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Town of Aurora
Committee of the Whole Report
No. PDS24-080

Subject: Official Plan and Zoning By-law Amendment Applications
Gervais Development (Centre) Corp.
180, 182 Centre Crescent
Part of Lot 105, Registered Plan 246
File Number: OPA-2022-03, ZBA-2022-05
Related File Number: SP-2022-12

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: July 2, 2024

Recommendation

1. That Report No. PDS24-080 be received; and
2. That Official Plan Amendment application OPA-2022-03 be approved to amend Schedule 'H' of the Town of Aurora Official Plan to identify a new Site Specific Policy for the subject lands. The site specific policy will permit buildings taller than four storey or 15 metres in height are subject to a front yard step back at the second storey and the angular plane provisions as outlined in Appendix "A"; and
3. That Zoning By-law Amendment application ZBA-2022-05 be approved to rezone the subject lands to "Second Density Apartment Residential Exception RA2(XX) Zone" as outlined in Appendix "B"; and
4. That a total of 330 persons worth of servicing allocation be granted to facilitate the proposed development of 193 apartment dwelling units; and
5. That the implementing By-laws for the Official Plan and Zoning By-law Amendment be brought forward to a future Council meeting for enactment.

Executive Summary

This report seeks Council's approval of the proposed Official Plan and Zoning By-law Amendment applications at 180, 182 Centre Crescent (the 'subject lands'). The purpose of the proposed applications is to facilitate the development of a 7-storey apartment building with a total of 193 units.

- The proposed Official Plan Amendment will permit a second storey front yard step back for the proposed development
- The proposed Zoning By-law Amendment will rezone the subject lands to "Second Density Apartment Residential Exception (RA2-XX) Zone"
- A 7 storey apartment building with 193 units and 2 underground of parking is proposed
- The proposed applications are consistent with the Provincial Policy Statement (PPS) and the Growth Plan
- The proposed applications conforms to the Lake Simcoe Protection Plan (LSPP)
- York Region has exempted the proposed OPA from Regional approval
- The proposed Official Plan Amendment is compatible with surrounding land uses and consistent with the Aurora Promenade - Concept Plan - Urban Design Strategy
- An appropriately sized and designed urban square is provided for the subject development
- The proposed Zoning By-law Amendments implements the general direction of the Town's Official Plan for additional infill residential development.
- All external agencies and Town staff have completed their review for the subject applications and have no objections to the approval of the subject applications
- Public comments related to transition of the area, urban square, traffic management, construction access have been adequately addressed

Background

Application History

Town Council adopted its Official Plan on January 30, 2024 and York Region approved it with modifications on May 24, 2024. The update to the Official Plan aligned with provincial requirements for Major Transit Station Areas (MTSAs), permitting residential use and seven storeys. This update eliminated the need for two of the initial amendments and retaining only the proposed provision regarding building setbacks. At the time of drafting this report, the specifics of the transition period regarding the planning responsibilities of the Regional Municipality remain unclear. Nevertheless, recent provincial legislation effective from July 1 suggests that the Region will no longer be tasked with planning responsibilities. Nevertheless, the Region has exempted the proposed Official Plan Amendment from regional approval.

A Community Information Meeting, hosted by the applicant, was held on June 22, 2023, to introduce the proposed development to area residents and to obtain feedback. A Statutory Public Meeting was held on September 12, 2023, where the subject applications and Public Planning Report No. PDS23-111 were presented to Council and the public. During that meeting, Council received the report and instructed staff to present a future report to the General Committee, addressing the points discussed.

Location / Land Use

The subject lands are located north of Centre Street and West of Industrial Parkway North, and municipally known as 180 and 182 Centre Crescent (Figure 1). The subject lands have a combined area of approximately 0.76 hectares (1.89 acres) with a lot frontage of approximately 104.24 metres along Industrial Parkway North. Both 180 and 182 Centre Crescent contain one single detached dwelling each; and mature trees are visible throughout the site.

Surrounding Land Uses

The surrounding land uses are as follows:

- North: Industrial uses;
- South: Industrial/Commercial and Residential uses;
- East: Industrial/Commercial uses;
- West: Residential and industrial use.

