attachment 10) as a "Future Medium Density Residential" block. However, the lands remained zoned "A Agricultural Zone" and were to be subject to a future Zoning By-law Amendment Application. The Subject Lands were not registered as a block as part of the registered plan (Plan 65M-4313) for Draft Plan of Subdivision File 19T-03V03.

The previous owner, on August 26, 2008, submitted a subsequent Zoning By-law Amendment Application (File Z.08.051) for a commercial plaza, as shown on Attachment 12. This application was considered at the November 3, 2008 Committee of the Whole (Public Meeting); however, the previous owner did not pursue any further approvals.

The Subject Lands are located within the Block 39 Block Plan

The Subject Lands are located within the Block 39 Block Plan ('Block 39 Plan') approved by Vaughan Council on September 25, 2006 and are identified as "Medium Density" on Attachment 11. The Block 39 Plan provides the basis for the land uses, housing mix, development densities, environmental protection, servicing infrastructure, transportation (road) network, public transit, and urban design for the entire Block 39 area.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit a development comprising three phases consisting of 11, three-storey townhouse units on a private road and a 12-storey mixed-use building

with 382 residential dwelling units, 996 m² of retail uses and 6,858 m² of business or professional office uses (the ‘Development’), as shown on Attachments 4 to 9:

1. Official Plan Amendment File OP.21.001 to:
 - a) redesignate the Subject Lands from “Low-Rise Mixed-Use” with a maximum building height of 4-storeys and a maximum floor space index (FSI) of 1.5 times the area of the lot, as shown on Attachment 3, to “Mid-Rise Mixed-Use” with a maximum building height of 12-storeys and a maximum FSI of 4.05 times the area of the lot;
 - b) amend Policy 2.2.3 Community Areas of Vaughan Official Plan 2010 (‘VOP 2010’) respecting intensification and compatibility; and
 - c) permit residential uses on the ground floor facing an arterial road, whereas VOP 2010 requires retail uses on the ground floor facing an arterial road.
2. Zoning By-law Amendment File Z.21.002 to rezone the Subject Lands from “A Agricultural Zone” to “RM2 Multiple Residential Zone” and “RA3 Apartment Residential Zone” in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Tables 1 and 2 of this report.
3. Draft Plan of Subdivision File 19T-21V001, as shown on Attachment 5, to create a block to facilitate the submission of a standard condominium for the residential apartment, business and professional office and retail uses (Blocks “A”, “B” “C” and “D” on Attachment 4); and to create a common element condominium for a private road to access the townhouse units (Blocks “E”, “F” and “G” on Attachment 4) consisting of the following:

Blocks	Land Use	Area (ha)
Block 1	Mixed-Use Residential-Commercial	1.03
Block 2	Road Widening	0.03
Total		1.06 ha

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 and Notice Signs were installed along Major Mackenzie Drive, Fossil Hill Road and Sibella Way in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: Expanded notification area to all property owners within 350 m of the Subject Lands (Attachment 1) and to the Greater Woodbridge Ratepayers’ Association, Millwood Woodend Ratepayers’ Association and Vellore Woods

Ratepayers' Association, and to anyone on file with the Office of the City Clerk having requested notice.

- c) As of August 3, 2021, staff have received approximately 201 responses from those members of the community identified in Attachment 2. The following is a written summary of the comments organized by theme

Density and Built Form

- the Development is too high and too dense and is not compatible with the low-rise buildings in the adjacent and surrounding areas
- too many multi-storey buildings are proposed for the Major Mackenzie Drive and Weston Road intersection
- original purchasers were told the Subject Lands would be developed as a low-rise commercial plaza
- the Development will result in the loss of value to their homes

Privacy, Shadow, and View

- the Development will block sunlight and views through the neighbourhood

Traffic, Access, and Parking

- increased traffic impacts and pedestrian safety; students travel through the community to go to Tommy Douglas High School, located on the north side of Major Mackenzie Drive, as shown on Attachment 1
- Sibella Way residents are impacted by the two driveways from the development onto Sibella Way, with increased traffic congestion from the proposed residential, business or professional office and retail uses
- vehicular access to the development should be from Major Mackenzie Drive to reduce the impact on existing residents
- insufficient amount of parking spaces will be provided for the retail and residential users
- existing streets cannot accommodate additional on-street parking and traffic resulting from the development

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

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

[September 18, 2006 Committee of the Whole Meeting \(Item 67, Report 43\)](#)

