

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 085-2013**

### **A By-law to adopt Amendment Number 732 to the Official Plan of 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 732 to the Official Plan 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 25th day of June, 2013.

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Hon. Maurizio Bevilacqua, Mayor

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Jeffrey A. Abrams, City Clerk

Authorized by Item No. 16 of Report No. 9  
of the Committee of the Whole  
Adopted by Vaughan City Council on  
March 19, 2013

**AMENDMENT NUMBER 732**  
**TO THE OFFICIAL PLAN**  
**OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 732 to the Official Plan of the Vaughan Planning Area and Schedules "1" and "2" constitute Amendment Number 732.

Also attached hereto but not constituting part of the Amendment are Appendices "I", "II", "III" and "IV".

Authorized by Item No.16 of Report No. 9  
of the Committee of the Whole  
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## I PURPOSE

The purpose of this Amendment to the Official Plan is to amend the provisions of the Official Plan of the Vaughan Planning Area respecting Amendment No. 210 (Thornhill-Vaughan Community Plan), as amended. The purpose of this site-specific Amendment is to redesignate the lands shown as “Area Subject to Amendment No. 732” on Schedule 1” attached hereto from “Town Centre Commercial” to “High Density Residential” to permit a residential apartment building with at-grade retail uses on the lands subject to site-specific policies included in this Amendment .

## II LOCATION

The lands subject to this Amendment hereinafter referred to as "Subject Lands" are shown on Schedules "1" and "2" attached hereto as “Area Subject to Amendment No. 732”. The Subject Lands are located at the southwest corner of Bathurst Street and Beverley Glen Boulevard, known municipally as 7890 Bathurst Street, in Part of Lot 7, Concession 2, City of Vaughan.

## III BASIS

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

1. The Subject Lands are designated “Town Centre Commercial” by Amendment #210, (Thornhill-Vaughan Community Plan), as amended, which does not permit the proposed development. Official Plan Amendment No. 210 was adopted in 1985 prior to the implementation of the Provincial Growth Plan which directs high-density developments to intensification centres and transit supportive corridors. This Amendment will redesignate the Subject Lands from “Town Centre Commercial” to “High Density Residential” and permit a mixed-use development which implements the Growth Plan.
2. The Provincial Places to Grow Plan (Growth Plan) establishes principles for compact communities that provide a choice in housing and support transit. The proposed development addresses these principles and policies through its location, compact development form and supports existing public transit. The Growth Plan states that strong and healthy communities should have a broad mix of housing types, tenure opportunities and price ranges available to meet the needs of all potential residents. The redesignation of the Subject Lands together with the proposed density is consistent with these principles.
3. The Provincial Policy Statement (PPS) promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residential

intensification in parts of built-up areas having sufficient infrastructure to create a potential supply of new housing units. The PPS also promotes land use patterns and densities that minimize land consumption and support public transit. This Amendment will facilitate development that is compatible with the existing and planned land use context in the surrounding area and is consistent with the intent of the Provincial Policy Statement.

4. The Region of York Official Plan identifies the Subject Lands as an “Urban Area” to be served by major transportation corridors and future transit systems. Objectives of the Regional Plan include targeting growth to existing built up portions of urban areas, encouraging carefully planned intensification, and providing for a broad range of housing types consistent with the policies contained in the Regional Official Plan. The York Region Official Plan encourages opportunities for high density development in urban areas where the development would be compatible with the surrounding area. The redesignation of the Subject Lands together with the proposed density is consistent with the policies in the Regional Official Plan. The York Region Transportation and Community Planning Department has not identified any concerns respecting the proposed development for the Subject Lands. The Region of York has granted an exemption from Regional approval for this Amendment, which allows this Amendment to come into effect following its adoption by Vaughan Council and the expiration of the required appeal period.
5. The Subject Lands are located on the west side of Bathurst Street, north of Centre Street, within an established area in the Thornhill Community, identified as “Thornhill Town Centre” in the Thornhill Vaughan Community Plan (OPA No. 210). The planning goals for this area include the provision of a variety of housing while protecting existing residential areas. The redesignation of the Subject Lands is consistent with the intent of the Thornhill-Vaughan Community Plan for the Thornhill Town Centre and will support the City’s commitment to sustainable growth within this area of Thornhill. The proposed development will increase the viability of existing and future public transit initiatives and private commercial development within the area.
6. The Subject Lands are a desirable location for development that is compatible with the existing and planned residential and community uses. The proposed development is considered appropriate and represents good planning.
7. Having received a statutory Public Hearing held on November 15, 2011, Vaughan Council approved Official Plan Amendment File OP.11.007 (154677 Ontario Limited) on March 19, 2013, to redesignate the Subject Lands to permit an apartment building with at grade related retail commercial uses on the Subject Lands.

#### IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 210 (Thornhill-Vaughan Community Plan) to the Official Plan of the Vaughan Planning Area, is hereby further amended by:

1. Deleting Schedule "A" Land Use to Amendment No. 210 and substituting therefor the Schedule "A" attached hereto as Schedule "2", thereby redesignating the Subject Lands shown as "Area Subject to Amendment No. 732" from "Town Centre Commercial" to "High Density Residential".
2. By adding to Section IV "DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO" in Subsection 2.2.2.3 High Density Residential, after Section f), as follows:

"g) (OPA #732) Notwithstanding Subsections 2.2.2.3 a), b) and c) above, the lands known as 7890 Bathurst Street, in Part of Lot 7, Concession 2, and shown as "Area Subject to Amendment No.732", shall be subject to the following policies:

- i) a maximum of 835 m<sup>2</sup> of commercial / retail floor area shall be permitted on the ground floor of Building "M" as specified in the implementing Zoning By-law;
- ii) the maximum building height shall be 25-storeys for Building "L" and 12-storeys for Building "M", connected by a 6-storey podium, as specified in the implementing Zoning By-law;
- iii) the maximum density shall be increased from 148 units per hectare (uph) to 569 uph and 4.43 FSI (Floor Space Index);
- iv) in accordance with Section 37 of the Planning Act, the City may, in a Zoning By-law passed under Section 34 of the Planning Act, authorize an increase in the height and/or density otherwise permitted by the implementing Zoning By-law that will be permitted in return for the provision of such services or matters as set out in the Zoning By-law; for clarification, the maximum height and density shall be as identified in clauses ii) and iii) above;
- v) prior to final Site Plan approval, the City of Vaughan shall approve a Woodlot Assessment and Woodlot Preservation Plan for the existing woodlot in the Thornhill Green Park adjacent to the Subject Lands; and,
- vi) site-specific development standards shall be included in the implementing Zoning By-law."

## V IMPLEMENTATION

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

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area 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 Bathurst Street and Beverley Glen Boulevard, municipally known as 7890 Bathurst Street, in Part of Lot 7, Concession 2, City of Vaughan.

On March 19, 2013, the recommendations of the Committee of the Whole (Item 16, Report No. 9) were adopted, as amended, by the Council of the City of Vaughan as follows:

1. THAT Recommendation #2 a) i) respecting Item 16 of the report of the Commissioner of Planning dated February 26, 2013, be replaced with the following together with the re-lettering of conditions 2 b) and 2 c) to 2 a) and 2b), respectively:
  2. THAT Zoning By-law Amendment File Z.11.032 (1541677 Ontario Limited) BE APPROVED, specifically to rezone the subject lands shown on Attachments #1 and #2 from C2 General Commercial Zone subject to Exception 9(4) to RA3 Apartment Residential Zone to facilitate a mixed-use development consisting of 2 apartment buildings (condominium-style) with 835m<sup>2</sup> of ground floor commercial uses as shown on Attachment #4, subject to the following conditions:
2. THAT a new Recommendation #6 be added to Item 16 of the report of the Commissioner of Planning dated February 26, 2013 to allocate servicing capacity to Site Development File DA.12.057 (1541677 Ontario Limited) as follows:
  6. THAT Site Development File DA.12.057 (1541677 Ontario Limited) is allocated sanitary sewage capacity from the York Sewage Servicing System and water supply capacity from the York Water Supply System for a total of 438 residential units, subject to confirmation from the Region of York that the required Southeast Collector Improvements are on schedule and servicing capacity is available, and subject to the execution of a Site Plan Agreement to the satisfaction of the City.

By approving the following in accordance with Communication C10, from the Commissioner of Planning, dated March 14, 2013:

1. That this Communication memorandum be received as information; and

By receiving Communication C8, from Rabbi Israel Landa, dated March 5, 2013;

*That the recommendation contained in following report of the Commissioner of Planning, dated February 26, 2013, in the Item 16, Report No 9 of the Committee of the Whole, be approved;*

(AS REVISED)

1. THAT Official Plan Amendment File OP.11.007 (154677 Ontario Limited) BE APPROVED, specifically to amend Amendment No.210 (Thornhill- Community) on the subject lands shown on Attachments #1 and #2, to:
  - a) redesignate the subject lands from "Town Centre Commercial" to "High Density Residential";
  - b) increase the permitted density in the "High Density Residential" designation from 148 units per hectare to 569 units per hectare (thereby increasing the number of permitted apartment units on the subject lands from 114 to 438 units) with a floor space index (FSI) of 4.43;
  - c) permit 835 m<sup>2</sup> of ground floor commercial uses in the "High Density Residential" designation, whereas commercial uses are not permitted; and,
  - d) permit a maximum building height of 25-storeys for Building "L" and 12-storeys for Building "M", and a podium connection of 5-storeys.
2. THAT Zoning By-law Amendment File Z.11.032 (1541677 Ontario Limited) BE APPROVED, specifically to rezone the subject lands shown on Attachments #1 and #2 from C2 General Commercial Zone subject to Exception 9(4) to RA3 Apartment Residential Zone to facilitate a mixed-use development consisting of 2 apartment buildings (condominium-style) with 835m<sup>2</sup> of ground floor commercial uses as shown on Attachment #4, subject to the following conditions:"