Policy Context

Provincial Policies

All *Planning Act* development applications are subject to provincial policies. The Provincial Policy Statement (PPS) 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. All planning decisions shall be consistent with the policies and directions of the PPS, including providing a mix of housing and ensuring a compact and efficient built form.

The Growth Plan for the Greater Golden Horseshoe is a guiding document for growth management within the Greater Golden Horseshoe (GGH) Area to 2051. The Growth Plan provides a framework which guide decisions on how land will be planned, designated, zoned and designed.

The Lake Simcoe Protection Plan (LSPP) is a provincial document that provides policies which addresses aquatic life, water quality, water quantity, shorelines and natural heritage, other threats and activities (including invasive species, climate change and recreational activities) and implementation. The proposal has been reviewed by the LSRCA and is not located with the Regulated Area or any hazard areas.

York Region Official Plan (YROP)

The York Region Official Plan was approved with modifications by the Province in November 2022. The YROP identifies the subject lands as “Urban Area”. Development within the Urban Area is envisioned to enhance the Region’s urban structure through a balance of intensification and complete vibrant communities. The subject lands are also designated as “Community Area” under Map 1A and can be developed for non-employment use. Furthermore, the YROP identified the subject lands as part of the “Built-Up Area” under Map 1B. Policies 4.4.2 require that a minimum of 50% of all residential development between 2021 to 2041, and 55% from 2041 to 2051 occur annually within the built-up area.

Section 7.3.8 of the YROP states that amendments to local official plans may be exempt from Regional approval where they are of local significance, no Regional interest is adversely affected and conform with Provincial plans and policies of the YROP.

Town of Aurora Official Plan

As per the Town's Official Plan, the subject lands are located within the Aurora Promenade Secondary Plan and is designated as "Aurora Promenade and MTSA Mixed Use" (see Figure 2). This designation serves as the Town's primary focus area for growth and intensification, accommodating the highest densities within Aurora. The maximum building height permitted on the subject land is 7 storeys. It is intended for this area to be transformed into a vibrant pedestrian-oriented area and transit hub. The development policies related to building height, setbacks, parking coverages are listed under section 9.6.2 of the Official Plan. Furthermore, the Official Plan requires a minimum of 35% of new housing in the MTSA to be affordable.

Zoning By-law 6000-17, as amended

The subject lands are zoned "E1 (9) - Employment" by the Zoning By-law 6000-17, as amended (see Figure 3), which includes a wide range of employment/ light industrial uses. The site specific exception 9 permits any industrial use which existed as of August 17, 1981 whether or not the use is conducted and wholly contained within an enclosed building.

Reports and Studies

Documents submitted in support of complete application for the subject applications were listed in Public Planning Report Number PDS23-111.

Proposed Applications

Official Plan and Zoning By-law Amendment applications have been submitted to facilitate the development of a 7-storey apartment building with a total of 193 units.

Proposed Official Plan Amendment (OPA)

The proposed Official Plan Amendment will permit a second storey front yard step back for the proposed development

As shown in Figure 4 and 5, the applicant is proposing to amend Schedule 'H' of the Town of Aurora Official Plan to create a new site-specific policy #64 on the subject lands. The site specific policy will require new developments to provide a front yard setback at the second storey, whereas the existing provision requires a setback at the 4th storey. The angular plane requirements of the policy remain unchanged.

Proposed Zoning By-law Amendment (ZBA)

The proposed Zoning By-law Amendment will rezone the subject lands to “Second Density Apartment Residential Exception (RA2-XX) Zone”

As shown in Figure 6, the Applicant proposes to rezone the subject lands from “E1(9) Employment Zone” to “(RA2-XX) Second Density Apartment Residential Exception Zone”. The draft Zoning By-law is attached as Appendix “B” of this report. The following is a table to compare the difference between the parent Second Density Apartment Residential (RA2) zone requirements with the proposed Second Density Apartment Residential Exception (RA2-XX) Zone, as well as other requested zoning standards deviations.

	Parent Second Density Apartment Residential Zone Requirement	Proposed Second Density Apartment Residential Exception Zone
Lot Area (minimum)	95 m ² per dwelling unit	39 m ² per dwelling unit
Front Yard (minimum)	½ the height of the main building and in no case less than 9 m from the street line	3.0 m
Rear Yard (minimum)	9 m	5.35 m
Interior Side Yard (minimum)	½ the height of the main building and in no case less than 6 m	4.25 m
Lot Coverage (maximum)	35%	40%
Amenity Area	A minimum Amenity Area of Eighteen (18) square metres per dwelling unit, provided a minimum of 50% of the required Amenity Area is	A minimum Amenity Area of Seventeen and one half (17.5) square metres per dwelling unit, provided a minimum of 15% of the

	Parent Second Density Apartment Residential Zone Requirement	Proposed Second Density Apartment Residential Exception Zone
	provided as interior amenity space	required Amenity Area is provided as interior amenity space
Dwelling Adjacent to an Employment Zone	The minimum required yard abutting the Employment Zone shall be 20 metres	The minimum required yard abutting the Employment Zone shall be 3.0 metres
Yard Encroachments Permitted (Open porches)	3 m from the Side yard Lot line	2 m from the Side yard Lot line

	Section 5 Parking and Stacking Requirements	Proposed Amended Section 5 Parking and Stacking Requirements
5.3 Required Manoeuvring Space (90 degree spaces)	7 m	6.8 m
5.4 Parking Standards - Apartment Building	1.5 spaces per dwelling unit, minimum 20% of spaces provided shall be set aside for visitor parking	0 Parking spaces and visitor parking
5.5.2 Setback	Parking space manoeuvring area and/or Driveway within a Side Yard or Rear Yard shall not be closer to any wall of a building than one decimal five (1.5) metres	No minimum setback to a wall of a building from a parking space, manoeuvring area or driveway within under ground parking level

Proposed Site Plan Application

A 7 storey apartment building with 193 units and 2 underground of parking is proposed

As shown in Figure 7, the proposed development consists of a 7-storey residential apartment building with 193 units without retail at grade. It will also include a total of 252 parking spaces at grade and 2 levels of underground parking.

A fourth full move vehicular access is proposed at the existing three-way traffic light intersection at Industrial Parkway North and the private driveway (access to the rear of Maximilian Kolbe Catholic High School). The proposed entry way will lead vehicles to the underground parking or to the front lobby for drop offs and visitors parking.

The bedroom sizes proposed in the apartment range from studio to two bedrooms units. The applicant aims to allocate approximately 35% of the total units to studios, one-bedroom, and one-bedroom with a den configuration.

There is a mixture of indoor and outdoor amenity space. The outdoor amenity areas are located along the western property line, which contains a courtyard, outdoor play area shade structure. The second outdoor amenity area is located at the front lobby area as a garden amenity area. There is a 3 m (9.84 ft) landscape buffer around the perimeter of the site. In addition, an urban square consist of public art piece, formal and informal seating is proposed at the northeast corner of the site for the public use. (Figure 8)

The proposed site plan and elevations (Figure 9 and 10) is currently under review by Town departments and relevant agencies. Site plan approval will be granted through staff delegation once the proposed by-laws related to the subject Official Plan and Zoning By-law Amendments are enacted. Upon approval of the site plan application, the applicant will be required to enter into a development agreement with the Town to ensure the building will be constructed in accordance with the Town's development standards.

Analysis

Planning Considerations

The proposed applications are consistent with the Provincial Policy Statement (PPS) and the Growth Plan.

The subject lands are located within a Settlement Area as outlined by the PPS and Growth Plan. It is Staff's opinion that the proposed development aligns well with the criteria outlined in policy 1.1.1 of the PPS and the population growth policies within the Growth Plan. Particularly, the proposed 7 storey apartment building represents an efficient development, offering various residential options and supporting transit. Situated within a Major Transit Station Area (MTSA), the proposed development represents an infill development that aids in increasing housing stock of various sizes within an area already equipped with municipal services, infrastructure, and close proximity to community amenities and public transportation.

