

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 070-2018

A By-law to adopt Amendment Number 26 to the Vaughan Official Plan 2010 for the Vaughan Planning Area.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 26 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, consisting of the attached text and Schedule(s) “1” and “2” is hereby adopted.
2. AND THAT this By-law shall come into force and take effect the day after the last day for filing a notice of appeal.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

AMENDMENT NUMBER 26
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA

The following text and Schedules “1” and “2” constitute Amendment Number 26 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment is Appendix “I”.

Authorized by Item No. 26 of Report No. 18
of the Committee of the Whole
Adopted by Vaughan City Council on
May 23, 2018.

I PURPOSE

To amend the provisions of the Official Plan of the Vaughan Planning Area (Vaughan Official Plan 2010 - "VOP 2010"), specifically Volume 2, Section 11.12 Vaughan Metropolitan Centre ("VMC") Secondary Plan, to facilitate a high-density residential development with ground floor retail uses on the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as "Land Subject to Amendment No. 26" on Schedule "1", attached hereto, subject to the requirements for a Section 37 Agreement:

1. permit a maximum building height of 55-storeys; and
2. permit a maximum density of 12.7 FSI.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located on the southwest corner of Millway Avenue and Portage Parkway, being Part of Lot 7, Concession 5, in the VMC, City of Vaughan, as shown on Schedule "1", attached hereto as "Land Subject to Amendment No. 26."

III BASIS

The decision to amend the Official Plan is based on the following considerations:

1. The Amendment promotes a density within the VMC Mobility Hub, a Provincially recognized Urban Growth Centre ("UGC"), where public investment in higher-order transit, being the York Region Transit ("YRT") Bus Terminal, the Toronto Transit Commission ("TTC") VMC Subway Station, and the VivaNext Bus Rapid Transit ("BRT") along Regional Road 7 (collectively the "Higher-Order Transit") is located. The Subject Lands are in an area that is serviced by infrastructure that is existing, under construction, and planned, which efficiently utilizes land and resources at a density within the UGC and Mobility Hub that would support the surrounding Higher-Order Transit investments.
2. The Provincial Policy Statement 2014 ("PPS"), provides the overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage new growth to urban areas. The PPS promotes efficient, cost-effective development and land use patterns.

The development intensifies the existing underutilized site in a designated settlement area, at a higher density than the existing surrounding land uses, and contributes to the overall range of housing options that would meet Vaughan's housing needs. It utilizes the Subject Lands efficiently, takes advantage of existing and planned infrastructure within the built-up area, and reduces land consumption and servicing costs. This provides opportunities to reduce the negative impact of climate change by promoting active transportation through reduced parking ratios and the proximity to public transportation, and pedestrian and bicycle friendly environments that encourage walking and cycling.

The development is consistent with the long-term economic prosperity and housing policies of the PPS and it represents a significant investment that supports the economic prosperity and contributes to the urban environment in the VMC. A range of residential unit types in an urban environment is offered that would accommodate additional population within the VMC that would support the planned and existing retail, office and cultural uses. The development is consistent with the policies of the PPS and promotes its goals and objectives.

3. The Provincial Growth Plan for the Greater Golden Horseshoe 2017 (the "Growth Plan") is intended to guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for 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 includes a mix of residential and at-grade retail uses that are accessible to the residents of the VMC, which would assist in achieving the population targets set out in the Growth Plan within the City's urban boundary. The development benefits from the existing and planned infrastructure. The development focuses new growth through the intensification on an underutilized site that provides a mixed-use, pedestrian-friendly environment located adjacent to Higher-Order Transit that will reduce the demand for vehicles.

The development conforms with the policy framework of the Growth Plan as it makes efficient use of the Subject Lands and existing infrastructure, is located adjacent to existing and under construction/planned Higher-Order Transit and provides housing options at a density that supports the transportation investments in the VMC.

4. The York Region Official Plan (“YROP”) designates the Subject Lands “Urban Area”, which is in a “Regional Centre”. The YROP encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscape, and public streetscapes.

The development consists of 631 residential apartment units that range from one-bedroom to three-bedroom unit sizes that contribute to a diverse housing stock in the Region that is immediately adjacent to existing and planned employment, retail, open space, community facilities, and Higher-Order Transit.

The development is urban and compact in form. The building is oriented and designed to include the main entrances with access to Portage Parkway and Millway Avenue, which would provide a pedestrian-friendly urban form that integrates with, and is enhanced by, the high-quality streetscape. The development incorporates a series of on-site long-term and short-term bicycle storage facilities to support and encourage active modes of transportation. The combination of the enhanced streetscape and the introduction of the residential apartment units would complement the existing and planned surrounding commercial, office, retail, and community facility uses in proximity of the Subject Lands, thereby contributing to the success of the VMC as a complete community.

The development conforms to the YROP as it includes a mix of unit types and contributes to a range of housing choices in the City to meet the needs of residents and workers of York Region. It would also support and achieve an urban and integrated transportation system within a Regional Centre as a focus of economic activity and culture, and contribute to a high-quality and sustainable community in the VMC.

5. The Subject Lands are in the VMC Mobility Hub, which reflects the VMC’s locational advantage, being the convergence of the regional bus network with the Spadina Subway extension into the VMC. The Mobility Hub is envisioned as an anchor where transit supportive residential and employment densities are developed as vibrant places of activity and major regional destinations, which is vital in the creation of a high-quality downtown.

The development forms part of an overall block that includes an approved mixed-use building (library, major office, community centre, retail, and daycare), a high-density residential development (apartment and townhouses) with ground-related commercial uses (restaurant and retail), and the YRT Bus Terminal.