[November 3, 2008 Committee of the Whole Public Meeting \(Item 2, Report 55\)](#)

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the Development

Official Plan Designation:

- Located within a “Community Area” on Schedule 1 - Urban Structure by Vaughan Official Plan (‘VOP’) 2010
- Designated “Low-Rise Mixed Use” by Schedule 13 - Land Use by VOP 2010
- This designation permits townhouse and stacked-townhouse dwellings, and low-rise buildings at a maximum building height of 4-storeys and a maximum FSI of 1.5 times the area of the lot
- An amendment to VOP 2010 is required to redesignate the Subject Lands to “Mid-Rise Mixed-Use” and to permit a mixed-use residential-commercial building with a maximum building height of 12-storeys (42 m), a FSI of 4.05 times the area of the lot, and to permit residential land uses on the ground floor facing an arterial road (Major Mackenzie Drive)

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

Zoning:

- Zoned “A Agricultural Zone” by Zoning By-law 1-88
- The Development is not permitted in the “A Agricultural Zone”
- The Owner proposes to rezone the Subject Lands to “RM2 Multiple Residential Zone” and “RA3 Apartment Residential Zone” to permit the Development, together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone Requirement
a.	Minimum Lot Frontage	30 m	7 m / unit (Block “E”) (Sibella Way) 6.2 m / unit (Blocks “F” and “G”) (Sibella Way)
b.	Minimum Lot Area	230 m ² / unit	81.2 m ² / unit (Block “E”) 100.2 m ² / unit (Blocks “F” and “G”)
c.	Minimum Front Yard Setback (Sibella Way)	i. 4.5 m (Dwelling) ii. 6.4 m (Garage)	i. 3 m (Dwelling) ii. 3 m (Garage)

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone Requirement
d.	Minimum Rear Yard Setback to the RA2 Zone	4.5 m	0 m (Block "E") 2.5 m (Blocks "F" + "G")
e.	Maximum Lot Coverage (Per Unit)	50%	74.6% (Block "E") 67.9% (Blocks "F" and "G")
f.	Maximum Building Height	11 m	12.6 m
g.	Maximum Width of a Driveway	3.5 m	5 m
h.	Minimum Landscaping	33% Landscaped Front Yard with 60% Soft Landscaping	10% Hard Landscaping
i.	Maximum Permitted Encroachment (Stairs)	1.8 m	3 m (Sibella Way)
j.	Minimum Amenity Area / Unit	11 Three Bedroom Units x 90 m ² / unit = 990 m ² Total required amenity area = 990 m ²	3, Three Bedroom Units x 0 m ² / unit = 0 m ² (Block "E") 8 Three Bedroom Units x 15.5 m ² / unit = 124 m ² (Blocks "F" + "G") Total proposed amenity area of 124 m ²
k.	Permitted Uses	<ul style="list-style-type: none"> - Apartment Dwelling - Multiple Family Dwelling - Block Townhouse Dwelling - Day Nursery 	Permit only a Townhouse Dwelling accessed by a private road

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone Requirement
I.	Location of Parking	Provide and maintain parking on the lot on which it is erected	Permit parking for a Townhouse Dwelling accessed by a private road to be located in an underground parking structure

Table 2:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
a.	Minimum Lot Area	67 m ² / unit	23 m ² / unit
b.	Minimum Front Yard	7.5 m	5.6 m (Major Mackenzie Drive)
c.	Minimum Rear Yard	7.5 m	3 m (Sibella Way) (South side of Block "D")
d.	Minimum Interior Side Yard	21 m	10.5 m (Block "A")
e.	Minimum Exterior Yard	7.5 m	3 m (Fossil Hill Road) (East side of Block "D")
f.	Minimum Setback from the Front Lot Line and the Exterior Lot Line to the Building Below the Finished Grade	1.8 m	0.6 m (Major Mackenzie Drive and Fossil Hill Road)
g.	Maximum Permitted Encroachment (Porches)	1.8 m	3 m (Fossil Hill Road)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
h.	Permitted Use	<ul style="list-style-type: none"> - Apartment Dwelling - Day Nursery 	Permit the following additional uses within Block "D" of the Mixed-Use Residential-Commercial Building: <ul style="list-style-type: none"> - Retail Store - Business or Professional Office
i.	Minimum Parking Requirements	<p style="text-align: center;">Residential 1.5 spaces / unit x 382 units = 573 spaces</p> <p style="text-align: center;">Visitor 0.25 spaces / unit x 382 units = 96 spaces</p> <p style="text-align: center;">Retail 6 spaces / 100 m² x 996.1 m² = 60 spaces</p> <p style="text-align: center;">Business and Office 3.5 spaces / 100 m² x 6,858.2 m² = 241 spaces</p> <p style="text-align: center;">Total Parking Required = 970 spaces</p>	<p style="text-align: center;">Residential 1.22 spaces / unit x 382 units = 467 spaces</p> <p style="text-align: center;">Visitor 0.195 spaces / unit x 382 units = 75 spaces</p> <p style="text-align: center;">Retail / Business and Office 3.97 spaces / 100 m² x 7,854.3 m² (996.1 m² + 6858.2 m²) = 312 spaces</p> <p style="text-align: center;">Total Parking Proposed = 854 spaces</p>
j.	Minimum Amenity Area	<p>275 One Bedroom Units x 20 m²/unit = 5,500 m²</p> <p>94 Two Bedroom Units x 55 m²/unit = 5,170 m²</p> <p>13 Three Bedroom Units x 90 m²/unit = 1,170 m²</p>	Provide a total amenity area of 6,534.2 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 = 11,840 m ²	

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical 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"> ▪ 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') and VOP 2010
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the proposed land use designation, building height and density, and community area, intensification, and compatibility policies ▪ The appropriateness of the rezoning and site-specific exceptions identified in Tables 1 and 2 will be reviewed in consideration of the existing and planned surrounding land uses
c.	Draft Plan of Subdivision	<ul style="list-style-type: none"> ▪ Should the Applications be approved, the required Draft Plan of Subdivision conditions will be included to address site access, road widening, site servicing and grading, environmental noise, and other municipal, regional, and public agency and utility requirements
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"> ▪ Vaughan Council must identify and allocate water and sanitary servicing capacity for the Development, 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 Subject Lands by Vaughan Council
f.	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
g.	City’s Tree Protection Protocol	<ul style="list-style-type: none"> ▪ There are no trees located on the Subject Lands. Trees are located within the public boulevards to the south and east of the Subject Lands. The Development will be reviewed in accordance with the City’s Tree Protection Protocol, for the protection and the replacement of any tree(s) should they be damaged during construction
h.	Design Review Panel (‘DRP’)	<ul style="list-style-type: none"> ▪ The DRP must review the Development prior to the Applications proceeding to the Committee of the Whole
i.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority, external public agencies and utilities, and the Public, Separate, and French School Boards
j.	Sustainable Development	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the City of Vaughan’s Policies and Sustainability Metrics Program. The Development achieves a Silver score of 55
k.	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
l.	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>) 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 in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic</i>

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p><i>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"> ▪ 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)
m.	Affordable Housing	<ul style="list-style-type: none"> ▪ 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 of housing
n.	Related Site Development Application	<ul style="list-style-type: none"> ▪ The Owner has submitted related Site Development File DA.21.001 to be reviewed with the Applications in a future comprehensive technical report
o.	Required Applications	<ul style="list-style-type: none"> ▪ The Owner is required to submit Draft Plan of Condominium (Standard and Common Element) and Part Lot Control Applications to establish the ownership tenure and Parcels of Tied Land ('POTLs') for the Development ▪ The appropriateness of different Condominium tenures (Standard and Common Element), specifically between Block "A" and Block "E", as shown on Attachment 4, will be reviewed
p.	Block 39 Plan	<ul style="list-style-type: none"> ▪ The Block 39 Plan and supporting Master Environmental Servicing Plan ('MESp') must be updated to address modifications as a result of the Development, should the Applications be approved

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. The Owner did not apply for a Regional exemption from approval of the Official Plan Amendment. Any 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 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: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Context and Location Map
2. Communications
3. Schedule 13 - Land Use Vaughan Official Plan 2010
4. Proposed Zoning and Site Plan
5. Draft Plan of Subdivision File 19T-21V001
6. Landscape Plan
7. North and South Building Elevations
8. East and West Building Elevations
9. Site Phasing Plan
10. September 18, 2006 Committee of the Whole - Draft Plan of Subdivision File 19T-03V03
11. Council Approved September 25, 2006 Block 39 Plan
12. November 3, 2008 Public Meeting - Zoning By-law Amendment File Z.08.051
Conceptual Site Plan

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