The proposed applications conforms to the Lake Simcoe Protection Plan (LSPP)

The Lake Simcoe Conservation Authority (LSCRA) has reviewed the proposed applications in consideration of the LSPP and has no objection to the approval of the subject applications as presented. The subject lands are located outside of the LSRCA regulated limits and accordingly no Regulation Permit is required prior to development or site alteration taking place on the subject lands. The subject lands are also free from any natural hazards and are outside of hazardous lands.

York Region has exempted the proposed OPA from Regional approval.

York Region has reviewed the proposed applications and have no concerns with the proposed amendments. It is the opinion of Regional Staff this is a local matter and therefore is exempted from regional approval. Furthermore, it is the opinion of Regional Staff that the proposed applications conforms to the York Region Official Plan. The proposed 193 units will exceed the Region's minimum population density forecast within the Major Transit Station Area. The development provides a mix and range of unit, if the development is constructed as a purpose-built rentals, it will assist in achieving the Region's rental housing targets for the Town of Aurora.

The proposed Official Plan Amendment is compatible with surrounding land uses and consistent with the Aurora Promenade - Concept Plan - Urban Design Strategy

Although the proposed development requires an Official Plan Amendment to allow for a building setback at the second storey, it complies with all other development policies outlined in the Official Plan. These policies include overall height, density, municipal infrastructure, growth management, and the provision of diverse housing options.

The existing policy 9.6.2 a) ii) of the Town Official Plan requires that buildings taller than four storeys or 15 metres, are subject to a front yard step-back at the fourth storey and the angular plane provisions of this Plan. The proposed site-specific policy will amend the required front yard step back to occur at the second storey. (See Figure 9 and 10) It is staff's opinion that the proposed amendment is adequate to provide for appropriate transition to the upper storeys of the building. The proposed amendment will continue to achieve the angular plane provisions of the Official Plan.

The Aurora Promenade - Concept Plan - Urban Design Strategy advocates for buildings closer to the street and enhancing public spaces. The proposed building aligns with this by being strategically located on Industrial Parkway North to enliven the streetscape and promote active transportation. Staff believe it fits with the existing and planned character of the area, consistent with the Aurora Promenade - Concept Plan - Urban Design Strategy.

An appropriately sized and designed urban square is provided for the subject development

The Official Plan strongly encourages all developments within the "Major Transit Station Area" designation on sites greater than 0.2 ha in size to provide an Urban Square. The Urban Square is to be built and maintained by the landowner, and an easement with the Town is to be established to ensure the space is open and accessible to the public at all times.

A 195.50 m² (2104 ft²) Urban Square is located at the northeast corner of the site. The urban square conceptual plan shows a public art piece, formal and informal seating, a lawn, an open-air pavilion and two shade structures. Staff are generally satisfied with the provided Urban Square, while the detailed design and implementation will be closely monitored in the Site Plan process.

The proposed Zoning By-law Amendments implements the general direction of the Town's Official Plan for additional infill residential development

Planning staff are of the opinion that the development is appropriate and compatible with adjacent and neighbouring community, and that the by-law exceptions are appropriate to facilitate the development.

Front yard setback

The front yard setback reduction from the required 13.5 m to 3 m is required to allow the future building to be situated closer to the street (Industrial Parkway North). The purpose is to have a more intimate and accessible building design. A building situated closer to the street can better animate the streetscape and create a pedestrian friendly design that encourages active transportation and walking.

Side and Rear yard setback

The proposed reduction in side yard setback from 13.5 m to 4.25 m and rear yard setback from 13.5 m to 5.35 m is required to maximum the interior bedroom unit size and indoor amenity area within the existing site context. To minimize any potential visual impact to the neighbouring properties, the applicant incorporated a retaining wall and a 1.37 m high ornamental metal fence. Furthermore, to provide buffering and visual screening for the adjacent property additional landscaped plantings including karl foresters and a coniferous screen along the south lot line (interior side yard) and west lot line (rear yard).

Amenity Area

The proposed reduction of the overall amenity area per dwelling unit is appropriate for the development as the overall amenity area is marginally reduced. It is Staff's opinion that there is adequate amount of overall indoor and outdoor amenity area for the future residents.

The reduction in the proposed indoor amenity area from 50% of the required amenity area to 15% is to optimize the utilization of available space. This approach is often necessary in urban environments where land is scarce and property values are high. By reducing the indoor amenity area and providing additional amenity spaces outdoor and balcony, this can contribute to keeping housing prices more affordable for buyers or renters.

Required yard abutting Employment Zone

The subject lands are surrounded by existing industrial uses, the area is anticipated to undergo a transition to permissible uses within the Major Transit Station Area as development progresses. As such, the proposed reduction is not anticipated to result in any compatibility issues between the development and any existing and planned uses in the adjacent area.

Primary and visitor parking spaces

The Cutting Red Tape to Build More Homes Act, 2024 (Bill 185), received royal assent from the Province of Ontario (the "Province") on June 6, 2024. As per Bill 185, municipalities are no longer permitted to regulate minimum parking space requirements within the MTSA. However, the applicant is proposing 1.24 parking spaces per unit (252 parking spaces) which is supported by the Traffic Impact Study and is comparable to industry standards for transit supported areas. The amount of visitor parking is considered to be appropriate, as the development will still provide for 25 visitor parking spaces, with additional bike parking spaces available for the users.

Parking aisle and driveway setbacks

The reduced parking aisle widths is considered to be reasonable as the proposed aisle width can continue to support the movements of emergency and other larger vehicles and can comfortably accommodate for average vehicles. Transportation staff have not identified any vehicular related restrictions due to the reduced widths.

The reduction of setback for the driveway to the building wall is necessary as the driveway is leading to the entrance to the building's underground parking. Such reduction is a common practice among apartment development with underground parking facility and is not anticipated to result in any concerns related to site circulation, access and pedestrian safety.

Department / Agency Comments

All external agencies and Town staff have completed their review for the subject applications and have no objections to the approval of the subject applications

The proposed applications were circulated to all internal and external agencies for review and comments. All external agencies and Town staff have completed their review and have no objections to the approval of the subject applications. The applicant will continue to work with Staff to resolve any outstanding site plan matters prior to the approval of the site plan control application and execution of the site plan agreement.

Public Comments

Subsequent to the September 2023 Public Meeting, the applicant has implemented several updates to the proposed development. These include revisions to landscaping and engineering drawings, as well as enhancements to the proposed OPA and ZBA by-laws and addressing the urban square design.

Public comments related to transition of the area, urban square, traffic management, construction access have been adequately addressed

Below is a summary and response to all written and verbal comments received at the time of writing this report:

Comments	Response
Concerns over increased density and the associated increased traffic and risk of accidents for pedestrians	<p>The Traffic Operations Assessment concluded that site generated traffic is not expected to impact the intersections significantly. The Level of Services are expected to remain the same between the years of 2026 and 2031. The site generated traffic does not warrant the requirement of a signal of left-turn lane.</p> <p>The Town's Traffic Analyst concurs with the assessment.</p>
Provision of control rental units for the development	<p>The Applicant has not yet determined the tenure type for the proposed development, however, the provision of smaller units is planned to increase the affordability of the proposed development.</p>
Comprehensive development of projects in the adjacent area to allow for appropriate management of the transition of the community	<p>The subject lands are located within a Major Transit Station Area, significant growth will be occurring in the host community to fully utilize the adjacent transit amenities. Staff has been monitoring and tracking any proposed, planned and approved development projects in the designated MTSA community, so that the transition of the immediate and neighbouring community can be properly envisioned and managed.</p>

<p>Design quality is slightly lacking with not enough variation in elevations</p>	<p>The applicant has incorporated various design related changes in accordance with the Aurora Promenade Urban Design Strategy and design staff comments, including enhanced presence of southeast corner of the building, canopies at all entrances, revised elevations such as brick finish and spandrel finishing to increase architectural treatment. Additional works are expected prior to the finalization of the site plan control application.</p>
<p>Suggestion for alternative location for the Urban Square to preserve the square for residents to use</p>	<p>The proposed Urban Square must have a frontage on the abutting sidewalk as per Official Plan to function as a pedestrian space and allow for public access. The location and size of the proposed urban square is appropriate in relation to the overall site. Staff has no concern with the proposed pavilion, art piece, lawn and seating area contained within the urban square.</p>
<p>Proposed construction access can be disruptive to residents</p>	<p>The applicant has submitted a Construction Management Plan which showcases that the proposed access will be from Industrial Parkway North only, as well as location of crane set up, loading area, trade parking location, etc. Staff are generally satisfied with the submitted plan and have no concern.</p>

Advisory Committee Review

The Town's Accessibility Advisor has reviewed the subject applications on behalf of the Accessibility Advisory Committee. Accessibility Advisor has no concerns with the subject applications.

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 Ontario Land Tribunal (OLT).

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 OLT.

The applications were deemed as complete on October 17, 2022 and therefore, the applicant may appeal to the OLT at any time.

Financial Implications

There are no direct financial implications as a result of this report.

Communications Considerations

On October 17, 2022, a Notice of Complete Application respecting the Official Plan and Zoning By-law Amendment applications was published in the *Auroran* and *Aurora Banner* newspapers. On June 22, 2023, a Community Information Meeting was held at the Aurora Public Library.

On August 23, 2023, a Notice of Public Planning Meeting was mailed out to all addressed property owners within 120m of the subject lands. In addition, the notice was published in the *Auroran* and *Aurora Banner* newspapers. Signage on the subject lands was posted with information regarding the Public Meeting, with all notification provided in accordance with the *Planning Act*.

Climate Change Considerations

Through the site plan application, the applicant is applying several design elements that will mitigate the impact on GHG emissions such as using cool roof design, incorporating an urban square amenity area and low emission mechanical systems. The project increases the Town's ability to adapt to climate change by incorporating EV

charging capability and water saving technologies into the development, and using native plant species for landscaped areas. This project supports the objectives from the Community Energy Plan, and Section 5 of the Official Plan.

Link to Strategic Plan

The proposed applications support the Strategic Plan goal of Supporting an exceptional quality of life for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Strengthening the fabric of our community: Through the addition of 193 residential units, housing is provided in accordance with the Collaborate with the development community to ensure future growth includes housing opportunities for everyone action item.

Strengthening the fabric of our community: Through the approval of an infill residential development, the Work with the development community to meet intensification targets to 2051 as identified in the Town's Official Plan action item is realized.

Alternative(s) to the Recommendation

1. Refusal of the application with an explanation for the refusal.

Conclusions

Planning and Development Services reviewed the proposed Official Plan and Zoning By-law Amendment applications in accordance with the provisions of the Provincial, Regional, the Town's Official Plan, Zoning By-law and municipal development standards respecting the subject lands. The proposed Official Plan and Zoning By-law Amendment applications are considered to be in keeping with the development standards of the Town. Any technical revisions to the proposed plans will be reviewed by Town Staff prior to site plan approval and the execution of the site plan agreement. Staff recommends approval of the Official Plan OPA-2022-03 and Zoning By-law Amendments ZBA-2022-05.

Attachments

- Appendix A – Draft Official Plan Amendment
- Appendix B – Draft Zoning By-law Amendment

Figure 1 – Location Map

Figure 2 – Existing Official Plan Designation

Figure 3 – Existing Zoning By-Law

Figure 4 – Proposed Site-Specific Official Plan Policy Area

Figure 5 – Proposed Official Plan Amendment

Figure 6 – Proposed Zoning By-law Amendment

Figure 7 – Proposed Site Plan

Figure 8 – Proposed Landscape Plan

Figure 9 – Proposed Front Building Elevations

Figure 10 – Proposed Side Building Elevations

Previous Reports

Public Planning Report No. PDS23-111, dated September 12, 2023.

Pre-submission Review

Agenda Management Team review on June 12, 2024

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer