

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, January 22, 2019

WARD: 5

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.013
ZONING BY-LAW AMENDMENT FILE Z.18.020
PROMENADE LIMITED PARTNERSHIP
VICINITY OF BATHURST STREET AND CENTRE STREET**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of Whole on Official Plan and Zoning By-law Amendment Files OP.18.013 and Z.18.020 for the Subject Lands shown on Attachments 1 and 2 to permit the development shown on Attachments 3 to 7 consisting of the following:

- Towers A and B: 35 and 30-storey residential apartment buildings (319 and 264 units) connected by a 6-storey residential podium (148 units) with at grade retail
- Tower C: 26-storey mixed-use building comprised of 10-storeys of office, 14-storeys of hotel (221 rooms) 2-storey retail at grade
- A maximum density (Floor Space Index - FSI) of 4.23 times the area of the subject lands
- Permit reduced parking standards for all non-residential uses on the entirety of the Promenade Mall lands

Report Highlights

- To receive input from the public and the Committee for a high-rise mixed-use development including 731 residential units, a hotel (221 rooms), 16,130m² of office area, 19,481 m² of retail uses, and 3 levels of underground parking and to permit reduced parking standards for all non-residential uses on the entirety of the Promenade Mall lands
- Official Plan and Zoning By-law Amendments are required to permit the proposed development
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Official Plan Amendment File OP.18.013 and Zoning By-law Amendment File Z.18.020 (Promenade 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

The Subject Lands (the 'Subject Lands') 1 are located south of Centre Street, west of Bathurst Street, municipally known as 1 Promenade Circle and shown as Subject Lands on Attachments 1 and 2. The Subject Lands are developed with the Promenade Mall. The former Sears portion of the Promenade Mall together with a small portion along the east façade facing Bathurst Street will be demolished (20,045m²) and replaced with new at grade retail (19,481m²). The balance of the Promenade Mall will remain unchanged and operational.

Official Plan Amendment 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 (identified as Phase 1) on Attachments 1 and 2 to permit the development (the 'Development') shown on Attachments 3 to 7:

1. Official Plan Amendment File OP.18.013 to amend the Vaughan Official Plan 2010 ("VOP 2010") to permit a maximum building height of 35-storesys and a maximum density of 4.23 FSI for the Phase 1 lands, whereas neither are prescribed by VOP 2010.
2. Zoning By-law Amendment File Z.18.020:
 - i) to amend Zoning By-law 1-88 to rezone the Subject Lands from "C5 Community Commercial Zone," subject to site-specific Exception 9(480) to "RA5 High Density Residential Town Centre Zone" in the manner shown on Attachment 3, and to permit the site-specific zoning exceptions identified in Table 1 of this report.
 - ii) to amend Zoning By-law 1-88, specifically the "C5 Community Commercial Zone", subject to site-specific Exception 9(480) to permit reduced parking standards for all non-residential uses on the entirety of the Promenade Mall lands.

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

- a) Date the Notice of Public Hearing was circulated: December 14, 2018.

The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: An expanded notification area beyond 150 m, as shown on Attachment 2, and to the Brownridge Ratepayer's Association, Beverley Glen Ratepayer's Association and the Springfarm Ratepayer's Association.
- c) The Notice of Public Hearing was also published in the Vaughan Citizen and Thornhill Liberal on December 13, 2018.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

N/A

Analysis and Options

Amendments to VOP 2010, Volume 1 to establish a maximum building height and density are required to permit the Development

The Subject Lands are designated "High-Rise Mixed-Use" with no prescribed maximum building height or density (FSI) by the VOP 2010, Volume 1. The Subject Lands are located within an Intensification Area - "Primary Centre" by Schedule 1 – Urban Structure with access to and frontage (overall Promenade Mall Site) onto a "Regional Rapid Transit and Intensification Corridor" (Centre Street) and onto a "Regional Transit Priority Network Corridor" (Bathurst Street) and are located in a "Required Secondary Plan Area - Promenade Mall".

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

In addition to the Vaughan Metropolitan Centre, the main places where transformation will occur in Vaughan are Primary Centres, which will evolve as distinct places of major

activity around planned subway stations and existing regional shopping destinations. Vaughan Mills, Bathurst Street and Centre Street (Subject Lands), and Weston Road and Regional Road 7 are each shopping destinations of regional significance, which have potential for residential intensification and the introduction of additional uses through development of surface parking areas, out-parcels and eventual redevelopment or intensification of the Vaughan Mills and Promenade Malls (Subject Lands). Existing major retail uses (those over 10,000 m² on any single lot) are permitted in Primary Centres.

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

The proposal to maintain the Promenade Mall and the high-rise mixed-use Development with access to Centre Street, Bathurst Street and Clark Avenue West and with frontage (overall Promenade Mall Site) onto Centre Street and Bathurst Street conforms to the Primary Centres and Regional Intensification Corridor policies of the VOP 2010.

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

The proposal for 2 residential apartment buildings and a mixed-use building comprised of office and hotel uses with retail at grade that animates the extension of South Promenade Road conforms to the use policies of High-Rise Mixed-Use designation. Further, the existing and new retail uses (87,943 m²) will not exceed 50% of the total gross floor area of all existing and proposed uses on the lot (188,080 m²).

A high-rise building type is permitted in the High-Rise Mixed-Use designation. VOP 2010 identifies high-rise buildings as buildings generally over 12-storeys in height, up to a maximum height prescribed by Schedule 13 and shall be designed with a pedestrian-scaled podium between 3 to 6-storeys in height, designed as slender towers with a floorplate no greater than 850 m², except for high-rise buildings containing office uses, the portions above 12-storeys shall be setback a minimum of 15 m from any property line; and, where more than one high-rise building is located on the same lot, the

distance between any portions of the high-rise buildings above 12-storeys should be at least 30 m. All high-rise buildings are required to accommodate a minimum amount of parking within the high-rise structure. All surface parking areas must provide a high level of landscape treatment and pedestrian pathways. The rooftop of high-rise buildings should include landscaped green space and private outdoor amenity space.

The Development includes a 6-storey residential podium that connects residential Towers A and B. All towers are slender in design, with floor plates of 850 m² (residential Towers A and B) and 950 m² (office and hotel Tower C) with all storeys setback more than 15 m from any property line. The distance between Towers A and B is 32.1 m and from Tower B to Tower C is 42 m. Towers A and B share private rooftop amenity areas on the 2nd floor. The Development will be served by 3 levels of underground parking. The Development conforms to the High-Rise Building type design criteria and the minimum building height of 12-storeys for High-Rise Buildings.

In accordance with policy 9.2.1.7. which states where no height or floor space index is indicated on Schedule 13, the maximum height and density shall be established through a Secondary Plan or Area Specific Policy as contained in Volume 2 of VOP 2010, where such a Secondary Plan or Area Specific Policy exists, or through the application of the various policies of VOP 2010 (as stated above). The Owner proposes to amend the VOP 2010 to establish maximum building heights of 35, 30 and 26-storeys and a maximum density of 4.23 FSI for the Phase 1 lands (Subject Lands), whereas neither are prescribed by VOP 2010.

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

The Subject Lands are zoned “C5 Community Commercial Zone,” subject to site-specific Exception 9(480) by Zoning By-law 1-88, which does not permit the Development. The Owner proposes to amend Zoning By-law 1-88, to rezone the Subject Lands to “RA5 High Density Residential - Town Centre Zone” together with the following site-specific exceptions to Zoning By-law 1-88 to permit the Development shown on Attachments 3 to 5:

Table 1

	Zoning By-law 1-88 Standards	RA5 High Density Residential – Town Centre Zone Requirements	Proposed Exceptions to the RA5 High Density Residential – Town Centre Zone Requirements
a.	Uses Permitted	<ul style="list-style-type: none"> - Apartment Dwelling - Bank or Financial Institution - Retail Store - Business or Professional Office 	To permit an Hotel as an additional use of a Hotel

	Zoning By-law 1-88 Standards	RA5 High Density Residential – Town Centre Zone Requirements	Proposed Exceptions to the RA5 High Density Residential – Town Centre Zone Requirements
		<ul style="list-style-type: none"> - Personal Service Shop - Video Store 	
b.	Maximum Building Height	18 - storeys or 56 m whichever is less	Tower A: 35 - storeys (109.7 m) B: 30 - storeys (103.2 m) C: 26 - storeys (94.6 m)
c.	Maximum Density	2.7 FSI	4.23 FSI
d.	Minimum Parking Requirements - Residential Use	340 Bachelor / 1 Bedroom units @ 1.5 spaces / unit = 510 spaces 387, 2 Bedroom units @ 1.5 spaces / unit = 581 spaces 4, 3 Bedroom units @ 1.5 spaces / unit = 6 spaces Visitor Parking 731 units @ 0.25 space/unit = 183 spaces Total Residential Spaces Required = 1,280	340 Bachelor / 1 Bedroom units @ 0.7 spaces per unit = 238 spaces 387, 2 Bedroom units @ 0.9 spaces per unit = 349 spaces 4, 3 Bedroom units @ 1 space / unit = 4 spaces Visitor Parking 731 units @ 0.15 spaces / unit = 110 spaces Total Residential Spaces Provided = 701
e.	Minimum Parking Space Size	2.7 x 6 m	2.6 x 5.6

	Zoning By-law 1-88 Standards	C5 Community Commercial Zone – 9(480) Requirements	C5 Community Commercial Zone 9(480) Requirements Proposed Exceptions
a.	Minimum Parking Requirements - Non-Residential Uses (Entirety of Promenade lands)	<p>Hotel Room - 1 space / bedroom</p> <p>Office Uses - 3.5 spaces / 100 m² of GFA</p> <p>Retail Uses - 6 parking spaces/ 100 m² of GFA</p>	<p>Hotel Room - 0.75 spaces / bedroom</p> <p>Office Uses - 1.5 minimum - 2.5 (maximum) spaces / 100 m² of GFA</p> <p>Retail Uses 2 minimum - 6 (maximum) spaces / 100 m² of GFA</p>

The Owner has submitted a conceptual site plan in support of the Development, as shown on Attachment 3. Other 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.	Consistency and Conformity with PPS, Growth Plan, and YROP 2010	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the statutory Provincial policies including the <i>Provincial Policy Statement 2014</i> (the “PPS”), the <i>Growth Plan for the Greater Golden Horseshoe 2017</i> (the “Growth Plan”), and the policies of the York Region Official Plan (“YROP 2010”).
b.	Conformity with VOP 2010	<ul style="list-style-type: none"> ▪ The Applications to establish a maximum building height of 35, 30 and 26-storeys and a maximum density of 4.23 FSI will be reviewed in consideration of the VOP 2010, Volume 1 policies, including but not limited to the following: <ul style="list-style-type: none"> - High-Rise Mixed-Use - High-Rise Buildings - Intensification Areas - Primary Centres - Regional Intensification Corridors - Major Retail Uses - Secondary Plan Policies

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the City's Urban Structure as set out in Vaughan Official Plan 2010.
c.	Appropriateness of Proposed Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the zoning by-law amendments required to permit the Development on the Subject Lands will be reviewed in consideration of the existing and planned surrounding land uses. ▪ The appropriateness of the reduced parking ratios for all non-residential uses on the entirety of the Promenade Mall lands will be reviewed.
d.	Water and Servicing Allocation	<ul style="list-style-type: none"> ▪ Servicing allocation must be identified and assigned to the Development, if approved. Should servicing capacity not be available, the Holding Symbol "(H)" may be applied to the Subject Lands. Removal of the Holding Symbol "(H)" will be conditional on Vaughan Council identifying and allocating servicing capacity to the Subject Lands.
e.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Applications, which must be approved to the satisfaction of the City or respective approval authority: <ul style="list-style-type: none"> - Functional Servicing Report - Hydrogeology Investigation - Phase 1 and Phase 2 Environmental Site Assessment - Preliminary Geotechnical Investigation - Tree Inventory and Assessment Report - Planning and Urban Design Rationale - Urban Design Brief - Transportation and Mobility Impact Study - Preliminary Wind Study - Sun Shadow Study ▪ Additional studies and/or reports may be required as part of the development application review process.

	MATTERS TO BE REVIEWED	COMMENT(S)
f.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Owner shall convey land at the rate of 1 ha per 300/units and or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a building permit, in accordance with the <i>Planning Act</i> and the City's Cash-in-Lieu policies, if the Applications are approved.
g.	Design Review Panel	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the recommendations provided by the City of Vaughan Design Review Panel ("DRP") on November 29, 2018.
h.	Future Site Development and Draft Plan of Condominium Application(s)	<ul style="list-style-type: none"> ▪ A future Site Development and Draft Plan of Condominium Application(s) will be required, if the Applications are approved, to permit the Development and to establish the ownership tenure(s) of the Development.
i.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), 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. ▪ In accordance with the City of Vaughan sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score.
j.	Bonusing (Section 37 of the <i>Planning Act</i>)	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the applicability of the City's bonusing for increases in height or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and 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 otherwise permitted in areas of the City, as

	MATTERS TO BE REVIEWED	COMMENT(S)
		contained in Volume 1 and Volume 2 of VOP 2010, in return for community benefits.
k.	Comprehensive Review	<ul style="list-style-type: none"> ▪ The Applications will be considered comprehensively with existing and proposed development on and in the vicinity of the Subject Lands, including the development by 1529749 Ontario Inc. (“Torgan Group”) for seven 27- storey buildings located at the south west corner of Bathurst Street and Centre Street.

Financial Impact

N/A

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. The Subject Lands have access to and frontage (overall Promenade Mall Site) onto Centre Street a Regional Rapid Transit and Intensification Corridor and Bathurst Street a Regional Transit Priority Network Corridor. The Owner is required to satisfy all requirements of York Region, including, but not limited to potential road widening requirements, access requirements, turning lanes and servicing.

The Owner has submitted a request to York Region for Regional exemption of the Official Plan Amendment application from York Region approval in accordance with the Regional Official Plan and By-law A-0265-199-017. At the time of the preparation of this request, York Region had not advised the City of the status of the request for exemption. Any Regional issues will be addressed when the technical report is considered.

Conclusion

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

For more information, please contact: Nancy Tuckett, Senior Manager of Development Planning, Development Planning Department, ext. 8529

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Proposed Zoning
4. Elevation Plan (East & West - Towers A & B)
5. Elevation Plan (East & West - Tower C)
6. Elevation Plan (North & South - Towers A & B)
7. Elevation Plan (North & South - Tower C)

Prepared by

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/LG