

Committee of the Whole (1) Report

DATE: Tuesday, September 14, 2021

WARD: 4

**TITLE: PENGUIN-CALLOWAY (VAUGHAN) INC. (BLOCK A5 – PHASE 1)
OFFICIAL PLAN AMENDMENT FILE OP.20.013
ZONING BY-LAW AMENDMENT FILE Z.20.029
101 EDGELEY BOULEVARD
VICINITY OF BUTTERMILL AVENUE AND APPLE MILL ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning & Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for the applications to amend the Official Plan and Zoning By-law to permit a development in the Vaughan Metropolitan Centre (VMC) consisting of 38 and 18-storey residential apartment buildings on a shared podium, a 7-storey building with ground floor retail and a standalone 4-storey commercial building, at a maximum Floor Space Index of 5.09 times the area of the subject lands, as shown on Attachments 2-5.

Report Highlights

- The applications seek to permit a development consisting of 4 buildings ranging in height from 4 to 38-storeys containing 629 residential units with 1525 m² of commercial uses, at a FSI of 5.09 times the area of the lands
- Subject to Council's approval, Section 37 contributions are required in exchange for an increase in building height and density in the amount of \$1.2 million, of which \$320,000 is allocated towards Jane Street streetscape enhancements between Portage Parkway and Apple Mill Road and \$880,000 towards a reserve for cultural uses to be used in the northwest quadrant of the VMC
- Details related to the corresponding Site Development application File DA.20.052 is currently under review by VMC Program staff and will be considered at a future Committee of the Whole meeting
- The VMC Program Division of the Policy Planning and Special Programs Department supports the approval of the Official Plan and Zoning By-law applications as the proposal is compatible with the existing and planned context of the surrounding area and represents good planning

Recommendations

1. THAT Official Plan Amendment File OP.20.013 BE APPROVED; to amend Vaughan Official Plan 2010 ('VOP 2010') and Volume 2 of VOP 2010, specifically the Vaughan Metropolitan Centre Secondary Plan (VMCSP), to add a new Site-Specific Policy Area on Schedule 'K' to permit the following:
 - a) Maximum building heights of 38-storeys (Building A), 18-storeys (Building B and), 7-storeys (Building C);
 - b) Notwithstanding Schedule I – Height and Density Parameters, Building D shall be 4-storeys in height;
 - c) A maximum permitted density Floor Space Index (FSI) of 5.09 the area of the lot; and
 - d) A minimum residential tower separation distance of 22.3 m between the northwest corner of Tower A and the southwest corner of Tower B;
2. THAT Zoning By-law Amendment File Z.20.029 BE APPROVED to:
 - a) amend By-law 1-88, as amended, to permit the site-specific development standards as generally identified in Table 1 of this report; and
 - b) permit the bonusing for increased building height and density for the proposed development as shown on Attachments 2 to 5 in return for the following provision of off-site community benefits totally \$1,200,000 pursuant to the policies of VOP 2010 and the VMCSP, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*:

- i. \$330,000 allocated towards enhancements to the Jane Street streetscape between Portage Parkway and Apple Mill Road; and
 - ii. \$870,000 towards a cash reserve for cultural uses in the northwest quadrant of the VMC;
3. THAT prior to the enactment of the implementing Zoning By-law, the Mayor and the City Clerk be authorized to execute the Section 37 Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of the community benefits identified in Recommendation 2 b). The Owner shall pay to the City the Section 37 Agreement surcharge fee in accordance with the Tariff of Fees By-law 194-2020 for the Planning Applications, prior to the execution of the Section 37 Agreement; and
4. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law comes into effect to permit adjustments to the implementing Zoning By-law.

Background

The subject lands (the 'Subject Lands') are located in the VMC on the northwest corner of Apple Mill Road and Buttermill Avenue and are municipally known as 101 Edgeley Boulevard, as shown on Attachment 1. Specifically, the Subject Lands encompass only the southeast quadrant of the existing surface parking lot which was used to serve the decommissioned Walmart store and represents the first development phase of the larger block. The remainder of the Walmart lands are not proposed for redevelopment at this time. The surrounding uses are also shown on Attachment 1. A conceptual development plan for the entire development block is shown on Attachment 3.

Revisions to the proposal and Subject Lands

Modifications have been made to the proposed development since the statutory public meeting was held for the subject applications on February 2, 2021, including an increase in the overall density of the development from 4.63 to 5.09 and changes to the boundaries of the Subject Lands.

Policy 10.1.4.1 of VOP 2010 requires that a new public meeting for a planning application(s) shall automatically be required when an application(s) has been significantly amended, such as an increase to proposed density and/or building height, beyond what was proposed and considered by Council at a previous meeting.

The boundaries of the OPA and ZBA have changed such that the western boundary of the Subject Lands is approximately 5 m further west than previously proposed, and the northern boundary is approximately 8 m further south. These boundary modifications, which were made to accommodate the planned future local road defined in the VMCS, have the effect of reducing the net site area by approximately 288 m². The surrounding lands that may be impacted by the change to the Subject Lands boundaries are also

owned by Penguin-Calloway (Vaughan) Inc. The modifications to the proposal result in an approximate 10% increase in density.

Due to the reasons stated above and pursuant to VOP 2010, staff is of the opinion that a new public meeting is not required as no other adjacent landowners are affected by the modifications to the boundaries of the Subject Lands and the proposed density represents a modest increase from the original submission.

Official Plan and Zoning By-law Amendments and Site Development Applications have been submitted to permit the development

1. Official Plan Amendment File OP.20.013 (the 'Applications') to amend VOP 2010 and Volume 2 of VOP 2010, specifically the VMCSPP to add a new Site-Specific Policy Area on Schedule 'K' to permit the following:
 - a) Maximum building heights of 38-storeys (Building A), 18-storeys (Building B and), 7-storeys (Building C);
 - b) Notwithstanding Schedule I – Height and Density Parameters, Building D shall be 4-storeys in height;
 - c) A maximum permitted density Floor Space Index (FSI) of 5.09 the area of the lot; and
 - d) A minimum residential tower separation distance of 22.3 m between the northwest corner of Tower A and the southwest corner of Tower B.
2. Zoning By-law Amendment File Z.20.029 to amend By-law 1-88, as amended, to permit the site-specific development standards as generally identified in Table 1 of this report.
3. Site Development File DA.20.052 to permit the mixed-use development which is not subject to this report nor recommended for approval at this time.

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

On January 8, 2021, a Notice of Public Meeting was mailed to all property Owners within 150 m of the Subject Lands and anyone on file with the City Clerk. A copy of the Notice was also posted on the City's website at www.vaughan.ca and notice signs were installed along the Buttermilk Avenue and Apple Mill Road frontages of the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

The Owner and agent attended the Public Meeting, and no deputations or written submissions were received for the Applications. On February 17, 2021, Vaughan Council ratified the recommendations of the Committee of the Whole to receive the Public Meeting report of February 2, 2021 and to forward a comprehensive report to a future Committee of the Whole meeting.

Proposed Development

The proposed mixed-use development (the 'Development') is shown on Attachments 2 to 5 and consists of the following:

- a) Two residential apartment buildings with heights of 38 storeys (Tower A) and 18-storeys (Tower B) located on a shared podium varying in height from 2-3 storeys, a 7-storey (Tower C) residential apartment building with commercial uses at-grade and a 4-storey standalone commercial building (Tower D)
- b) 629 residential units
- c) Gross Floor Area ('GFA') of 53,700 m² consisting of 52,173 m² of residential and 1,525 m² of commercial uses
- d) 212 parking spaces in 1 level of underground parking, of which 118 spaces are allocated for residential uses and 94 spaces are allocated for shared residential visitor and commercial / non-residential uses on-site
- e) 385 bicycle parking spaces (315 long-term and 70 short-term)
- f) 1,374 m² of common amenity area (745 m² indoor and 629 m² outdoor)
- g) 2,483.5 m² central privately-owned, publicly accessible space (POPS)
- h) 19.1-19.9 m wide mid-block pedestrian connection

Previous Reports/Authority

The following link provides information related to the Public Meeting associated with these Applications:

[Item 2, Report No. 5 of the Committee of the Whole \(Public Hearing\), which was adopted without amendment by Vaughan Council on February 17, 2021.](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the Provincial Policy Statement, 2020 (the '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 that local context and character is important. The *Planning Act* requires Vaughan Council's planning decisions to be consistent with the PPS.

The Development is consistent with the following policies of the PPS:

- Section 1.1.1 by contributing to healthy, liveable, and safe communities

- Section 1.1.3.2 by focusing growth and development on settlement areas and promoting a density and mix of land uses that are transit supportive
- Section 1.1.3.6 by allowing new development within designated growth areas having a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public services facilities
- Section 1.4.1 and 1.4.2 by providing an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional area
- Section 1.6.3 by optimizing existing infrastructure and public service facilities
- Section 1.7.1 by supporting the long-term economic prosperity, providing necessary housing supply and range of housing options for a diverse workforce, enhancing the vitality of the downtown and encouraging a sense of place by promoting well-designed built form and cultural planning

The Subject Lands are located in the VMC, the City’s downtown, which is designated as a Settlement Area by the PPS as a focus of growth and development. The Development provides a compact and mixed use built form and proposes a density that is transit-supportive with a mix of building types that would contribute to the overall range of housing options within the VMC to support a healthy and livable community. The Development promotes the efficient use of the lands and reduces land consumption and servicing costs. The design of the proposal, including the height of the podium, scale of the lower buildings and inclusion of commercial uses at grade, provides a comfortable pedestrian environment which fosters walkability and enhances the vitality of the downtown.

The Development utilizes municipal infrastructure that is existing, under construction, and/or planned. The Development would efficiently utilize resources at a density in a designated growth area that would support the surrounding transit investments including the SmartVMC Bus Terminal, the VMC Subway Station, and the VivaNext Bus Rapid Transit (‘BRT’) along Highway 7 (the ‘higher order transit’).

The Development is adjacent to the future VMC Urban Park and its amenities. The approval of this proposal would also result in a contribution to off-site community benefits related to Jane Street streetscape improvements which would contribute to the creation of a high-quality urban landscape and pedestrian-oriented environment in the City’s downtown.

Therefore, the proposal is consistent with the policies of the PPS.

The Development conforms to the Provincial Growth Plan for the Greater Golden Horseshoe (2020)

“A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020” (the “Growth Plan”) is intended to guide the development of the land; encourage a compact built

form; transit-supportive communities; diverse land uses; a range of housing types; and direct growth to settlement areas that offer municipal and water and wastewater systems. The Growth Plan states that a focus on transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types. The Development conforms to the following policies of the Growth Plan:

- Sections 2.2.1.1 and 2.2.1.2 respecting managing population
- Section 2.2.1.4 respecting the achievement of complete communities
- Section 2.2.2.1 respecting intensification targets within a delineated built-up area
- Section 2.2.4.6 respecting the requirement for land uses and built forms to be transit-supportive and meet minimum density requirements within Major Transit Station Areas

The Development conforms to the policy framework of the Growth Plan as it makes efficient use of the Subject Lands and existing infrastructure. It is located adjacent to existing and operational higher-order transit and provides housing options at a density that supports the transit investments in the VMC. The Development focuses new growth through the intensification of an underutilized site that provides a mixed-use development with a pedestrian-friendly environment located near higher order transit.

The Development contributes to a complete community and optimizes infrastructure by introducing a more compact built form and vibrant public realm by introducing a mix of land uses, building and unit types and amenity spaces in the VMC. The Development represents a high-quality form that is focused on a neighborhood scale where vehicle-demand is reduced, promoting walkability and other modes of transportation which reduces greenhouse gas emissions.

The regional and municipal Official Plans currently do not conform to the Growth Plan policies with respect to the now updated intensification target of 50% (revisions through *Bill 108, More Homes More Choice Act, 2019*) within built-up areas. While a conformity exercise will be undertaken by York Region and the City, the Development in the interim would assist York Region and the City in meeting the general intensification objectives contained in the in-effect Official Plans.

The Development also meets the mobility objectives of the downtown by providing a compact built form that leverages the site's proximity to higher-order transit facilities, thereby optimizing the use of transit and reducing vehicular demand within the VMC. The Development is located within a Major Transit Station Area ('MTSA') which would encourage, support and promote alternative modes of transportation, such as walking with design that is focused on pedestrian experience and safety. Therefore, the proposal conforms to the policies of the Growth Plan.

The Development conforms to the York Region Official Plan

The Subject Lands are designated “Urban Area” by the York Region Official Plan (the ‘YROP’) and located within a “Regional Centre”. The Development conforms to the following policies of the YROP:

- Sections 3.5.4 and 3.5.20 by providing a mix and range of housing and smaller unit types, and meeting density and intensification requirements
- Section 4.2.4 by providing mixed-use pedestrian environments
- Section 5.3.4 respecting locations of transit stops
- Sections 5.4.5, 5.4.9 and 5.4.16 by providing designs that are urban, compact, pedestrian and cycle friendly and transit-supportive
- Sections 5.4.19, 5.4.20, 5.4.23 and 8.2.3 respecting mixed-use developments within Regional Centres

The Development is urban and compact in form, with 629 residential units ranging in size from bachelor suites to three-bedroom units, with a mix of mid-rise and high-rise built forms that would contribute to the range of housing choices in the City to meet the needs of residents and workers within York Region. Family-sized units are considered those with 2 or more bedrooms. The Development proposes 310 two-bedroom and 26 three-bedroom units which represents over 53% of the total unit count.

The Development contributes to a mix of uses planned in the VMC and would deliver a density to support the existing employment and commercial uses that encourages and optimizes the uses of higher-order transit.

The Development provides an urban streetscape that complements the adjacent existing and planned employment and commercial uses and is in proximity and accessible to higher-order transit. The proposed building and streetscape designs are high quality, pedestrian-friendly and will encourage active modes of transportation.

The Development supports and achieves an urban and integrated transportation system within a Regional Centre as a focus of economic activity and culture and contributes to a high-quality and sustainable community in the VMC. Therefore, the proposal conforms to the policies of the York Region Official Plan.

Amendments to Vaughan Official Plan 2010 and Volume 2 of Vaughan Official Plan 2010 (the VMCSPP) are required to permit the Development

The Subject Lands are designated “Station Precinct” by the VMCSPP, which forms part of Volume 2 of VOP 2010. This designation permits a broad mix of uses, including residential dwellings, retail, and service commercial uses. The Development proposed residential and commercial uses which conforms to the “Station Precinct” designation.

Schedule I – Height and Density Parameters of the VMCSPP stipulates a minimum building height of 5-storeys and a maximum building height of 25-storeys and an FSI range of 2.5 to 4.5 times the area of the lot on the Subject Lands. To facilitate the Development, amendments to the VMCSPP are required to allow a minimum building height of 4-storeys (Building ‘D’ only) and a maximum building height of 38-storeys (Tower ‘A’), at a maximum FSI of 5.09 times the area of the lot. Notwithstanding maximum height permissions on Schedule I, Policy 8.7.12 of the VMCSPP allows individual towers within the same development block to exceed its maximum height by up to 7-storeys by transferring storeys from one tower to another. Tower ‘B’ proposed at 18-storeys is being sought to transfer 7-storeys to Tower ‘A’ which would allow a maximum of 32-storeys. However, Tower ‘A’ exceeds permissions of Policy 8.7.12 by 6-storeys since it is proposed at 38-storeys.

Policy 8.7.18 permits a maximum residential tower floorplate of 750 m² and a minimum residential tower separation distance of 25 m. The Development proposes a maximum tower floor plate of 752 m² for Tower ‘A’ and a maximum tower floor plate of 768.5 m² for Tower ‘B’, which are generally in keeping with the VMCSPP. The Development proposes a tower separation distance of 22.3 m between the northwest corner of Tower A and southeast corner of Tower B. An amendment to the VMCSPP is required for the proposed decrease in separation distance between residential towers (Towers ‘A’ and ‘B’).

Amendments to VOP 2010, specifically the VMCSPP, are required to add a new Site-Specific Policy Area for the Subject lands on Schedule ‘K’ to permit the development as discussed above.

The VMC Program Division of the Policy Planning and Special Programs Department supports the proposed amendments to VOP 2010 and the VMCSPP
Section 1.5 of VOP 2010, The Vision for Transformation: Goals for the Official Plan, identifies the VMC as a provincially designated Urban Growth Centre (UGC), given the location along Highway 7 and the terminus of the Toronto-York Spadina Subway Extension. The VMC is Vaughan’s downtown with the highest density node in the City and a focus for civic activity, business, shopping, entertainment, and living. Policy 2.1.3.2, Defining Vaughan’s Transformation: Key Planning Objectives, addresses Vaughan’s main land use planning challenges and the management of future growth by directing a minimum of 29,300 residential units through intensification within the built boundary, promoting public transit use by encouraging transit-supportive densities and an appropriate mix of uses along transit routes, and providing a diversity of housing opportunities.

Policy 2.2.5, Intensification Areas, identifies the VMC as the City’s downtown that consists of the widest range of uses and buildings of various sizes, including the tallest buildings in Vaughan.

The VMCSPP provides several objectives for the VMC, including the following:

- 3.1 Establish a distinct downtown for Vaughan by 2031 containing a mix of uses civic attractions and critical mass of people
- 3.5 Optimize existing and planned investments in rapid transit
- 3.6 Establish a hierarchical, fine-grain grid network of streets and pathways linked rationally to the larger road system
- 3.7 Develop a generous and remarkable open space system
- 3.8 Make natural features and functions a prominent part of development
- 3.9 Ensure development incorporates green infrastructure and green building technologies
- 3.10 Ensure all development exhibits a high-quality of urbanity, materials, and design

The Development satisfies these objectives of the VMCSPP.

The Subject Lands are designated “Station Precinct” which are envisioned through the urban structure to provide a broad mix of uses to support the highest densities within the downtown due to close proximity to the VMC subway station and higher order transit facilities. The Development utilizes a mixed-use urban form which would further support the establishment of Vaughan’s downtown. Although the proposal modestly exceeds the VMCSPP density and height permissions, it contributes to meeting or exceeding the overall density target of 200 people and jobs per hectare by 2031 in the VMC UGC. Furthermore, the Development is highly accessible to higher-order transit and will optimize and encourage the use of existing transit infrastructure.

While this phase of development will not result in the dedication of a new east-west local public road located immediately north of the Subject lands as required by Schedule C of the VMCSPP, the conceptual comprehensive masterplan of the overall development block as shown on Attachment 3 demonstrates that a 22 m right-of-way has been protected for and Staff will require it to be dedicated through the next future phase of development. This phase of development is self-sufficient from a transportation perspective without the need for the east-west local road, as traffic generated from this initial phase does not warrant a second vehicular access.

The VMCSPP requires that vehicular accesses be provided from local streets and laneways. The proposed vehicular access to service this phase is located on Buttermill Avenue which is a local road. However, the buildings have been designed to create an appropriate address and street frontage once the future east-west road is constructed, and Staff will require that accesses for the future westerly phases on the development block are located on this future east-west local road.

Schedule H of the VMCSPP requires retail, service commercial or public uses along the Apple Mill Road frontage of the Subject Lands. The proposed 7-storey building fronting onto Apple Mill Road includes retail uses on the ground level and the 4-storey standalone building is proposed to be animated with commercial uses. The retail uses on the north side of Apple Mill Road will contribute to an activated streetscape which

would further enhance and enliven the public realm experience in that area and frame the Urban Park to the south.

The Development, which features 2 high-rise towers on a shared 2-3 storey podium with lower scale buildings at 4 and 7-storeys framing the future Urban Park, is appropriate in providing a comfortable pedestrian-scaled environment along the public realm. The layout, landscape and architecture of the Development are of a high design standard and will promote a downtown that is inviting, distinct and lively.

The Development is also complemented with a central POPS which includes an internal courtyard and mid-block pedestrian connection within the Subject Lands as shown on Attachment 2. The site is porously designed so that the courtyard will seamlessly integrate with the future park as a secondary publicly accessible space.

Policy 4.6.3 – Parking Policies of the VMCSPP state that transit-supportive parking standards for residential and non-residential uses shall be adopted by the City to facilitate development in the VMC and encourage non-automobile travel. Section 3.8.1 of By-law 1-88 includes specific parking requirements that reflect the VMC as a high-density and transit-oriented area. The Owner proposes a parking ratio to capitalize on the existing infrastructure that has the capacity to accommodate the Development.

Policy 8.1.2 – General Land Use and Density Policies of the VMCSPP states that the VMC is intended to accommodate a minimum of 1,500 new retail and service jobs by 2031 through street-related uses on the ground floors of mixed-use buildings. Policies 8.1.3 and 8.1.4 state that the VMC is intended to accommodate a minimum of 12,000 residential units to contribute to the projected population growth of 25,000 by 2031. The policies also encourage a diverse housing mix, including a significant number of households with children.

The Development supports planned residential population growth in the VMC, providing 629 new residential units of varying sizes (1 and 2 and 3-bedroom units). The proposed commercial uses, POPS, and private amenity areas, along with adjacent nearby community facilities, such as the VMC Centre of Community, and the future Urban Park, would support the needs of varying households, including those with children.

Section 8.7 – Built Form, of the VMCSPP includes policies for building stepbacks, ground floors, building height, massing, and building exteriors. Specifically, Policies 8.7.1 to 8.7.25, relate to building design that promotes pedestrian comfort through façade treatments, lobby frontages, podium and tower designs and building materiality. The Owner and the City are continuing to work together to ensure the building elevations would be well-articulated to create a comfortable pedestrian realm along all frontages of the Subject Lands and be complemented with high quality building materiality. This entails requiring a well-articulated podium expression and tower massing, and the specific placement of the building entrances and lobbies at the ground level fronting onto the public realm with high-quality streetscape treatments. These details are

currently being addressed through the site plan process prior to advancing approval at a future Committee of the Whole meeting.

Policy 8.7.2 requires that the location, massing and design of buildings contribute to human-scaled street walls, attractive streetscapes, a varied skyline, and an active pedestrian public realm. The built form, scale and streetscape relationship also meets the intent of this policy by providing beautiful streetscapes and a built form design and massing that is comfortable and inviting to pedestrians and provides a varied and interesting skyline. Furthermore, the 4 and 7-storey buildings are located and massed to enhance the public realm.

Policy 8.7.18 – Massing policies further require tower elements of high-rise residential buildings to be slender and spaced apart at least 25 m from one another to minimize shadow impacts and the loss of sky views, maintain privacy and contribute to an interesting skyline. The maximum residential tower floor plate permitted by the VMCSPP is approximately 750 m², whereas maximum tower floor plates for Towers A and B are proposed to be 754 and 767 m² respectively, representing a modest increase that is generally in keeping with the Secondary Plan. At the most constricted point, the towers have a separation distance of 22.36 m at the southeast corner of Tower A and at the northwest corner of Tower B. The nominal decrease in this instance can be supported as this is a corner condition, not a facing distance between towers, and the architecture will be designed to minimize privacy issues. Building setbacks, tower setbacks from the podium, material treatments, architectural features, and public realm design have been utilized to encourage a comfortable streetscape, varied streetwall and a pedestrian-first experience.

The Development represents good planning. The Owner will provide community benefits in exchange for increased building height and density, pursuant to Section 37 of the Planning Act

To facilitate the Development, amendments to the VMCSPP to allow increases to the maximum permitted FSI from 4.5 times the area of the lot to 5.09 and 6-storeys of additional height for Tower B are proposed. Pursuant to Section 37 of the *Planning Act*, the policies of the VMCSPP and VOP 2010, and the “City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*”, Vaughan Council may authorize an increase in building height and/or density in return for the provision of community benefits. The Owner has agreed to provide community benefits in exchange for increased building height and density.

Sections 10.1.2.9 of VOP 2010 and 8.1.23 of the VMCSPP include policies to permit bonus for increased building height and density in return for the provision of community benefits in the form of facilities, services, or other matters provided that the following criteria are met:

a. Good Planning

The Development must represent good planning, be consistent with the other objectives of VOP 2010 and the VMCSPP and ensure consistency with applicable built form and neighbourhood compatibility objectives.

The Development is consistent with the PPS and conforms to the Growth Plan and the YROP. The increase in the maximum building height and density reflected in Development is proposed through Section 37 of the *Planning Act*.

In Section 3 of the City's Guidelines for the Implementation of Section 37 of the *Planning Act*, "good planning" includes addressing all other policies contained in the Official Plan, including urban design policies and objectives, the relationship of the Development to its context, the adjacent streets, the creation of a good public realm, improvements to the public realm adjacent to the site, including off-site improvements and adequate infrastructure. Following a series of collaborative design workshops with the Owner to ensure that the above objectives were met, the Development as shown on Attachments 2 to 5, staff have determined it represents good planning.

The Development is aligned with the following objectives contained in the VMCSPP:

- i. A downtown: "to establish a distinct downtown for Vaughan by 2031 containing a mix of uses civic attractions and a critical mass of people."
 - A critical objective of the VMCSPP is to concentrate new development in the downtown. The Development would contribute to achieving the required critical mass to support the investments in the transit infrastructure, while also helping to develop a strong identity and sense of place required to create a successful downtown through its mix of uses and public realm design.
- ii. High transit usage: "optimize existing and planned investments in rapid transit."
 - The Development capitalizes on the VMC's locational advantage, being the convergence of the regional bus network (the SmartVMC Bus Terminal and the VivaNext BRT) with the Spadina Subway extension into the VMC. The proximity of the Subject Lands to higher-order transit and community facilities is vital in the creation of a high-quality downtown where transit supportive residential and employment densities are developed as vibrant places of activity and major regional destinations. The short walking distances to the higher-order transit through the planned network of streets and open spaces would contribute to prioritizing transit and walking as the preferred modes of daily travel in the VMC.
- iii. Design excellence: "ensure all Development exhibits a high quality of urbanity, materials and design."
 - The Development incorporates a range of building types and scales that frames and addresses the surrounding existing and future streets, with appropriate interface to the future Urban Park.

- Staff is currently working with the applicant to refine matters related to the Site Development File DA.20.052, including but not limited to architectural design matters, and will forward a technical report to a future Committee of the Whole meeting for approval once detailed design matters are addressed.

The Development is considered good planning in consideration of the overall existing and planned area context. Therefore, the proposed increase in the maximum building height and density in return for the provision of community benefits is appropriate.

b. Community Benefits

The community benefits must bear a reasonable planning relationship to the increase in building height and density of the Development.

In accordance with the City's "Guidelines for the Implementation of Section 37 of the *Planning Act*", the City and the Owner have agreed to the increase in building height and density in return for a community benefit, pursuant to Section 37 of the *Planning Act*. The contribution is equivalent to \$1,200,000.00 related to Jane Street streetscape enhancements between Portage Parkway and Apple Mill Road and cash reserve for cultural uses in the northwest quadrant of the VMC. This contribution is supported by the objectives of the VMCSP and would enhance the public realm, and social infrastructure to support the needs of the population and workers in the downtown.

c. Adequate Infrastructure

It is the City's intent to deliver the planned and orderly development of the VMC through the provisions of adequate infrastructure that support the increase in building height and density. The infrastructure improvements through the nearby higher-order transit facilities that are built and operational, are all infrastructure improvements that support the Development. The Development represents a modest uplift with an increase of 13.2% above the as-of-right and can be supported by adequate infrastructure as outlined in the Engineering Section of this Report. Should the Applications be approved, the Owner and the City shall execute a Section 37 Density Agreement to permit an increase in the maximum permitted building height and density, prior to the enactment of the implementing site-specific Official Plan Amendment and Zoning By-law Amendment. The Owner shall pay to the City the Section 37 Agreement surcharge fee, in accordance with the Tariff of Fees By-law for Planning Applications. A condition to this effect is included in the Recommendations of this report.

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

The Subject Lands are zoned "C10 Corporate District Zone" by By-law 1-88, which does not permit the proposed residential uses. The Owner proposes to amend By-law 1-88 and the existing site-specific Exception 9(959) to allow residential uses, together with the following site-specific zoning exceptions on Table 1 to permit the Development as shown on Attachments 2 to 5:

The Zoning By-law Amendment is further required to include the following site-specific zoning exceptions to permit the Development:

Table 1:

	By-law 1-88 Standards	C10 Corporate District Zone by By-law 1-88, subject to Exception 9(959)	Proposed Exceptions and rezoning to the C10 Corporate District Zone Requirements
a.	Permitted Uses	<ul style="list-style-type: none"> - C10 zones does not permit residential uses, amenity building, place of assembly and community centre 	<p>Permit the following additional uses:</p> <ul style="list-style-type: none"> - Apartment Dwelling - Amenity Building - Place of Assembly - Community Centre
b.	Definition – Lot	<p>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 Planning Act, 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.</p>	<p>For the purposes of this By-law, the Subject Lands are deemed to be one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of plan of condominium, consent, conveyance of private or public roads, strata title arranges, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provision of Zoning By-law 1-88</p>
c.	Amenity	No amenity requirement	1 m ² per dwelling unit
d.	Minimum Parking Space Size	2.7 x 6 m	2.7 x 5.7 m

	By-law 1-88 Standards	C10 Corporate District Zone by By-law 1-88, subject to Exception 9(959)	Proposed Exceptions and rezoning to the C10 Corporate District Zone Requirements
e.	Minimum Barrier-Free Parking Space Size	Type A: 3.4 m X 6 m Type B: 2.4 m X 6 m	Type A: 3.4 m X 5.6 m Type B: 2.4 m X 5.6 m
f.	Minimum Parking Space Requirements	<p>Residential:</p> <p>1 Bed/Bach: 293 @ 0.7/unit = 206</p> <p>2 Bed: 310 @ 0.9/unit = 279</p> <p>3 Bed: 26 @ 1.0 unit = 26</p> <p>Total: 511 spaces</p> <p>Visitor Parking: 629 @ 0.15/unit = 95 spaces</p> <p>Commercial: 676 m² @ 2 parking space per 100 m² GFA = 14</p> <p>Total Required Residential + Residential Visitor: 606 spaces</p> <p>Total Required Non-Residential Uses: 14 spaces</p> <p>Total Parking Required = 620 spaces</p>	<p>Residential: 0.18 spaces/unit x 629 units = 114</p> <p>Visitor Parking: 629 units @ 0.15 / residential unit = 94 spaces</p> <p>No parking requirements for Commercial uses</p> <p>Overall Total Parking Spaces Proposed per Parking Rates: 208 spaces</p> <p>Total Proposed: 212 spaces</p>

	By-law 1-88 Standards	C10 Corporate District Zone by By-law 1-88, subject to Exception 9(959)	Proposed Exceptions and rezoning to the C10 Corporate District Zone Requirements
g.	Minimum Bicycle Parking Spaces	Residential: 63 Short Term (0.10/unit), 314 Long Term (0.5/unit) Non-Residential: 6 Short Term (0.15 per 100 m ² or 6 spaces, whichever is greater, 1 Long Term (0.1 per 100 m ²))	Total: 385 Bicycle Parking Spaces Residential: 64 Short Term + 314 Long Term Non-residential: 6 Short Term + 1 Long Term
h.	Minimum Landscape Area Requirements	6 m (Apple Mill Road & Buttermill Avenue)	2.5 m – north lot line 2.2 m – south lot line 3 m – east lot line 18 m – west lot line
i.	Maximum Building Height (residential and non-residential)	15 m	Building A: 120 m Building B: 65 m Building C: 35 m Building D: 18 m (excluding Mechanical Penthouse)
j.	Maximum Density (All-uses)	0.6 FSI	5.09 FSI (Maximum Gross Floor Area: 53,700 m ²)

In addition to zoning exceptions in Table 1, the following site-specific zoning provisions, among others, will also be included to ensure the Development proposal for the Phase 1 lands reflect an urban built form and public realm:

- Maximum GFA shall not exceed 53,700 m², subject to payment of the associated Section 37 contribution
- Minimum non-residential GFA shall be 1,500 m²

- Minimum ground floor height of a mixed-use building for non-residential uses shall be 5 m

The VMC Program Division of the Policy Planning and Special Programs Department support the zoning exceptions in Table 1 along with these additional site-specific provisions noted above on the following basis:

a) Site-Specific Development Standards

The site-specific development standards (lot areas, setbacks, landscape strip widths, maximum GFA and ground floor, etc.) are consistent with the approved development standards related to other high-density developments located in the VMC and would enable a compact and urban built form that is supported by the VMC Program Division of the Policy Planning and Special Programs Department. The site-specific development standards are reflective of the submitted site plan and would facilitate the development proposal as shown on Attachments 2 – 5.

b) Parking

The VMCSPP states that transit-supportive parking standards for residential and non-residential uses shall be adopted by the City to facilitate development in the VMC and encourage non-automobile travel. Section 3.8.1 of By-law 1-88 includes specific parking requirements that reflect the VMC as a high-density and transit-oriented area. The Owner proposes parking rates which capitalizes on and promotes usage of existing transit infrastructure. The parking rates as proposed have the capacity to accommodate the Development and are supported by the City's Transportation staff.

The Planning Act permits Vaughan Council to pass a resolution to permit a landowner to apply for future Minor Variance application(s), if required, within two years of a Zoning By-law coming into full force and effect.

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Vaughan Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) within two years of the passing of a by-law amendment. Should Council approve the Zoning By-law Amendment File Z.20.029, the VMC Program Division of the Policy Planning and Special Programs Department, in recognition of the complexity of this Development, has included a recommendation to permit the Owner to apply for a Minor Variance application(s), if required, prior to the two-year moratorium to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

The Development Engineering Staff, VMC Program Division of the Policy Planning and Special Programs Department has no objection to the Applications

The VMC Program Division of the Policy Planning and Special Programs Department has reviewed the Applications and have no objection to the Applications in-principle. Final engineering plans and reports including the grading, servicing, erosion sediment control plans, Functional Servicing Report (FSR), Stormwater Management Report

(SWM), Geotechnical and Hydrogeological Investigation Report, Noise Impact Study, Traffic Impact Study and Transportation Demand Management Plan must be approved to the satisfaction of the VMC Program Division of the Policy Planning and Special Programs Department, along with any outstanding review fees that must be paid prior execution of the Site Plan Agreement, which will be discussed a separate report when the associated Site Development File DA.20.052 is advanced to a future Committee of a Whole Meeting.

Water Supply

The subject lands are located within the City of Vaughan Pressure District 6 (PD6). There is a municipal watermain (300mm diameter) adjacent to the Subject Lands on Apple Mill Road and Buttermill Avenue, which can provide domestic and fire flow demands for the proposed Development.

Sanitary Sewer

The FSR recommends a servicing connection for sanitary drainage from the proposed site to the existing municipal sanitary sewer (600mm diameter) on Apple Mill Road. The existing system and proposed site drainage area are both tributary to the Jane Collector Sanitary Trunk Sewer within the York Durham Sewage System (YDSS). It is anticipated that a future surcharge condition occurs at the trunk system along Jane Street near the Highway 407. The City is currently undertaking an update to the servicing strategy master plan which will identify the trigger and the preferred options for the downstream sewer upgrade.

Storm Sewer

The FSR & SWM report demonstrates that the post-development flows for the subject site will be controlled to the target release rate by proposing underground tanks and orifice controls. The Development is proposed to connect directly to the existing municipal storm sewers on Buttermill Avenue, which drains to the existing Edgeley Pond located east of Jane Street and north of Highway 7. The design of the quantity control measure for the site has taken into consideration the hydraulic grade line within the storm sewer system, which is impacted by the pond water level. The proposed storage tank for quantity control and rainwater harvesting along with the proposed retrofit of the Edgeley Pond will provide the stormwater management controls and treatment required for the proposed Development.

Transportation

Road Network

The Subject Lands are bounded by lands required for a future east-west public street, Buttermill Avenue, Apple Mill Road and an existing surface parking lot. The VMCSPP requires a new east-west local road from Buttermill Avenue to Edgeley Boulevard. The east-west road segment adjacent to the site is expected to be delivered through future applications for the remainder of the larger Walmart Block. The remainder of this east-west local road located west of Edgeley Boulevard will be delivered through future redevelopment of those lands. The east-west public road must be properly aligned east

and west of Edgeley Boulevard and must be designed to the standard of 22 m right-of-way cross-section as per the VMC Secondary Plan.

Active Transportation

Pedestrian infrastructure improvements are proposed as part of this Development. 2m sidewalks are proposed on both sides of surrounding streets including the new east-west local street, Buttermill Avenue and Apple Mill Road. Dedicated uni-directional cycling facilities will be extended on Apple Mill Road adjacent to the site to provide greater connectivity to the existing City and Regional cycling networks. A total of 385 bicycle parking spaces are proposed on-site, including 315 long-term spaces in the form of secure bicycle lockers and 70 short-term spaces in the form of bicycle rings. The proposed bicycle parking supply meets the minimum requirements of the City of Vaughan By-law 1-88.

Parking

To serve the Development, a total of 212 vehicular parking spaces are proposed in one-level of underground garage whereas 614 spaces are required. A parking reduction is proposed for the residential units at a rate of 0.18 spaces per unit (114 spaces) whereas no parking requirements are proposed for the commercial components of the Development. Transportation staff have reviewed the Transportation Impact Study and agree that the requested reductions can be supported. While staff usually do not support zero parking requirements for commercial uses, the commercial uses proposed in this Development are nominal and are expected to serve the local area, and therefore can be supported in this circumstance. Parking reductions are not sought for the residential visitor parking which will be provided at the City's existing (By-law 1-88) and draft Comprehensive Zoning By-law requirements (0.15 spaces per unit) at 94 spaces. The Development includes a total of 212 parking spaces of which at least 94 will be allocated to residential visitors.

Area Specific Development Charge (ASDC)

The City completed a Development Charges ('DC') Update Study in 2018. Elements of the infrastructure improvements work may be included in the DC Update Study as an Area Specific Development Charge ('ASDC') By-Law or within the City-Wide DC By-Law.

The ASDCs applicable to this Development are:

- a) Edgeley Pond – Map 2 (By-Law 106-2021) – charged on a per hectare basis
- b) Black Creek Channel Works – Map 3 (By-Law 106-2021) – charged on a per hectare basis

Parks Planning Staff, VMC Program Division of the Policy Planning and Special Programs Department have no objection to the Application

Parks Planning Staff has reviewed the Application and have no objection to the Applications.

The Financial Planning and Development Finance Department has no objection to the Development

The Owner shall pay to the City the applicable development charges, in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board. A condition to this effect will be included as part of a future Site Plan Agreement.

NavCanada and Bombardier Aerospace have no objection to the Development

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service and Bombardier Aerospace, Owner, and operator of the Toronto Downsview Airport, has advised in a letter dated November 19, 2020, of no objection to the Development.

Canada Post has no objection to the Development

Canada Post has indicated that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post specifications are met. The Owner is required to supply, install, and maintain a centralized mailbox facility. A condition to this effect will be included in the future Site Plan Agreement.

The School Boards have no objection to the Development

The York District School Board has advised that they will not require a public elementary school site within the Development. The York Catholic District and the French School Boards have no comments or objections to the Development.

The various utilities have no objection to the Development

Alectra Utilities Corporation has indicated it has no objection to the approval of the Development. It is the Owner's responsibility to contact Alectra and discuss all aspects of the Development with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas Inc. has no objection to the Development and has advised that it is the Owner's responsibility to contact Enbridge Gas Inc. with respect to the installation and clearance requirements for service and metering facilities. These conditions will be included in the future Site Plan Agreement.

Bell Canada ('Bell') has no objections the Development. The Owner is required to contact Bell prior to commencing any work to confirm that sufficient wire-line communication/telecommunication infrastructure is available. If such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. The Owner is also

required to grant any requirement easements to Bell Canada for communication/telecommunication infrastructure. Conditions to this effect will be included in the future Site Plan Agreement.

Rogers Communication Inc. has no objection to the Development.

Financial Impact

There are no requirements for new funding associated with these Applications.

Broader Regional Impacts/Considerations

York Region has reviewed the application and has no objection to the Development in-principle. York Region has advised, in their letter dated December 18, 2020, that they have no objection to the Development, in principle, subject to addressing York Region's outstanding comments.

Conclusion

The VMC Program Division of the Policy Planning and Special Programs Department has reviewed Official Plan and Zoning By-law Amendment Files OP.20.013 and Z.20.029 in consideration of the policies of the Provincial Policy Statement, the Growth Plan, the York Region and City Official Plan policies, the requirements of By-law 1-88, comments from City Departments, external public agencies, the public and the surrounding area context. The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the VMCSPP.

The VMC Program Division of the Policy Planning and Special Programs Department is satisfied that the Development represents good planning for the reasons identified in this report, and that the Owner's contribution of community benefits is appropriate. Accordingly, the VMC Program Division of the Policy Planning and Special Programs Department supports the approval of the Applications, subject to the Recommendations of this Report. The associated Site Development File DA.20.052 will advance to a future Committee of the Whole meeting for Council's consideration once design issues are addressed.

For more information, please contact Jessica Kwan, VMC Senior Planner, Extension 8814.

Attachments

1. Context and Location Map
2. Site Plan
3. Conceptual Block Plan
4. Conceptual Landscape Plan
5. Perspectives

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Approved by



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Reviewed by



Nick Spensieri, City Manager