

THE CORPORATION OF THE CITY OF VAUGHAN

IN THE MATTER OF Section 17(28) of
the Planning Act, RSO 1990, c.P.13

and

IN THE MATTER OF Amendment Number OPA 72
to the Vaughan Official Plan (2010) of the Vaughan Planning Area

I, **TODD COLES**, of the Township of King City, **MAKE OATH AND SAY:**

1. **THAT** I am the City Clerk of the Corporation of the City of Vaughan and as such, have knowledge of the matters hereinafter deposed to.
2. **THAT** Vaughan Official Plan (2010) Amendment Number OPA 72 was adopted by the Council of the Corporation of the City of Vaughan on the 27th day of September, 2021, and written notice was given on the 1st day of October, 2021 in the manner and form and to the persons and public bodies that requested notification of the adoption, pursuant to Subsection 17(23) of the Planning Act, RSO 1990, as amended.
3. **THAT** no notice of appeal setting out an objection to Vaughan Official Plan (2010) Amendment Number OPA 72 was filed with me within twenty (20) days from the date of written notice of the adoption of the amendment.
4. **THAT** Vaughan Official Plan (2010) Amendment Number OPA 72 is deemed to have come into effect on 21st day of October, 2021, in accordance with Subsection 17(27) of the Planning Act, RSO 1990, as amended.

SWORN BEFORE ME in the City)
of Vaughan, in the Regional)
Municipality of York, this)
22 day of October, 2021)

_____)
TODD COLES

A Commissioner, etc.

Christine Marie Monique Vigneault
a Commissioner, etc.,
Province of Ontario, for
The Corporation of the City of Vaughan.
Expires July 5, 2023.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 125-2021

A By-law to adopt Amendment Number 72 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 72 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 27th day of September, 2021.



Hon. Maurizio Bevilacqua, Mayor



Todd Coles, City Clerk

**AMENDMENT NUMBER 72
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules “1” and “2” constitute Amendment Number 72 to the Official Plan of the Vaughan Planning Area.

Authorized by Item No. 7 of Report No. 39
of the Committee of the Whole
Adopted by Vaughan City Council on
September 27, 2021.

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 2, Section 11.12 Vaughan Metropolitan Centre (“VMC”) Secondary Plan, to facilitate a mixed-use development on the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Area Subject to Amendment No. 72” on Schedule “1” attached hereto, subject to the registration of a Section 37 Agreement and payment of the Section 37 contribution:

1. To permit maximum building heights of 38-storeys (Building A), 18-storeys (Building B), and 7-storeys (Building C);
2. Notwithstanding Schedule I – Height and Density Parameters, Building D shall be 4-storeys in height;
3. To permit a maximum permitted density (Floor Space Index (FSI)) of 5.09 the area of the lands;
4. To permit a minimum residential tower separation distance of 25 m to 21.3 m between the northwest corner of Tower A and the southeast corner of Tower B;
5. To permit an amendment to Schedule “K”, Site-Specific Policy Area, of the VMC Secondary Plan to add the Subject Lands and include the above amendments.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on at the northwest corner of Apple Mill Road and Buttermill Avenue, within the Vaughan Metropolitan Centre, being Part of Lots 6 & 7, Concession 5, City of Vaughan, as shown on Schedule “1” attached hereto as “Area Subject to Amendment No. 72.”

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (VOP 2010) is based on the following considerations:

1. The Amendment promotes and contributes to a density within the VMC, a Provincially recognized Urban Growth Centre (“UGC”), where public investment in higher-order transit, being the SmartVMC Bus Terminal, the

Toronto Transit Commission ("TTC") VMC Subway Station, and the VivaNext Bus Rapid Transit ("BRT") along Highway 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 that would support the surrounding Higher-Order Transit investments.

2. The Provincial Policy Statement 2020 ("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 site in a designated settlement area, with a compact and high-density built form in the VMC. 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 while efficiently utilizing land and resources within a designated Urban Growth Centre (a "UGC"). The future residents of the development are within walking distance to the future Urban Park, the Centre of Community and the VMC Mobility Hub, together providing areas for programmed activities that encourage an active and healthy lifestyle. This provides opportunities to reduce the negative impact of climate change by promoting active transportation 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 contributes to the urban environment in the VMC. A range of residential unit types in an urban environment is offered that accommodates additional population within the VMC that supports the planned and existing retail, office and cultural uses within a designated UGC. The development also provides a mix of land uses that will contribute to the needs of current and future residential and promote the efficient use of infrastructure and public service facilities. The development is consistent with the policies of the PPS and promotes its goals

and objectives.

3. The Provincial A Place to Grow – Growth Plan for the Greater Golden Horseshoe (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 unit types that would assist in improving social equity and access to housing options for users at varying incomes and stages of life. It contributes to the betterment of human health with access to privately-owned, publicly accessible open spaces and amenity areas. It further contributes to the population targets set out in the Growth Plan within the VMC and the City's urban boundary and would benefit from the existing and planned infrastructure. The development focuses new growth through the intensification of an underutilized vacant site that provides a residential development with a pedestrian-friendly environment located in close proximity to higher-order transit and supports the UGC designation.

The development contributes to achieving a complete community by introducing a mix of land uses and housing forms in the VMC that has direct access to open spaces and amenity areas to serve its residents. The proposed building design and streetscape promote a high-quality of life that is focused on the neighbourhood scale where the demand for vehicles is reduced due to the proximity of the Subject Lands to higher-order transit, which reduces greenhouse gas emissions, and fosters walkability and other forms of transportation.

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 higher-order transit and provides housing options at a

density that supports the transportation investments in the VMC and supports the UGC designation.

4. The York Region Official Plan ("YROP") designates the Subject Lands "Urban Area", located within a "Regional Centre" and is also identified within a provincially designated UGC. The YROP encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscape, and public streetscapes.

The development is urban and compact in form, with 629 residential units ranging in size from bachelor suites to three-bedroom units, with a mix of low, mid-rise and high-rise built forms that would contribute to the range of housing choices in the City to meet the needs of residents and workers within York Region. Family-sized units are considered those with 2 or more bedrooms. The Development proposes 310 two-bedroom and 26 three-bedroom units which represents over 53% of the total unit count and contribute to a diverse housing stock in York Region near higher-order transit options. The development provides an urban streetscape that complements the adjacent existing and planned employment and commercial uses and provides for accessibility to higher-order transit. The development also 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 streetscapes and the introduction of the apartment and grade-related units complements the existing and planned surrounding commercial, office, retail, cultural and community uses in proximity of the Subject Lands, thereby contributing to the success of the VMC as a complete community.

5. The Subject Lands are in the City of Vaughan's emerging downtown, which reflects the VMC's locational advantage, being the convergence of the regional bus network with the Spadina Subway extension into the VMC. The VMC 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 to the creation of a high-quality downtown.

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 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.

6. On December 18, 2020, 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 Meeting was held on February 2, 2021. The recommendation of the Committee of the Whole to receive the February 2, 2021, Public Meeting report, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on February 17, 2021. Vaughan Council approved Official Plan Amendment File OP.20.013 (Penguin-Calloway (Vaughan) Inc.) on September 27, 2021, having considered a comprehensive report at a Committee of the Whole meeting on September 14, 2021.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

VOP 2010, Volume 2, Section 11.12 – VMC Secondary Plan is hereby amended by:

1. Amending Schedule “K”, attached hereto as Schedule “2”, thereby identifying the Subject Lands located immediately on the northwest corner of Apple Mill Road and Buttermill Avenue as “Area N”
2. Adding the following Policy 9.3.16 Area N:

“Area N (OPA #72)

9.3.16 1. Notwithstanding Schedule I, Height and Density Parameters, for the lands identified as Area N on Schedule K, subject to the registration of a Section 37 Agreement and payment of the Section 37 contribution,

- i. the maximum permitted density (Floor Space Index (FSI) shall not exceed 5.09 times the area of the lands
 - ii. the maximum permitted building heights shall not exceed: 38-storeys identified as Building A, 18-storeys identified as Building B, 7-storeys identified as Building C and 4-storeys as identified as Building D as provided in the site-specific Zoning By-law.
2. Notwithstanding Policy 8.7.18, the minimum residential tower separation distance shall be 21.3 metres between the northwest corner of tower component of Building A and the southeast corner of the tower component of Building B.

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, Site Development and Draft Plan of Condominiums 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 northwest corner of Apple Mill Road and Buttermill Avenue within the Vaughan Metropolitan Centre and are municipally known as 101 Edgeley Boulevard, in Part of Lots 6 & 7, Concession 5, City of Vaughan.

The purpose of this Amendment is to permit the following on the Subject Lands, subject to the registration of a Section 37 Agreement and payment of Section 37 contributions:

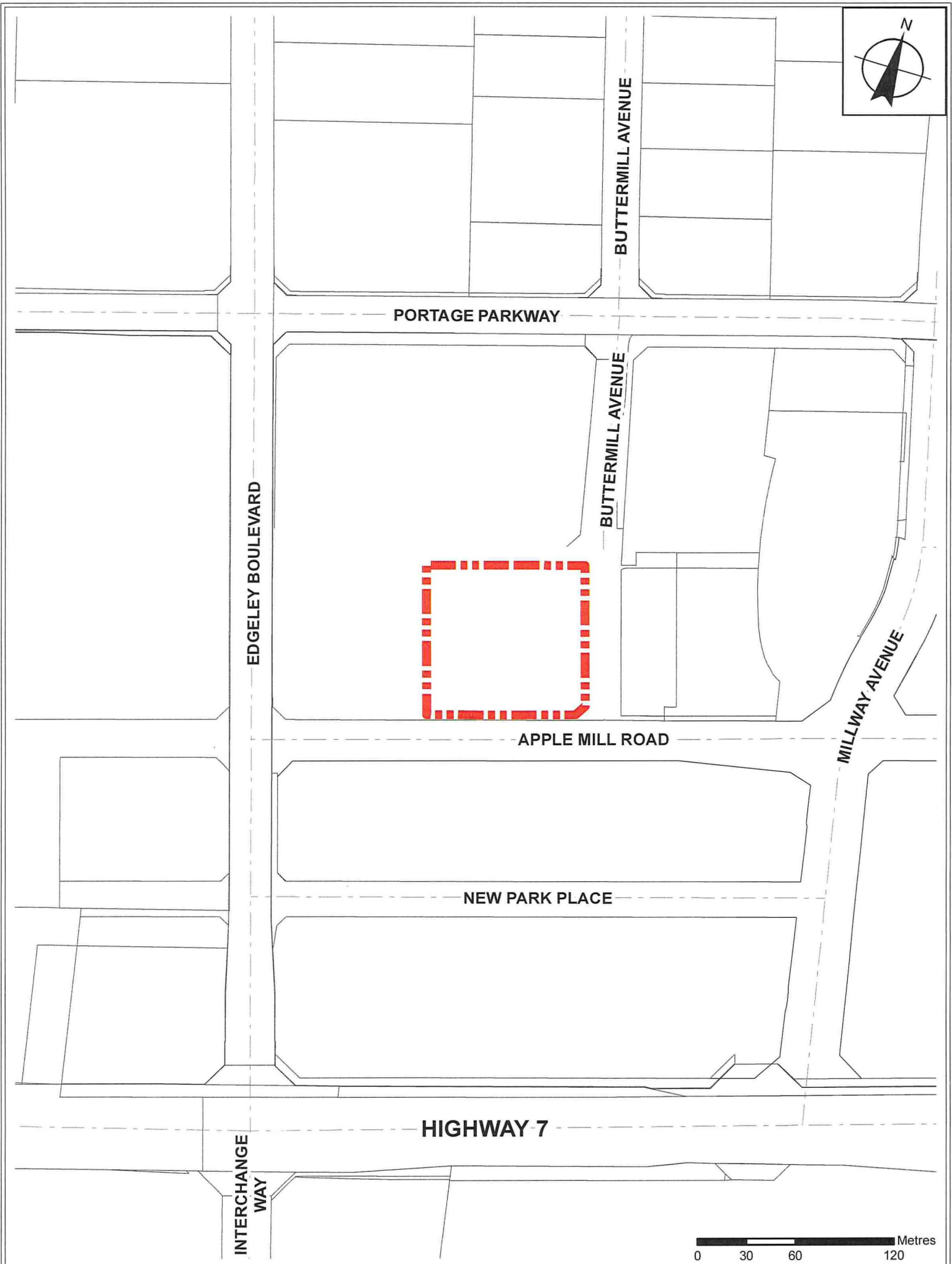
- a) Maximum building heights of 38-storeys (Building A), 18-storeys (Building B) and 7-storeys (Building C)
- b) Building D shall have a height of 4-storeys
- c) Maximum permitted density (Floor Space Index (FSI)) of 5.09 the area of the lands
- d) Minimum residential tower separation distance of 21.3m between the northwest corner of Tower A and the southeast corner of Tower B
- e) An amendment to Schedule "K", Site Specific Policy Area, of the VMC Secondary Plan to include the above amendments

On September 27, 2021, Vaughan Council ratified the September 14, 2021 recommendation of the Committee of the Whole recommendations to approve Official Plan Amendment File OP.20.013 (and the corresponding Zoning By-law Amendment Z.20.029). Vaughan Council approved the following recommendations:

1. THAT Official Plan Amendment File OP.20.013 BE APPROVED; to amend Vaughan Official Plan 2010 ('VOP 2010') and Volume 2 of VOP 2010, specifically the Vaughan Metropolitan Centre Secondary Plan (VMCSP), to add a new Site-Specific Policy Area on Schedule 'K' to permit the following:
 - a) Maximum building heights of 38-storeys (Building A), 18-storeys (Building B and), 7-storeys (Building C);
 - b) Notwithstanding Schedule I – Height and Density Parameters, Building D shall be 4-storeys in height;
 - c) A maximum permitted density Floor Space Index (FSI) of 5.09 the area of the lot; and
 - d) A minimum residential tower separation distance of 21.3 m between the northwest corner of Tower A and the southwest corner of Tower B;
2. THAT Zoning By-law Amendment File Z.20.029 BE APPROVED to:
 - a) amend By-law 1-88, as amended, to permit the site-specific development standards as generally identified in Table 1 of this report; and
 - b) permit the bonusing for increased building height and density for the proposed development as shown on Attachments 2 to 5 in return for the following provision of off-site community benefits totally \$1,200,000 pursuant to the policies of VOP 2010 and the VMCSP, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*:
 - i. \$330,000 allocated towards enhancements to the Jane Street streetscape between Portage Parkway and Apple Mill Road; and
 - ii. \$870,000 towards a cash reserve for cultural uses in the northwest quadrant of the VMC;
3. THAT prior to the enactment of the implementing Zoning By-law, the Mayor and the City Clerk be authorized to execute the Section 37 Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of the community benefits identified in Recommendation 2 b). The Owner shall pay to the City the Section 37 Agreement surcharge fee in accordance with the Tariff of Fees By-law 194-

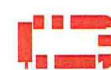
2020 for the Planning Applications, prior to the execution of the Section 37 Agreement; and

4. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law comes into effect to permit adjustments to the implementing Zoning By-law.



THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT No. 72
ADOPTED THE 27TH DAY OF SEPTEMBER, 2021





FILE: OP.20.013
RELATED FILES: Z.20.029 and DA.20.052
LOCATION: Part of Lot 6, Concession 5
APPLICANT: Penguin-Calloway (Vaughan) Inc.
CITY OF VAUGHAN

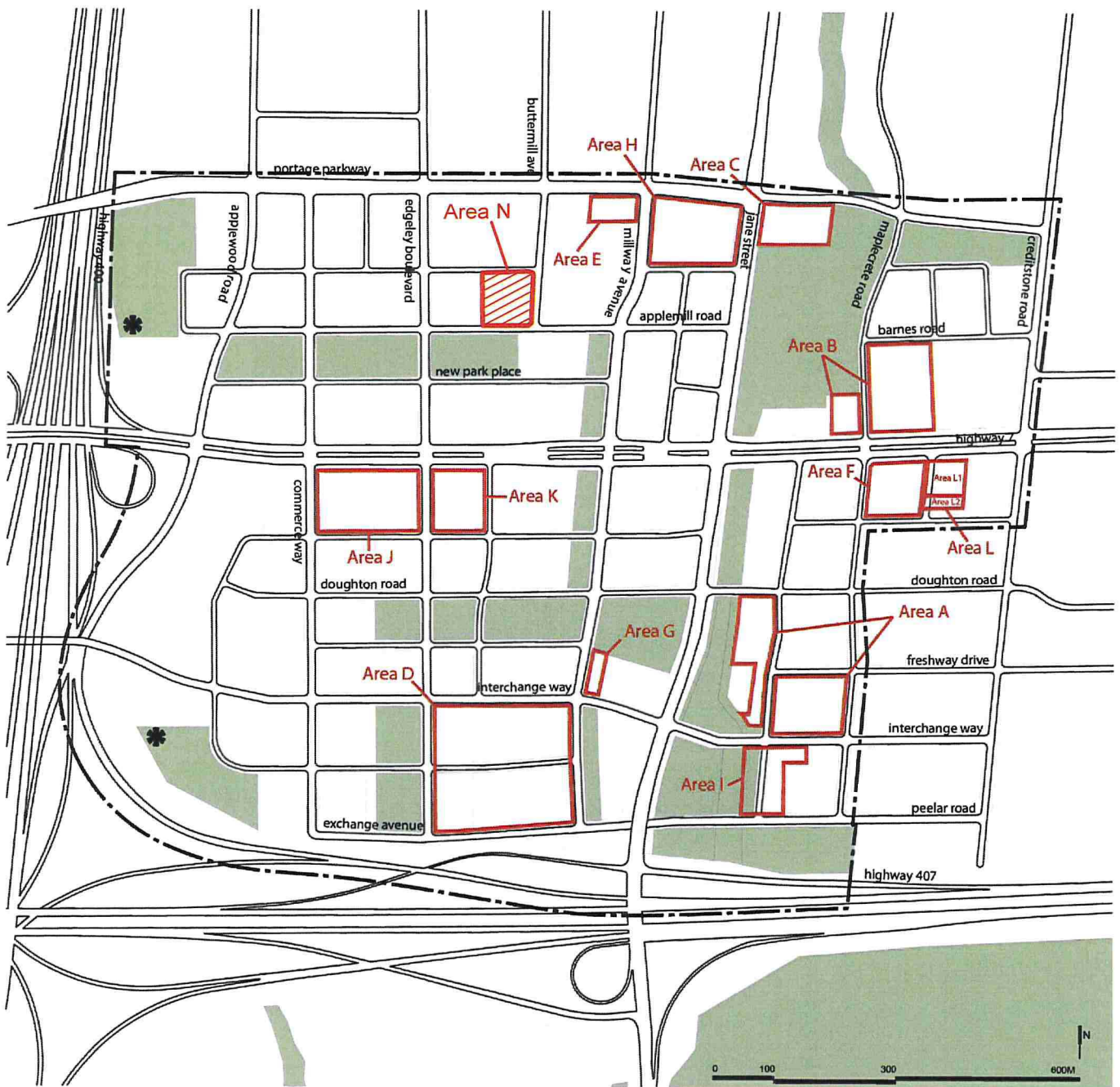


LANDS SUBJECT TO
AMENDMENT No. 72

SCHEDULE K > SITE SPECIFIC POLICY AREAS

LEGEND

-  vaughan metropolitan centre boundary
-  existing and planned streets
-  major parks and open spaces
-  areas subject to site-specific policies (see section 9.3)



THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT No. 72
ADOPTED THE 27TH DAY OF SEPTEMBER, 2021

FILE: OP.20.013
RELATED FILES: Z.20.029 and DA.20.052
LOCATION: Part of Lot 6, Concession 5
APPLICANT: Penguin-Calloway (Vaughan) Inc.
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 72