

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 179-2015

A By-law to adopt Amendment Number 748 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 748 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedule(s) “1, 2 and “3” 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 17th day of November, 2015.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

AMENDMENT NUMBER 748
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text to Amendment Number 748 to the Official Plan of the Vaughan Planning Area and Schedules "1", "2" and "3" constitute Amendment Number 748.

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

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 for the Subject Lands shown as “Area Subject to Amendment No. 748” on Schedule “1” attached hereto to permit the following: an 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 208 to 797) with a maximum Floor Space Index of 4.35; a maximum of 586 m² of ground floor area devoted to Convenience Retail Store and Retail Store uses; and, maximum building heights of 15-storeys, 25-storeys, 12-storeys, and 6-storeys for proposed Buildings “A”, “B”, “C”, and “D” respectively, as shown on Schedule “3” attached hereto.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as "Subject Lands", are shown on Schedules "1", "2" and "3" attached hereto as Area Subject to Amendment No. 748. The Subject Lands are located on the northwest corner of Bathurst Street and Beverley Glen Boulevard and are municipally known as 2 Beverley Glen Boulevard in Part of Lot 7, Concession 2, City of Vaughan.

III BASIS

The decision to amend the Official Plan for the Subject Lands to increase the permitted density, permit ground floor convenience retail, and retail store uses up to a maximum of 586 m² of gross floor area, and establish maximum building heights is based on the following considerations:

1. The Subject Lands are designated “High Density Residential” by OPA No. 210 (Thornhill Community Plan), which permits only residential apartment uses at a maximum density of 148 units per hectare (208 units). The proposal to permit a maximum density of 569 units per hectare (797 units) and grade related convenience retail store, and retail uses does not conform to Official Plan Amendment No. 210, which was adopted by Vaughan Council in 1985, prior to the implementation of the 2006 Provincial Growth Plans which directs high-density development to intensification centres and transit supportive corridors. In consideration of the Regional policies encouraging a mixed-use built form within Regional Corridors, the Official Plan Amendment to permit an increase the maximum density and permit commercial uses can be supported.
2. The Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan) is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form and housing. The Growth Plan promotes intensification of the existing built-up areas, with a focus on

urban growth centres, intensification corridors and major transit stations. Concentration of intensification in these areas provides a focus for transit infrastructure investment to support growth and for building compact, transit-supportive communities. The Growth Plan also encourages population and employment growth to be accommodated within the built up areas encouraging the development of complete communities with a mix of land uses, a range and mix of employment and housing types, high quality open spaces, and easy access to local stores and services. In view of the above, this Amendment to increase the permitted density in the “High Density Residential” designation and the addition of ground floor convenience retail and retail store uses is consistent with the Growth Plan.

3. The Provincial Policy Statement (PPS 2014) includes policies that focus growth and development to “Settlement Areas”. The Subject Lands are located within a settlement area as defined by the PPS. The proposed residential density and ground floor convenience retail and retail store uses is consistent with the intensification and housing policies of the PPS, would promote the efficient use of land, and support a healthy community. The Subject Lands are located on Bathurst Street, a Regional Corridor planned for intensification and deemed a Regional Rapid Transit Corridor by the Region of York Official Plan and the Vaughan Official Plan 2010. The Subject Lands are located in close proximity to existing retail, restaurant, entertainment, community service, and institutional uses. The location of the development supports alternate modes of transportation such as transit, cycling and walking. The development maximizes the use of existing infrastructure and community facilities and minimizes land consumption. The apartment use also provides for a variety of housing types for the City of Vaughan. 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 Subject Lands are designated “Urban Area” by the Region of York Official Plan (RYOP) and are located on a Regional Corridor, being Bathurst Street. Section 5.4 of the RYOP outlines policies for the development of Regional Corridors encouraging compact, mixed-use, well-designed, pedestrian-friendly and transit-oriented built form. One of the housing objectives of the Regional Official plan is to promote an integrated community structure and design that ensures a broad mix and range of lot sizes, unit sizes, housing forms and types and tenures that will satisfy the needs of the Region’s residents and workers. The Amendment to permit a residential mixed-use development is consistent with the objectives of the RYOP.
5. York Region has not identified any concerns respecting the proposed development for the Subject Lands. The York Region Development Review Committee considered Official Plan Amendment File OP.12.019 and determined that the Amendment is a matter of local significance as the proposal does not adversely affect Regional interests. Pursuant to Regional Council authorization By-law A-0265-

1999-017, the Official Plan Amendment application has been exempt from approval by Regional Planning Committee and Council. This Amendment will come into effect following its adoption by Vaughan Council and the expiration of the required appeal period.

6. Having received a statutory Public Hearing held on June 11, 2013 Vaughan Council approved Official Plan Amendment File OP.12.019 (Baif Developments Limited) on January 20, 2015, to amend OPA No. 210 (Thornhill Community Plan), specifically the “High Density Residential” policies to permit a residential density of 569 units per hectare, to establish building heights, and to permit a maximum of 586 m² of ground floor area devoted to Convenience Retail Store and Retail Store 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 as Schedule “1”, thereby showing the Subject Lands as “Area Subject to Amendment No. “748”.
2. Adding Schedule “3” attached hereto to amendment No. 748 thereby showing the conceptual development plan for the subject lands.
3. 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 g), as follows:

“h) (OPA #748) Notwithstanding Subsection 2.2.2.3 a), b), and c) above, the lands municipally known as 2 Beverley Glen Boulevard, in Part of Lot 7, Concession 2, and shown as “Area Subject to Amendment No. “748” on Schedules “2” and “3”, shall be subject to the following policies:

- i) Schedule “3” attached hereto shows the conceptual development plan for the Subject Lands;
- ii) a maximum of 586 m² of convenience retail store, and retail store floor area shall be permitted on the ground floor of buildings with a front and/or side yard on Bathurst Street as specified in the implementing Zoning By-law;

- iii) the maximum building height for the residential apartment building shall be 15-storeys for Building "A", 25-storeys for Building "B", 12-storeys for Building "C", and 6-storeys for Building "D", for the residential towers, as specified in the implementing Zoning By-law;
- iv) the maximum permitted density shall be 569 units per hectare (uph) and 4.35 FSI (Floor Space Index);
- v) the maximum number of residential apartment units shall be 797;
- vi) 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 building height and/or density otherwise permitted by Zoning By-law 1-88 in return for the provision of such services or matters as set out in the implementing Zoning By-law; for clarification, the maximum building height and density shall be as identified in clauses ii) and iii) above; and,
- vii) 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 northwest corner of Bathurst Street and Beverley Glen Boulevard (2 Beverley Glen Boulevard), being Part of Lot 7, Concession 2, City of Vaughan.

On January 20, 2015, the recommendations of the Committee of the Whole (Item 1, Report No. 2) were adopted, as amended, by Vaughan Council as follows:

- “1) That a By-law be enacted to authorize the Mayor and Clerk to execute an agreement pursuant to Section 37 of the Planning Act for the implementation of the bonusing provisions;
- 2) That the applicant provide the following payments in satisfaction of Section 37 of the Planning Act:
 1. \$350,000 for the provision of Public Art within the Thornhill Town Centre area;
 2. Payment of \$350,000 for other community benefits including but not limited to, improvements to Thornhill Green Park, Benjamin Vaughan District Park and/or Rosemount Community Centre and the City Playhouse Theatre to be provided to the City upon enactment of the implementing zoning bylaw; and
 3. That a VIVA Transit Pass free of charge be provided to each purchaser in the development upon occupancy. The maximum contribution in this regard will not exceed \$50,000;
- 3) That the applicant plant landscaping stock of a more mature/significant caliper or size along the western boundary of the development in order to help screen the new development from the existing townhomes on Kingsbridge Circle;

By receiving Communication C3 from Ms. Roslyn Houser, Goodmans, dated January 19, 2015, Communication C8 from the Director of Development Planning and the Director of Legal Services dated January 9, 2015, and Communication C12 from Mr. Josh Martow, dated January 12, 2015; and,

By receiving the deputation of Mr. Michael Goldberg, Goldberg Group, Avenue Road, Toronto, on behalf of the applicant;

That the recommendation contained in the report of the Commissioner of Planning, Director of Development Planning and Manager of Development Planning, dated January 13, 2015, in the Item 1, Report 2 of the Committee of the whole, be approved;

1. THAT Official Plan Amendment File OP.12.019 (Baif Developments Limited) BE APPROVED, to amend in-effect OPA #210 (Thornhill Community Plan), specifically to:
 - a) 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 208 to 797 units) with a Floor Space Index (FSI) of 4.35;
 - b) permit a maximum of 586 m² of ground floor area devoted to Convenience Retail Store and Retail Store uses in the “High Density Residential” designation, whereas commercial uses are not permitted; and,
 - c) permit a maximum building height of 15-storeys for Building “A”, 25-storeys for Building “B”, 12-storeys for Building “C”, and 6-storeys for Building “D”, whereas there is no maximum height identified in the “High Density Residential” designation.
2. THAT Zoning By-law Amendment File Z.12.047 (Baif Developments Limited) BE APPROVED, to amend Zoning By-law 1-88, specifically the RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1034) to facilitate a mixed-use development consisting of 4 apartment buildings with a total of 797 units and 586 m² of ground floor commercial uses as shown on Attachments #3 to #7, together with the site-specific zoning exceptions identified in Table 1 of this report, save and except for proposed exception d), being the reduced barrier-free parking space size.
3. THAT the Holding Symbol “(H)” shall not be removed from the subject lands zoned RA3(H) Apartment Residential Zone until such time as the following conditions are addressed to the satisfaction of the City:
 - a) Vaughan Council adopt a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Protocol assigning capacity to the subject lands for the proposed 797 apartment dwelling units; and,
 - b) A Site Development Application(s) for the subject lands is approved by Vaughan Council pursuant to Section 41 of the Planning Act.

4. THAT the site-specific implementing Official Plan and Zoning By-law shall 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 implemented through an executed Density Bonusing Agreement between the Owner and the City of Vaughan, in accordance with Section 37 of the Planning Act.
5. THAT the implementing Official Plan Amendment shall not be adopted and the implementing Zoning By-law shall not be enacted until an appraisal of the subject lands is undertaken by the Owner and submitted to the City in accordance with the City of Vaughan draft Density Bonusing Implementation Guidelines, to the satisfaction of the Vaughan Legal Services, Real Estate Division, to form the basis for a Density Bonusing Agreement and that the Agreement be approved and executed to the satisfaction of the City of Vaughan.
6. THAT prior to the adoption and enactment of the implementing amendments to the Official Plan and Zoning By-law, the Owner shall resolve their appeal (Appeal #8) of Vaughan Official Plan 2010 (VOP 2010) to the Ontario Municipal Board to the satisfaction of the City Solicitor and Commissioner of Planning.”