

## Committee of the Whole (Public Hearing) Report

---

**DATE:** Tuesday, January 22, 2019

**WARD:** 4

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.018  
ZONING BY-LAW AMENDMENT FILE Z.18.030  
PENGUIN-CALLOWAY (VAUGHAN) LTD.  
VICINITY OF JANE STREET AND PORTAGE PARKWAY**

**FROM:**

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

**ACTION:** DECISION

---

### **Purpose**

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.18.018 and Z.18.030 to permit a residential development with ground floor retail uses in the Vaughan Metropolitan Centre ('VMC'), consisting of three residential towers (35, 45 and 50-storey building heights) each having an eight-storey podium, two levels of underground parking, and with a privately-owned publicly assessable space ('POPS') consisting of a central courtyard and two corner plazas shown on Attachments 3 to 6.

### **Report Highlights**

- To receive input from the public and the Committee of the Whole on a proposed development consisting of 1,560 residential units in the VMC in three apartment buildings with ground floor commercial uses and a central privately-owned publicly accessible space ('POPS').
- Official Plan and Zoning By-law Amendments are required to permit the proposed development.
- A Draft Plan of Subdivision application may be required to be submitted for the subject lands.
- A technical report 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 Files OP.18.018 and Z.18.030 (Penguin-Calloway (Vaughan) Ltd.) 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 1.69 ha subject lands ('Subject Lands') are bound by Jane Street to the east, Portage Parkway to the north, Millway Avenue to the west and Apple Mill Road to the south (the 'Development Block'), municipally known as 175 Millway Avenue, as shown on Attachments 1 and 2, and are currently being used as a temporary commercial parking lot for commuters and parking for contractors. The surrounding land uses are shown on Attachment 2.

The Subject Lands are divided into two phases (the 'Development'). Phase one of the proposed development ('Phase One'), as shown on Attachments 3 to 6, is bound by Jane Street to the east, Portage Parkway to the north, Millway Avenue to the west and the proposed east-west private road to the south and consists of the following:

- three residential apartments (future condominium) buildings with building heights of 35, 45 and 50-storeys, each having an eight-storey podium and a total of maximum density (Floor Space Index - 'FSI') of 7.1 times the area of the lot
- a central courtyard and two corner plazas that are proposed to be a POPS
- 1,560 residential dwelling units
- a Gross Floor Area ('GFA') of 119,873 m<sup>2</sup> (including 1,801 m<sup>2</sup> of retail uses)
- 650 parking spaces (including 15 barrier-free spaces parking spaces)
- 1,385 bicycle parking spaces (including 163 short term bicycle parking)

Phase two ('Phase Two') of the Development is subject to future Site Development and Zoning By-law Amendment applications, which is discussed later in this report.

### ***Official Plan and Zoning By-law Amendment applications have been submitted to permit the Development***

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the Development:

1. Official Plan Amendment File OP.18.018 to amend Volume 2 of Vaughan Official Plan 2010 ('VOP 2010'), specifically the VMC Secondary Plan, to:
  - a) amend Schedules "A" to "K" of the VMC Secondary Plan to reflect the Owner's proposal to delete the planned north-south local street and the provision of an east-west private road within the Development Block, as shown on Attachment 2

- b) further modify Schedule “K”, Site Specific Policy Area, to permit the proposed buildings heights of 35, 45 and 50-storeys and a maximum density of 7.1 FSI on the Phase One lands, as shown on Attachments 3 to 6.
- 2. Zoning By-law Amendment File Z.18.030, to rezone the Phase One lands from “C10(H) Corporate District Zone” with the Holding Symbol “(H)”, and subject to site-specific Exception 9(959) to “C10 Corporate District Zone”, thereby removing the Holding Symbol “(H)” shown on Attachment 3 and to permit the site-specific development standards identified in Table 1 of this report.

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

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

The Notice of Public Hearing was also posted on the City’s website at [www.vaughan.ca](http://www.vaughan.ca) and three Notice Signs were installed (along Jane Street, Portage Parkway, and Millway Avenue), in accordance with the City’s Notice Signs Procedures and Protocols.

- b) Circulation Area: 150 m

- c) Comments Received:

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**

Not applicable.

**Analysis and Options**

***Amendments to Volume 2 of VOP 2010 (the VMC Secondary Plan) are required to permit the Development***

The Subject Lands are designated “Station Precinct” by the VMC Secondary Plan, which forms part of Volume 2 of VOP 2010. This designation permits a broad mix of uses and a wide variety of building types, including residential dwellings (i.e. apartment units), retail and service commercial uses.

The VMC Secondary Plan permits a building height range of 5 to 30-storeys and a density range of 2.5 to 5 FSI on the Phase One lands. The proposed development on the Phase One lands represents a density of 7.1 FSI with maximum building heights of

35, 45 and 50-storeys, which exceeds the density and building height permissions of the VMC Secondary Plan.

The Development includes the proposed deletion of the planned north-south local street between Portage Parkway and Apple Mill Road and the provision of an east-west private road within the Development Block, which is not consistent with the planned street network in the VMC Secondary Plan.

***Amendments to Zoning By-law 1-88 are required to permit the Development on the Phase One lands***

The Subject Lands are zoned “C10(H) Corporate District Zone” with the Holding Symbol “(H)”, subject to site-specific Exception 9(959), by Zoning By-law 1-88, which does not permit the proposed Development on the Phase One lands. The Owner proposes to amend Zoning By-law 1-88, specifically to rezone the Phase One lands to “C10 Corporate District Zone”, together with the following site-specific exceptions to Zoning By-law 1-88 to permit the Phase One Development shown on Attachments 3 to 6:

Table 1

	<b>Zoning By-law 1-88 Standards</b>	<b>C10 Corporate District Zone Requirements</b>	<b>Proposed Exception to the C10 Corporate District Zone</b>
a.	Permitted Uses	The C10 Zone does not permit an apartment building.	Permit an apartment building use, in addition to all the uses permitted in the C10 Zone.
b.	Definition of “Lot”	Lot” - means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent (severance) contemplated by Section 49 of the <i>Planning Act</i> , R.S.O. 1983, would not be required for its conveyance.	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 arrangements, or other permissions, and any easements or registrations that are granted.

	<b>Zoning By-law 1-88 Standards</b>	<b>C10 Corporate District Zone Requirements</b>	<b>Proposed Exception to the C10 Corporate District Zone</b>
c.	Maximum Density	0.6 FSI	7.1 FSI
d.	Maximum Building Height	15 m	<ul style="list-style-type: none"> <li>▪ 157 m / 50-storeys (East Building)</li> <li>▪ 142 m / 45-storeys (North Building)</li> <li>▪ 112 m / 35-storeys (West Building)</li> </ul>
e.	Minimum Parking Space Size	2.7 m x 6 m	2.7 m x 5.6 m
f.	Minimum Parking Requirements	<p><u>One-bedroom</u>: 836 units @ 0.7 spaces/unit = 586 spaces</p> <p><u>Two-bedroom</u>: 717 units @ 0.9 spaces/unit = 646 spaces</p> <p><u>Three-bedroom</u>: 7 units @ 1 space/unit = 7 spaces</p> <p><u>Residential Visitor</u>: 1,560 units @ 0.15 space/unit = 234 spaces</p> <p><u>Retail</u>: 1,801 m<sup>2</sup> @ 2 spaces/100 m<sup>2</sup> = 36 spaces</p> <p><u>Total Required Parking</u> = 1,509 spaces</p>	<p><u>Residential</u>: 1,560 units @ 0.41 spaces/unit = 640 spaces (650 spaces are provided on site)</p> <p><u>Residential Visitor</u>: 0 spaces/unit on-site and to permit parking off-site</p> <p><u>Retail</u>: 0 spaces/unit on-site and to permit parking off-site</p>
g.	Minimum Rear Yard Setback (Millway Avenue)	6 m	5.2 m
h.	Exterior Yard Setback (Portage Parkway)	3 m	2.8 m

	<b>Zoning By-law 1-88 Standards</b>	<b>C10 Corporate District Zone Requirements</b>	<b>Proposed Exception to the C10 Corporate District Zone</b>
i.	Minimum Landscape Strip Width	6 m	<ul style="list-style-type: none"> <li>▪ 2.8 m (Portage Parkway)</li> <li>▪ 3.2m (Jane Street)</li> <li>▪ 5.2 m (Millway Avenue)</li> </ul>
j.	Minimum Setback to Portions of Buildings Below Grade	1.8 m  (Jane Street, Portage Parkway and new Local Street)	0 m

The Owner has submitted a conceptual site plan in support of the development of Phase One, 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 following matters to be reviewed in greater detail***

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
a.	Conformity with Provincial Policies, York Region and City of Vaughan Official Plans	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of all applicable statutory policies including the <i>Provincial Policy Statement (2014)</i> ('PPS'), <i>Places to Grow - The Growth Plan for the Greater Golden Horseshoe (2017)</i> ('The Growth Plan') and the York Region and VOP 2010 policies.</li> </ul>
b.	VMC Secondary Plan	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the following policies contained in the VMC Secondary Plan, including, but not limited to, the following: <ul style="list-style-type: none"> <li>a) the identified vision and principles to create a new downtown area that is transit-oriented, walkable, accessible, diverse, vibrant, green and beautiful</li> </ul> </li> </ul>

	MATTERS TO BE REVIEWED	COMMENTS
		<p>b) the objectives of establishing a distinct downtown containing a mix of uses, civic attractions and a critical mass of people; establishing complete neighbourhoods containing a variety of housing; establishing a hierarchical, fine-grain grid network of streets and pathways linked to the larger road system; developing a generous and remarkable open space system; optimizing existing and planned investments in rapid transit; and ensuring the Development exhibits a high quality of urbanity, materials and design</p> <p>c) the vision of buildings in all areas of the VMC, including ensuring the built form frames the streets and supports an inviting, comfortable and active public realm to bring vitality to the streets, and contribute positively to the image of Vaughan's downtown</p> <p>d) the existing and planned surrounding land uses, environmental sustainability, transition, built form, compatibility, site organization, pedestrian accessibility, and traffic impacts</p> <p>e) Policy 8.7.1 regarding the built form policies and Policy 8.7.2 regarding the location, massing, and design of buildings and the contribution to human-scaled street walls, attractive streetscapes, a varied skyline, an active pedestrian realm and environmental sustainability by adhering to the urban design criteria set out in Policies 8.7.3 to 8.7.25, with attention to the proposed massing and building height, microclimatic impact and built form articulation</p> <p>f) Policy 8.7.17 regarding the maximum podium heights of generally six-storeys in the Station Precinct will be considered in the review of the proposed eight-storey podium massing</p>

	MATTERS TO BE REVIEWED	COMMENTS
		<p>g) Policy 8.7.20 regarding building exteriors and long buildings, generally over 40 m, shall be designed to break up their perceived mass with evenly spaced vertical recesses or other articulation and/or changes in materials. In addition, Policy 8.7.21 requires variation in the building materials and design treatments on the lower floors or podiums of buildings on a block. There should be variation in finishing materials between the podium and the tower of a high-rise building</p> <p>h) the fine-grain street network and public transportation policies related to the proposed deletion of the north-south local street and the proposed east-west private road within the Development Block</p> <p>i) Policy 8.8.1.i., respecting off-site parking, recognizes the potential encumbrances related to the VMC Subway Station infrastructure. The Policy permits off-site parking for all uses (i.e. retail), except for residential uses, to be located generally within 400 m of the Development.</p> <p>Off-site parking for residential uses (i.e. residential visitor) may be permitted only for residential buildings located within the areas identified as “blocks adjacent to subway” on Schedule “B” of the VMC Secondary Plan, which is the west half of the Phase One lands. The Policy further states that off-site parking must be provided within 200 m of the residential building.</p> <p>The Owner proposes a parking standard of 0 spaces/unit for residential visitors and a retail parking standard of 0 spaces/100 m<sup>2</sup> GFA, on the Subject Lands. Visitor and retail parking for the Development is proposed off-site, however to date, the Owner has not provided the details regarding</p>



	MATTERS TO BE REVIEWED	COMMENTS
		<p>the proposed off-site parking (i.e. location and standard).</p> <p>The Owner is required to provide details on the proposed parking program for the Phase One lands, specifically providing a parking rationale for the proposed parking standards, and the proposed off-site parking. An update to the Traffic Impact Study is required to the satisfaction of the Development Planning and Development Engineering Departments. Should the proposed parking program be approved with off-site parking to be located beyond what is permitted in Policy 8.8.1.i. of the VMC Secondary Plan, a corresponding amendment to permit the proposed parking program must be included in the implementing Official Plan Amendment.</p> <p>j) The Development will be reviewed in accordance with the VMC Urban Design Guidelines, particularly with respect to the podium design and the proposed POPS.</p>
c.	Section 37 of the <i>Planning Act</i>	<ul style="list-style-type: none"> <li>▪ The Owner proposes an increased building height and density over and above what is permitted by VOP 2010 in return for the provision of community benefits, pursuant to Section 37 of the <i>Planning Act</i>, the policies of VOP 2010 and the VMC Secondary Plan. The request for additional height and density will be reviewed in consideration of the Official Plan policies and the City of Vaughan Guidelines for the Implementation of Section 37 of the <i>Planning Act</i> and the following: <ul style="list-style-type: none"> <li>i) the appropriateness of the proposed increased building height and density in consideration of the policies of Sections 10.1.2.9 of VOP 2010 and 8.1.23 of the VMC Secondary Plan. Should the proposed increase in building</li> </ul> </li> </ul>

	MATTERS TO BE REVIEWED	COMMENTS
		<p>height and density be determined to meet the criteria of the Official Plan, the proposed community benefits must be identified, to the satisfaction of the City</p> <p>ii) should the Phase One development be approved, the Owner will be required to provide community benefits in the form of facilities or services, to the satisfaction of the City. The benefits must bear a reasonable planning relationship to the proposed increase in building height and density, the Phase One development must represent good planning and be consistent with the objectives of the VOP 2010 and the VMC Secondary Plan, and there must be adequate community infrastructure to support the increase in building height and density</p> <p>iii) the identified community benefits must be reflected in the implementing site-specific Zoning By-law, to the satisfaction of Vaughan Council, and subject to a separate Section 37 Agreement that will be registered on title, should the Phase One development be approved</p>
d.	Affordable Housing	<p>▪ After the submission of the Applications, the Owner advised the City of their intention to incorporate affordable housing in the Development. Therefore, the Applications must satisfy the affordable housing policies contained in VOP 2010 including, but not limited to, the following:</p> <p>a) Policy 7.5.1.1 that encourages and supports the provision of a full range of housing options including ownership and rental housing, social housing, housing for seniors, supportive housing, emergency shelters for women and</p>

	MATTERS TO BE REVIEWED	COMMENTS
		<p>families, accessible housing that meets the needs of people with disabilities and other types of housing that meets the needs of Vaughan's diverse population</p> <p>b) Policy 7.5.1.2 that requires the implementation of York Region's affordable housing policies in the following context:</p> <ul style="list-style-type: none"> <li>▪ requiring 25% of all new housing units in Vaughan be affordable and that a portion of these units should be accessible for people with disabilities</li> <li>▪ requiring a minimum of 35% of new residential units in key development areas (e.g. VMC) be affordable housing units</li> </ul> <p>Furthermore, Policy 8.1.3 of the VMC Secondary Plan identifies that affordable housing shall comprise a range of compact housing forms and tenures and include intrinsically affordable units for low and moderate-income households</p> <p>c) Policy 7.5.1.3 requires all significant developments include a residential component that demonstrates the contribution to meeting the City's housing objectives through the preparation of a housing options statement, required for all Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision applications that describe the following:</p> <ul style="list-style-type: none"> <li>▪ the total distribution of housing types</li> <li>▪ tenure types and distribution</li> <li>▪ the range of unit sizes, both in terms of floor area and number of bedrooms</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
		<ul style="list-style-type: none"> <li>▪ special residential components, such as social or senior housing</li> <li>▪ the proposed unit type and anticipated unit/sale price at the time of preparing the housing options statement.</li> </ul> <p>The Owner must submit a housing options statement to the satisfaction of the City.</p>
e.	Guidelines and other Area Plans	<ul style="list-style-type: none"> <li>▪ The Development will be reviewed in consideration of the City-Wide Public Art Program, the City-Wide Urban Design Guidelines, the VMC Culture and Public Art Framework, the VMC Urban Design Guidelines, the VMC Streetscape and Open Space Plan, the VMC Transportation Master Plan and the draft VMC Parking Strategy.</li> </ul>
f.	Vaughan Design Review Panel	<ul style="list-style-type: none"> <li>▪ The Phase One development will be reviewed in consideration of the recommendations provided by the City of Vaughan Design Review Panel ('DRP') on October 25, 2018. A second DRP meeting will be scheduled for 2019.</li> </ul>
g.	NavCanada and Bombardier Review	<ul style="list-style-type: none"> <li>▪ The Subject Lands are located within regulatory flight paths under the jurisdiction of NavCanada and Bombardier Aerospace. The Owner will be required to satisfy all conditions of NavCanada and Bombardier.</li> </ul>
h.	External Agency Review	<ul style="list-style-type: none"> <li>▪ The Subject Lands are located within the review areas of the Canadian National Railway ('CNR'), the Ministry of Transportation Ontario ('MTO'), and York Region. The Applications have been circulated to these agencies for review. The Owner will be required to address the comments from the external agencies.</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENTS</b>
i.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner has submitted the following studies and reports in support of the Applications, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> <li>▪ Planning Justification Report</li> <li>▪ Pedestrian Level Wind Study and Wind Tunnel Analysis</li> <li>▪ Sun and Shadow Study</li> <li>▪ Conceptual Site Plan and Landscape Master Plan</li> <li>▪ Functional Servicing and Stormwater Management Report</li> <li>▪ Aeronautical Report</li> <li>▪ Geotechnical Soils Report</li> <li>▪ Traffic Impact Study</li> <li>▪ Environmental Noise Feasibility Report</li> <li>▪ Sustainability Metrics</li> <li>▪ Urban Design and Sustainability Brief</li> <li>▪ Phase One Environmental Site Assessment</li> </ul> </li> </ul> <p>Additional studies and/or reports may be required as part of the Application review process.</p>
j.	Required Draft Plan of Subdivision Application	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposal to delete the north-south local street and provision to provide an east-west private road within the Development Block will be reviewed to the satisfaction of the City. Should the City determine that public roads are required, a Draft Plan of Subdivision application will be required, and it will be subject to a future Public Hearing.</li> </ul>
k.	Official Plan Amendment Application and Planning Justification Report Update	<ul style="list-style-type: none"> <li>▪ Should a Draft Plan of Subdivision application be required, an amendment to Official Plan Amendment File OP.18.018 must reflect a development proposal that includes an east-west</li> </ul>

	MATTERS TO BE REVIEWED	COMMENTS
		public local street, and included in an update to the Planning Justification Report.
I.	Site Development Application	<ul style="list-style-type: none"> <li>▪ A Site Development File DA.18.074 was submitted for the Phase One lands and will be reviewed to ensure appropriate building and site design, access, site circulation, parking, landscape, amenity area, sun and shadow, wind, servicing and grading, bird-friendly design, and the appropriate built form interface with the surrounding uses (including the portion of the remaining commuter parking lot on the Phase Two lands) and public realm.</li> <li>▪ Opportunities for sustainable design, including principles of CPTED (Crime Prevention Through Environmental Design) and LEED (Leadership in Energy and Environmental Design), and inclusion of features such as permeable pavers, bio-swales, drought tolerant landscape, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc. will be reviewed and implemented through the site plan approval process, if approved.</li> <li>▪ If the Applications are approved, the Owner will be required to register on title and in favour of the City a public access easement over the POPS, and if required over the proposed east-west private road, to ensure public access is maintained in perpetuity.</li> <li>▪ In accordance with the City of Vaughan sustainability metrics program, the Development must achieve a minimum silver threshold application score.</li> </ul>

	MATTERS TO BE REVIEWED	COMMENTS
m.	Servicing	<ul style="list-style-type: none"> <li>Servicing allocation must be identified and assigned to the Phase One lands, 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 servicing capacity being allocated to the Subject Lands.</li> </ul>
n.	Future Draft Plan of Condominium Application(s)	<ul style="list-style-type: none"> <li>A future Draft Plan of Condominium (Standard) Application(s) will be required, if the Applications are approved, to establish the ownership tenure(s) of the Phase One lands.</li> </ul>

### **Financial Impact**

Not applicable.

### **Broader Regional Impacts/Considerations**

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered. The Owner has made a request to exempt the Official Plan Amendment Application from York Region approval.

### **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: Stephen Lue, Senior Planner, Development Planning Department, Extension 8210

## **Attachments**

1. Context Location Map
2. Location Map
3. Conceptual Site Plan and Proposed Zoning (Phase One)
4. Colour Perspective - Portage Parkway and Millway Avenue
5. Colour Perspective - Jane Street and Portage Parkway
6. Colour Perspective - Proposed Privately Owned Publicly Accessible Space (POPS)

## **Prepared by**

Stephen Lue, Senior Planner, extension 8210

Amy Roots, Senior Manager - VMC, extension 8035

Christina Bruce, Director, VMC Program, extension 8231

Mauro Peverini, Director of Development Planning, extension 8407

/CM