- a) the implementing Zoning By-law include the following site-specific zoning exceptions to permit:
    - i) the zoning exceptions to Zoning By-law 1-88 identified in Table 1 of this report;
    - ii) a maximum of 438 apartment dwelling units;
    - iii) the following commercial uses on the ground floor only, which shall be limited to a maximum gross floor area of 835 m<sup>2</sup>:
      - a) Bank or Financial Institution, Technical or Commercial School, Personal Service Shop, Retail Store (excluding a Department Store and Supermarket), Eating Establishment, Convenience Eating Establishment, Business or Professional Office, Medical Office/Clinic, and Daycare; and,
    - iv) prohibit a drive-through facility, and open/outside storage on the subject lands; and,
  - b) the implementing Official Plan Amendment shall not be adopted and the implementing Zoning By-law shall not be enacted until the community benefit agreement is approved to the satisfaction of the City of Vaughan.
3. THAT the site-specific implementing Official Plan and Zoning By-law Amendments include policies and provisions respecting density bonusing, including but not limited to, public art, cash contributions for community benefits, and enhanced streetscaping that will be agreed to through an executed density bonusing agreement between the Owner and the City of Vaughan, in accordance with Section 37 of the Planning Act.
4. THAT Site Development File DA.12.057 (1541677 Ontario Limited) BE APPROVED, to permit the development of two residential apartment buildings (condominium-style) being 25-storeys and 12-storeys in height, with 835 m<sup>2</sup> of ground floor commercial uses and connected by a 5-storey podium as shown on Attachments #3 to #9, subject to the following conditions:
- a) that prior to the execution of the Site Plan Agreement:
    - i) the final site plan, building elevations and landscape plan shall be approved by the Vaughan Development Planning Department;
    - ii) the final site grading and servicing plan, stormwater management report, noise report, and access and on-site circulation, shall be approved by the Vaughan Development/Transportation Engineering Department; and
    - iii) the changes to the existing berm and landscaping along the easterly edge of the City-owned Thornhill Green Park shall be approved by Plan to the satisfaction of the Vaughan Development Planning, Parks Development, and Development/Transportation Engineering Departments; and,
  - b) the Site Plan Agreement shall contain the following provisions:
    - i) the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed unit rate per unit, whichever is higher in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall for the basis of the cash-in-lieu payment;
    - ii) garbage and recycling collection and snow removal for the condominium apartment buildings and commercial units shall be privately undertaken and the responsibility of the Owner or the condominium corporation(s);
    - iii) the Owner shall satisfy all requirements with respect to noise attenuation and ensure it is in accordance with the noise attenuation features recommended by the report entitled Noise Feasibility Study, Buildings "L" and "M", Bathurst Street & Beverley Glen Boulevard, dated August 22, 2011;
    - iv) the Owner shall carry out the Environmental Site Assessment clearance to completion, up to and including the satisfactory registration of the Record of Site Condition (RSC), the proof of which requires two (2) documents, a hard copy of the RSC signed by a Qualified Person and the Acknowledgement Form from the Ministry of Environment (MOE). The complete Environmental Site Assessment (ESA) will include the Phase 2 ESA and

any additional environmental documentation or report(s) used to support the filing of the RSC, completed to the satisfaction of the City, prior to the issuance of a Building Permit.

- v) the Owner shall provide for the implementation of Transportation Demand Management (TDM) to the satisfaction of the Vaughan Development/Transportation Engineering Department and the Region of York, including the provision of a Letter of Credit to secure the TDM requirements;
- vi) the Owner shall obtain the necessary approvals from the Region of York regarding the land exchange to complete the sight triangle at the intersection of Beverley Glen Boulevard and Bathurst Street, which shall be finalized to the satisfaction of the Region of York;
- vii) the Owner shall display a Community Plan on the interior wall of the sales office, comprising information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City, and that no Building Permit shall be issued until such information is approved by the City of Vaughan Development Planning Department:

- plan for the broader area, showing the surrounding land uses, arterials, etc.;
- location of street utilities, entrance features, sidewalks, transit stops;
- the location of parks, open space, trails, community facilities;
- the location of Institutional uses, including schools, places of worship, community facilities;
- the location and type of commercial sites;
- colour-coded identification of singles, semis, townhouses and apartment units;
- the following notes in BOLD CAPITAL TYPE on the map:

“For further information, on proposed and existing land uses, please call or visit the City of Vaughan, Development Planning Department, at 2141 Major Mackenzie Drive, L6A 1T1, (905)832-8585.

“This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers.”

[in such circumstances the Owner is responsible for updating the map and forwarding it to the City for verification.]; and,

- 5. THAT policies and provisions in the site-specific Official Plan and Zoning By-law Amendments include density bonussing conditions, but not limited to, public art and, cash contributions for community benefits, and enhanced streetscaping that will be agreed to through an executed density bonussing agreement between the Owner and the City of Vaughan pursuant to Section 37 of the Planning Act.”
- 6. THAT Site Development File DA.12.057 (1541677 Ontario Limited) is allocated sanitary sewage capacity from the York Sewage Servicing System and water supply capacity from the York Water Supply System for a total of 438 residential units, subject to confirmation from the Region of York that the required Southeast Collector Improvements are on schedule and servicing capacity is available, and subject to the execution of a Site Plan Agreement to the satisfaction of the City.