This Amendment is facilitated by Section 37 of the *Planning Act*, the policies of the VMC Secondary Plan and VOP 2010, and the “City of Vaughan Guidelines for the Implementation of Section 37 of the Planning Act”, where Vaughan Council may authorize an increase in building height and density in return for the provision of community benefits. Sections 10.1.2.9 of VOP 2010 and 8.1.23 of the VMC Secondary Plan include policies that permit bonusing 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 development represents good planning.

The development is considered good planning as it addresses the 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.

- 5. On March 13, 2018, York Region exempted this Amendment from York Region approval, in accordance with Policy 8.3.8 of the YROP, as it does not adversely affect Regional planning policies or interests.

The statutory Public Hearing was held December 5, 2017. The recommendation of the Committee of the Whole to receive the Public Hearing report December 5, 2017, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on December 11, 2017. Vaughan Council approved Official Plan Amendment File OP.17.003 (VMC Residences III GP Inc. as a General Partner and on Behalf of VMC Residences III Limited Partnership) on May 23, 2018, having considered a comprehensive report at a Committee of the Whole meeting on May 8, 2018.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

VOP 2010, specifically Volume 2, Section 11.12 of the VMC Secondary Plan, is hereby amended by:

- 1. Deleting Schedule “K” and substituting therefor the Schedule “K” attached hereto as Schedule “2”, thereby identifying the Subject Lands located at the southwest corner of Millway Avenue and Portage Parkway as “Area E”.

2. Adding the following after Policy 9.3.6, Area D:

“(OPA #26) **Area E**

9.3.7 Notwithstanding Schedule I, Height and Density Parameter:

- a. the lands identified as “Area E” on Schedule K are permitted a maximum building height of 55-storeys and a maximum density of 12.7 FSI, and,
- b. Prior to the implementation of the site-specific Zoning By-law, the requirements for a Section 37 Agreement shall be satisfied. (OPA #26)”

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88, and Site Development and Draft Plan of Condominium approvals, pursuant to the *Planning Act*.

VI INTERPRETATION

The provisions of the VOP 2010, and the VMC Secondary Plan, as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

APPENDIX I

The Subject Lands are located on the southwest corner of Millway Avenue and Portage Parkway, within the Vaughan Metropolitan Centre (“VMC”), in the City of Vaughan.

The purpose of this Amendment is to permit a maximum building height and density on the Subject Lands, as shown on Schedule 1, of 55-storeys and 12.7 FSI, respectively, subject to the requirement of a Section 37 Agreement, pursuant to the *Planning Act*.

On May 23, 2018, Vaughan Council ratified the May 8, 2018, Committee of the Whole recommendation to approve Official Plan Amendment File OP.17.003 (and the corresponding Zoning By-law Amendment File Z.17.028). Vaughan Council approved the following recommendation (in part):

- “1. THAT Official Plan Amendment File OP.17.003 (VMC Residences III GP Inc. as a General Partner and on behalf of VMC Residences III Limited Partnership), BE APPROVED to amend Volume 2 of Vaughan Official Plan 2010, (the “Vaughan Metropolitan Centre Secondary Plan”), on the Subject Lands shown on Attachments #1 and #2, to:
 - a) increase the permitted building height from 25 to 55-storeys; and
 - b) increase the permitted density (Floor Space Index - “FSI”) from 4.5 to 12.7 times the area of the Subject Lands shown on Attachments #1 and #2.
2. THAT the Mayor and the City Clerk be authorized to execute a Section 37 Density Bonusing Agreement (the “Section 37 Agreement”), pursuant to Section 37 of the Planning Act, for the implementation of the community benefits identified in Recommendation #3.
3. THAT Zoning By-law Amendment File Z.17.028 (VMC Residences III GP Inc. as a General Partner and on behalf of VMC Residences III Limited Partnership), BE APPROVED; to:
 - a) amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments #1 and #2 from C10(H) Corporate District Zone with the Holding Symbol “(H)”, subject to site-specific Exception 9(959), as shown on Attachment #2, to C10 Corporate District Zone, in the manner shown on Attachment #4, subject to site-specific Exception 9(1445), and thereby removing the Holding Symbol “(H)” on the entirety of the Subject lands, together with the site-specific development standards identified in Table 1 of this report; and
 - b) permit the bonussing for increased building height and density for the Development shown on Attachments #3 to #15 in return for the following community benefits, pursuant to Section 37 of the Planning Act, the policies of VOP 2010, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*:
 - i) A \$1 million contribution towards an off-site community benefit regarding the first iconic pedestrian bridge within the City’s Edgeley Pond and Park; and
 - ii) A \$3.5 million contribution towards an on-site public art budget for the creation of a public art piece that is integrated with the architecture of the building, subject to the City of Vaughan’s Public Art Program, to the satisfaction of the City;
4. THAT the implementing Official Plan and Zoning By-law Amendments include the provision for a contribution, pursuant to Section 37 of the *Planning Act*, for the payment of \$1 million towards the pedestrian bridge within the City’s Edgeley Pond and Park and \$3.5 million towards public art. The Section 37 benefits will be implemented through an agreement (the “Section 37 Agreement”) between the Owner and the City of Vaughan to be executed prior to the enactment of the Official Plan and Zoning By-law Amendments. The Section 37 amount, in the form of a \$1 million payment (off-site contribution) and a \$3.5 million Letter of Credit (on-site contribution), shall occur prior to the enactment of the implementing Official Plan and Zoning By-law Amendments. The \$3.5 million Letter of Credit shall be applied to the Public Art Agreement, identified in Condition #5. The Owner shall pay to the City the Section 37 Agreement surcharge fee in accordance with the Tariff of Fees By-law 018-2018 for Planning Applications, prior to the execution of the Section 37 Agreement.”