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Town of Aurora

Public Planning Report

No. PDS20-053

Subject: **Applications for Official Plan and Zoning By-law Amendment
RCG Aurora North GP Inc.
16005-16055 Bayview Avenue
Whitchurch Con 2 Pt Lot 26, RP65R32530 Part 1
File Numbers: OPA-2020-04 and ZBA-2020-04**

Prepared by: Matthew Peverini, Planner

Department: Planning and Development Services

Date: September 15, 2020

Recommendation

- 1. That Report No. PDS20-053 be received; and**
- 2. That comments presented at the Public Meeting be addressed by Planning and Development Services in a report to a future General Committee meeting.**

Executive Summary

The purpose of this report is to provide Council with background information on the proposed Official Plan and Zoning By-law Amendment applications for the property municipally known as 16005-16055 Bayview Avenue (the 'subject property'). The proposed development and associated amendments are contemplated on the southeast portion of the subject property only (the 'subject lands').

A six-storey residential apartment building (purpose-built rental) with 79 units and 119 parking spaces is proposed on the subject lands. The following is a summary of the proposed Official Plan and Zoning By-law Amendment applications:

- The applicant is proposing an Official Plan Amendment to re-designate the subject lands to "Medium-High Density Residential", and introduce site-specific policies to permit a new use, and increased height and density;

- The applicant is proposing to rezone the subject lands from Community Commercial Exception Zone C4(463) to a site specific RA2 Second Density Apartment Residential Exception Zone;
- The Town of Aurora is the approval authority for the proposed Official Plan Amendment; and,
- A preliminary review of the proposed applications have been undertaken by Town departments and external agencies. Staff A number of issues have been identified the following matters that need to be addressed in greater detail prior to the preparation of a final recommendation report for Council's consideration.

Background

Application History

A Pre-consultation meeting for the applications was held on July 18, 2019. The applications for Official Plan and Zoning By-law Amendment were received on June 19, 2020 and deemed complete on July 2, 2020.

Location / Land Use

The subject property is municipally known as 16005-16055 Bayview Avenue, and is located at the northeast corner of Bayview Avenue and St. John's Sideroad East (Figure 1). The subject property is irregular in shape with an approximate lot area of 2.44 hectares (6.04 acres), and an approximate lot frontage of 143 metres (469 feet) on St. John's Sideroad East. The subject property, being a corner lot, also has frontage on Bayview Avenue.

The subject property contains four commercial/retail buildings with associated at grade parking. Existing commercial/retail uses consist of a grocery store (including the T&T Supermarket), restaurants and service commercial. A fifth multi-tenant commercial building is currently under construction at the northwest corner of the property.

Only the southeast portion of the subject property, as delineated on Figure 1 (the 'subject lands') is subject to the proposed applications. The subject lands are irregular in shape and currently vacant, with an area of 0.31 hectares (0.77 acres), and frontage onto St. John's Sideroad.

The topography of the subject property is characterized by downward slopes from Bayview Avenue along the west and south property lines, where an embankment

provides grade separation from St. John's Sideroad. The subject property has vehicular access at the northwest corner along Bayview Avenue (signalized intersection), and at the south along St. John's Sideroad (a right-in-right-out driveway).

Surrounding Land Uses

The surrounding land uses are as follows:

- North: Natural Heritage System, stormwater management pond, and Art Ferguson Park;
- South: St. John's Sideroad East, Bayview and St. John's Centre commercial plaza, and low and medium density residential;
- East: Natural Heritage System, and low-density residential; and,
- West: Bayview Avenue, and low and medium density residential.

Policy Context

Provincial Policies

All development applications shall have regard for the Provincial Policy Statement, which provides policy direction on matters of Provincial interest. These policies support the development of strong communities through the promotion of efficient land use and development patterns.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan'), is a guiding document for growth management within the Greater Golden Horseshoe Area. The Growth Plan provides a framework which guides land-use planning.

The Lake Simcoe Protection Plan (LSPP) provides policies which address aquatic life, water quality and quantity, shorelines and natural heritage, other threats and activities (invasive species, climate change and recreational activities) and implementation.

York Region Official Plan (YROP)

The YROP designates the subject lands as "Urban Area". The planning vision for the Urban Area is to strategically focus growth while conserving resources; and to create sustainable, lively communities. A primary goal of the YROP is to enhance the Region's urban structure through city building, intensification and compact, complete vibrant communities.

The subject lands are located within 120 metres of the Regional Greenlands System, and are located within Wellhead Protection Area (WHPA) Q, and partially WHPA D.

Bayview Avenue and St. John's Sideroad are identified as Regional Roads with planned right-of-way widths of 36 metres.

Bayview Northeast Area 2B Secondary Plan (OPA 30)

The subject lands (and subject property) are designated "Community Commercial" by OPA 30 (see Figure 2). The Community Commercial designation provides opportunities for low-rise multi-tenant buildings to accommodate local shopping and service needs of residents and businesses in the community. This designation does not permit the proposed residential apartment building, and therefore an Official Plan Amendment application is required.

As such, the applicant is proposing to re-designate the subject lands to "Medium-High Density Residential". Lands with this designation under OPA 30 are typically located adjacent to parts of Bayview Avenue, St. John's Sideroad, and Wellington Street East, where commercial, recreational, community services and transit are most accessible.

Section 3.2.2(a) states that the proposed land-use designation permits a range of predominantly above-grade housing forms such as stacked rowhouses, terrace houses, maisonettes, and garden apartments; and may include street/block row houses. A residential apartment building is currently not permitted within the proposed designation.

Section 3.2.2(b)(iii) states that the maximum net residential density for a lot or block designated Medium-High Density Residential shall generally not exceed 99 units per hectare (40 units per acre), and that building heights shall not generally exceed four storeys.

Town of Aurora Official Plan

Section 6.3 of the Town of Aurora Official Plan requires that a minimum of 25% of all new residential development meet the definition of affordable housing.

It is a goal of the Official Plan to work with the Region, the private sector, and other stakeholders, and consider tools or mechanisms to encourage and support the development and maintenance of affordable housing, such as height and/or density bonusing under Section 37 of the *Planning Act*.

The applicant is seeking an increase in building height and density over and above the existing planning permissions. As such, the Town's 2016 Guidelines for the Implementation of Height and Density Bonusing will be applied to the proposed development to secure community benefits. At this time, we do not have any

information as to the proposed number of affordable housing units that would be generated by the application of Section 37.

Zoning By-law 6000-17, as amended

The subject property is zoned “Community Commercial Exception Zone C4(463)” by the Town of Aurora Zoning By-law 6000-17, as amended (Figure 3). The proposed apartment building is not permitted, therefore a Zoning By-law Amendment application is required.

Reports and Studies

As part of a complete application submission for the subject applications, the applicant has submitted the materials as outlined in Appendix ‘A’.

Proposed Applications

The applicant is proposing to develop the subject lands with a six-storey residential building with a total gross floor area (GFA) of 8,012 m² (86,240 ft²) and 79 residential dwelling units. The proposed building will provide fifteen one-bedroom units with a den, and sixty-four two-bedroom units. Amenity space is proposed both indoors on the ground floor (229.4 m² / 2469.2 ft²) and outdoors near the southeast side of the building (94 m² / 1011.8 ft²).

A total of 119 parking spaces are proposed to support the development, including ten at-grade visitor parking spaces and 109 parking spaces across two levels of below-grade parking for residents. Additionally, twenty bicycle parking spaces are to be provided. The proposal meets the overall minimum number of parking spaces required as per the standards of the RA2 zone.

Vehicular access to the subject lands is proposed by way of a private drive aisle stemming eastward off the St. John’s Sideroad driveway access to the subject property (Figure 7). This private drive aisle will separate the residential from commercial traffic, and provide access to loading, underground parking, and the main lobby to the building.

The building is proposed as a purpose built rental building. The applicant’s Planning Justification Report states that there will be the accommodation for affordable units based on market affordability for smaller units, in addition to market units based on market demand.

The applicant has submitted a Traffic Impact Study prepared by Mark Engineering in support of the proposed applications. The Study provides that the development is expected to generate a total of 31, 40, and 44 two-way trips during the morning, afternoon and Saturday peak hours, respectively. The Study recommends a number of transportation demand management (TDM) measures to be implemented (pre-loaded Presto cards, information packages, outreach programs, pedestrian and cycling connections, bicycle parking, etc.). It concludes that the proposed land use will not significantly impact the Bayview intersection, and that a parking study is not required.

A conceptual site plan and renderings of the proposed building are attached as Figures 7 and 8, respectively.

The applicant is proposing an Official Plan Amendment to re-designate the subject lands to “Medium-High Density Residential”, and introduce site-specific policies to permit a new use, and increased height and density

The applicant is seeking an Official Plan Amendment to re-designate the subject lands from “Community Commercial” to “Medium-High Density Residential”. This will require an amendment to schedule ‘AA’ of OPA 30 (Figure 4), and Schedule ‘H’ of the Town of Aurora Official Plan (Figure 5).

As the Medium-High Density Residential designation does not currently permit the proposed use as of right per Section 3(b)(i) of OPA 30, the applicant is proposing a site-specific policy that would permit a residential apartment building as a permitted use.

The applicant is also proposing site-specific policies that would amend Section 3.2(b)(iii) of OPA 30. These proposed amendments include:

- To allow a six-storey building, whereas the policy provides that building heights shall generally not exceed four storeys; and,
- To permit a net residential density of approximately 255 units per hectare (102 units per acre) on the subject lands, whereas a net residential density of 99 units per hectare (40 units per acre) shall generally not be exceeded.

The applicant is proposing to rezone the subject lands from Community Commercial Exception Zone C4(463) to a site specific RA2 Second Density Apartment Residential Exception Zone

As shown in Figure 6, the applicant proposes to re-zone the subject lands from “C4(463)” to “Second Density Apartment Residential Exception Zone RA2(XX)”. The

applicant has submitted a draft Zoning By-law Amendment which is currently under review by staff.

A Table comparing the existing C4(463) zone, the parent RA2 zone, and the proposed RA2(XX) zone are attached as Appendix B. It is important to note that the boundary of the proposed RA2(XX) zone are to act as “lot lines” for purposes of the zoning by-law only, but the subject lands will remain a part of the subject property as one whole lot. In summary, the applicant is proposing the following:

- To recognize the area of the subject lands and an Apartment Building as a permitted use;
- A minimum front yard of 3.0 m and interior side yard of 1.5 m;
- A maximum lot coverage of 47%;
- A maximum height of six-storeys (18.5 m);
- A minimum amenity area of 2.9 m² per unit; and,
- A reduced visitor’s parking rate from 20% of the total spaces required to 8%

The Town of Aurora is the approval authority for the proposed Official Plan Amendment

The Regional Municipality of York has reviewed and granted the applicant’s request for exemption from Regional approval of the Official Plan Amendment pursuant to Section 8.3.8 of the YROP. Therefore, the Town of Aurora is the approval authority for the proposed Official Plan Amendment application, as the application is considered to be a local matter, and is exempted from approval by Regional Planning Committee and Council.

Analysis

Department / Agency Comments

A preliminary review of the proposed applications have been undertaken by Town departments and external agencies. A number of issues have been identified that need to be addressed prior to the preparation of a final recommendation report for Council’s consideration

Staff have identified the following matters to be addressed in greater detail:

Planning

Staff will work with the applicant to finalize the draft Official Plan and Zoning By-law Amendments to address comments and concerns and to ensure there are no conflicts between the documents. As the applicant is proposing an increase in height and density above the existing land use permissions, The Town's Guidelines for the Implementation of Height & Density Bonusing will apply to secure community benefits. A future staff report to Council will describe the proposed community benefits.

Development Engineering

The applications are currently under review. At this time, Engineering has not identified any significant concerns with the proposed applications. A future Site Plan Application will be required to address the need for a sanitary sewer to service the subject lands from St. John's Sideroad, and the Lake Simcoe and Region Conservation Authority's sign off on the Stormwater Management Report will be required as it relates to water balance and phosphorus offsetting levels.

Urban Design

To ensure a high quality of development, the Town will work with the applicant to consider, and implement as appropriate, current Urban Design best practices, and the Bayview Northeast Neighbourhoods Urban Design Guidelines. Urban Design matters will be assessed in greater detail upon submission of a future Site Plan application.

Lake Simcoe Region Conservation Authority (LSRCA)

The applications are currently under review. Additional information is required for Engineering and Hydrogeologic review prior to the release of comments. No scoped Natural Heritage Evaluation is required for these applications, as the LSRCA recently reviewed and approved previous applications on the property and established buffers to the abutting environmental features.

The Regional Municipality of York

Regional Council approved a new interest free Development Charge Deferral for Affordable, Purpose-Built Rental Buildings policy to support development of rental housing affordable to mid-range income households. The applicant is encouraged to pursue affordable rental housing in coordination with the Town and Region.

York Region's Transportation Planning and Development Engineering Division have reviewed the submitted Traffic Impact Study prepared by Mark Engineering, and provided that detailed technical comments and conditions will be provided at the subsequent stages of the proposed development as appropriate.

Public Comments

Planning Staff have received comments from the public on the proposed planning application. Below is a summary of the comments received at the time of writing this report.

- The development of a low-cost housing apartment will disrupt the surrounding neighbourhood and existing plaza. It will also decrease property values;
- The proposed building is too tall and does not fit in with the area. The setbacks will result in unappealing views from the streetscape and nearby homes;
- The location of the proposed building may affect the views to the Enos Lundy House from St John's Sideroad;
- Questioning whether there be units reserved for low income;
- The proposed development will increase traffic flow and congestion to the area and plaza. Pedestrian safety is a concern;
- The proposed lot coverage and landscaping values do not support the Town's Strategic Plan goal of "supporting environmental stewardship and sustainability". Increased coverage may result in greater runoff to the adjacent stormwater management ponds. An environmental study should be done to ensure increased runoff can be managed, and that groundwater, base flow characteristics, and water quality are preserved;
- Potential impacts to local wildlife and floodplains as a result of proposed overlap between the building and the environmental buffer to the wetlands; and,
- Amenity area significantly deviates from what the Zoning By-law requires.

Advisory Committee Review

No communication is required.

Legal Considerations

Subsections 22(7) and 22(7.0.2) of the *Planning Act* states that if Council refuses the Official Plan Amendment application or fails to make a decision on it within 120 days

after the receipt of the application, the applicant (or the Minister) may appeal the application to the Local Planning Appeal Tribunal (LPAT).

Subsection 34(11.0.0.0.1) of the *Planning Act* states that if the passing of a Zoning By-law Amendment also requires an amendment to the Official Plan, and that if both applications are made on the same day, if Council refuses the Zoning By-law Amendment application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or Minister) may appeal the application to the LPAT.

If a decision is not made by September 29, 2020, the applications may be subject to appeals.

Financial Implications

There are no financial implications.

Communications Considerations

On July 9, 2020, a Notice of Complete Application respecting the Official Plan Amendment and Zoning By-law Amendment Applications was published in the *Auroran* and *Aurora Banner* newspapers. Additionally, a sign giving notice of a complete application was posted on the subject lands.

On August 27, 2020, notices were issued by mail to all addressed property Owners within a minimum of 240 metres (788 ft) (an expanded circulation area) of the subject property, and all Interested Parties to the applications. Signage on the property was updated with information regarding the Public Meeting. On August 27, 2020, Notice of Public Planning Meeting was published in the *Auroran* and *Aurora Banner* newspapers. Notification has been provided in accordance with the *Planning Act*.

Link to Strategic Plan

The applications will be reviewed in accordance with the Strategic Plan and its goal of enabling a Diverse, Creative and Resilient Economy through promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business.

Alternative(s) to the Recommendation

1. That Council provide direction.

Conclusions

Staff continue to review the subject applications having consideration for the above noted matters, the comments received from the agency circulation, and the feedback received from the public and Council at the Public Planning Meeting. A final report with recommendations will be presented to Council for consideration at a future General Committee Meeting.

Attachments

Figure 1 – Location Map

Figure 2 – Existing Official Plan Designation (OPA 30)

Figure 3 – Existing Zoning By-Law

Figure 4 – Proposed Official Plan Amendment (OPA 30)

Figure 5 – Proposed Town of Aurora Official Plan Schedule 'H'

Figure 6 – Proposed Zoning By-law

Figure 7 – Conceptual Site Plan

Figure 8 – Conceptual Rendering

Previous Reports

None.

Pre-submission Review

Agenda Management Team review on September 3, 2020

Approvals

Approved by David Waters, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer