

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013

Item 17, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 23, 2013.

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**OFFICIAL PLAN AMENDMENT FILE OP.12.013
ZONING BY-LAW AMENDMENT FILE Z.12.031
DRAFT PLAN OF SUBDIVISION FILE 19T-12V006
NONNODESTO INCOME INC.
WARD 4 – VICINITY OF BATHURST STREET AND TESTON ROAD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated April 9, 2013:

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.12.013 (Nonnodesto Income Inc.) BE APPROVED, specifically to amend OPA #600, as amended by site-specific OPA #638, as follows:
 - i) redesignate 1.95 ha of the subject lands, identified as Part “A” on Attachment #3, from “High Density Residential/Commercial” to “Low Density Residential” to facilitate the development of 34 lots for single detached dwelling units, in the manner shown on Attachment #4; and,
 - ii) maintain the current “High Density Residential/Commercial” designation on Part “B” (0.88 ha) of the subject lands, as identified on Attachment #3, which permits as-of-right apartment dwelling units at a maximum density of 250 units/ha, Floor Space Index (FSI) of 2.95, and a maximum building height of 12 storeys.
2. THAT Zoning By-law Amendment File Z.12.013 (Nonnodesto Income Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
 - i) rezone 1.95 ha of the subject lands identified as Part “A” on Attachment #3, from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” and subject to Exception 9(1261) to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwelling units on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwelling units on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer), in the manner shown on Attachment #4; and,
 - ii) maintain the existing RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachment #3, which permits as-of-right site-specific zoning exceptions.
3. THAT the Holding Symbol (H) shall not be removed from Parts “A” and “B”, as shown on Attachment #3 and zoned RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” and RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” as shown on Attachment #4, until the following conditions are addressed, to the satisfaction of the City:
 - c) Vaughan Council shall identify and allocate water supply and sewage servicing capacity to the subject lands.

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4. THAT Draft Plan of Subdivision File 19T-12V006 (Nonnodesto Income Inc.) BE APPROVED, to facilitate a plan of subdivision for 34 lots for single detached dwellings as shown on Attachment #4, subject to the conditions of approval set out in Attachment #1.
5. THAT the subdivision agreement for Draft Plan of Subdivision File 19T-12V006 (Nonnodesto Income Inc.) shall contain a provision requiring the Owner to pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, prior to the issuance of a Building Permit, 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 Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy – 2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation
- Objective 3.2: To develop and sustain a network of roads that supports efficient and accessible public and private transit

Goal 6: To ensure a supportive system for the implementation of the Community Sustainability and Environmental Master Plan

- Objective 6.1: To fully support the implementation of Green Directions at all levels of City operations

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- i) a pedestrian connection to Bathurst Street;
- ii) low flow plumbing fixtures; and,
- iii) efficient Low-E Argon windows.

Economic Impact

There are no requirements for new funding associated with this report.

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Communications Plan

On November 2, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. Deputations, a written submission and petitions, were received from the following:

- a) Mr. Hamid Boland, Lady Nadia Drive, Maple;
- b) Mr. David Elliott, Lady Nadia Drive, Maple;
- c) Ms. Doris Garzon, Torah Gate, Maple;
- d) Ms. Julia Feldman, Lady Nadia Drive, Maple;
- e) Mr. Saurabh Moudgil, Lady Nadia Drive, Maple;
- f) Ms. Rossana Burgos, Chair, School Council, Herbert H. Carnegie Public School, Maple;
- g) Ms. Andrea Kuprejanov-Hatzis, Vanda Drive, Maple;
- h) Ms. Pooja Dhamija, Treasurer, School Council, Herbert H. Carnegie Public School;
- i) Ms. Laura and Mr. Pete Bhoi, Queen Filomena Avenue, Vaughan;
- j) Mr. Michael Albright, Lady Nadia Drive, Maple;
- k) Mr. Steven Bahadoor;
- l) Ms. Belle Yuan, Alysha Way, Vaughan; and,
- m) Mr. Len Hatzis, Vanda Drive, Vaughan.

The following is a summary of the concerns expressed at the Public Hearing (November 27, 2012):

- a) residents did not receive notification on the proposed high density development;
- b) desire to provide input in the design of the high density development;
- c) a better vision for the area should be developed;
- d) the permitted high-rise development would increase traffic and parking into the adjacent residential neighbourhood;
- e) the builder showed the subject lands as all commercial development when homes in the area were originally purchased;
- f) high-rise development should not be permitted; and,
- g) the subject lands should be developed as a park.

Site-specific OPA #638 and the current RA3(H) Apartment Residential Zone with the Holding Symbol "(H)" subject to Exception 9(1261) on the subject lands was approved by Vaughan Council on May 8, 2006 (Official Plan Amendment File OP.05.018 and Zoning By-law Amendment File Z.05.039 - Andridge Homes Five Limited). OPA #638 redesignated the subject lands from "Low Density Residential" with a "Neighbourhood Commercial Centre" overlay to "High Density Residential/Commercial", and permits apartment units at a maximum density of 250 units per hectare, a maximum building height of 12-storeys and a maximum Floor Space Index (F.S.I.) of 2.95 on the subject lands.

Zoning By-law 204-2006 rezoned the subject lands from C4(H) Neighbourhood Commercial Zone with the Holding Symbol "(H)" to RA3(H) Apartment Residential Zone with the Holding Symbol (H) with site-specific zoning exceptions. The Owner is proposing to maintain the "High Density Residential/Commercial" designation and RA3(H) Apartment Residential Zone with the Holding Symbol (H) on Part "B" as shown on Attachment #3. The subject staff report will concentrate on the Part "A" lands to be developed with 34 lots for single detached dwellings.

A future Site Development Application will be required for Part "B" which will be reviewed to ensure appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, waste management, and

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servicing and grading. A Draft Plan of Condominium Application will also be required to create a condominium corporation for the residential apartment building(s).

The recommendation of the Committee of the Whole, to receive the Public Hearing report of November 27, 2012, and to forward a comprehensive report to a future Committee the Whole meeting was ratified by Council on December 11, 2012.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #2 and #3:

1. Official Plan Amendment File OP.12.013 to amend the policies of in-effect OPA #600, as amended by site-specific OPA #638 to:
 - i) redesignate 1.95 ha of the subject lands, identified as Part “A” on Attachment #3, from “High Density Residential/Commercial” to “Low Density Residential” to facilitate the development of 34 lots for single detached dwelling units, in the manner shown on Attachment #4; and,
 - ii) maintain the current “High Density Residential/Commercial” designation on Part “B” (0.88 ha) of the subject lands, as identified on Attachment #3, which permits apartment dwelling units at a maximum density of 250 units/ha, Floor Space Index (FSI) of 2.95, and building height of 12 storeys.
2. Zoning By-law Amendment File Z.12.013 to amend Zoning By-law 1-88, specifically to:
 - i) rezone 1.95 ha of the subject lands identified as Part “A” on Attachment #3, from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwelling units on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwelling units on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer), in the manner shown on Attachment #4; and,
 - ii) maintain the existing RA3(H) Apartment Residential Zone, with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachment #3, which permits as-of-right site-specific zoning exceptions.
3. Draft Plan of Subdivision File 19T-12V006 on Part “A” of the subject lands consisting of the following as shown on Attachment #4:

34 residential lots for single detached dwellings (Lots 1-34)	1.26 ha
1 future high-density residential block (Block 36) (Part “B”)	0.88 ha
1 landscape buffer block (Block 35)	0.05 ha
Municipal Road (Street “A”)	0.63 ha
<u>0.3 m Reserves (Blocks 37-42)</u>	<u>0.01 ha</u>
Total Area	2.83 ha

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Background - Analysis and Options

Location

The subject lands shown on Attachments #2 and #3 are located on the west side of Bathurst Street, south of Teston Road, City of Vaughan. The surrounding land uses are shown on Attachment #3.

Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed the Official Plan Amendment Application to redesignate the subject lands, in light of the following land use policies:

a) Provincial Policy Statement (PPS)

The PPS provides broad based policy direction on matters of Provincial interest related to land use planning and development. The PPS promotes cost-effective development standards to minimize land consumption and servicing costs, while facilitating transit supportive development. It supports and encourages residential intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses that make more efficient use of land and public infrastructure. The applications would facilitate low and high density residential development on a parcel of land with detached and apartment dwelling units, thereby providing a broader range of housing types and accommodation choice than currently permitted on the site. The development will utilize the existing municipal infrastructure efficiently. The proposed development conforms to the goals, objectives and policies of the PPS.

b) Places to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The policies of the Growth Plan are intended to guide the development of land in the Greater Golden Horseshoe; 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. Moreover, the Growth Plan outlines opportunities to make better use of land and infrastructure by directing growth to existing urban areas as well as creating complete communities.

The Growth Plan states that a focus for transit and infrastructure investments to support future growth can be provided by concentrating new development in these areas and creating complete communities.

The proposal is considered infill development within the built up area of Planning Block 12 and will facilitate the development of a vacant lot within a developed area at an overall higher density than currently exists in Block 12. The proposal meets the intent of the Places to Grow Plan.

c) Region of York Official Plan

The Region of York Official Plan designates the subject lands "Urban Area" which permits a wide range of residential, commercial, industrial and institutional uses. Under the partially approved new Regional Official Plan (2010), the subject lands remain designated "Urban Area". However, the Region has introduced policies, although not in full force and effect, that prohibit the reduction of densities without a municipal comprehensive review.

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Through the new Vaughan Official Plan 2010 municipal comprehensive review the subject site was redesignated from “High Density Residential/Commercial” to “Mid-Rise Mixed-Use”. This reduction in density has therefore been assessed through a municipal review and the policies within Volume 2 of the Vaughan Official Plan 2010 permit “Low-Rise Buildings” including but not limited to single-detached dwelling units. In addition, the proposal to reduce the density and to permit low density residential uses complies with the Region’s planned urban structure to reduce high density developments that are not located along a Regional Corridor or in a Regional Centre. In addition, the Community Planning Department of the Region of York identified that the Official Plan Amendment application is a routine matter of local significance. Furthermore, in accordance with Regional Official Plan Policy 7.2.7, it does not adversely affect Regional planning policies or interest. Accordingly, the Region of York has exempted the Official Plan Amendment application from Regional approval by Regional Planning Committee and Council.

d) City of Vaughan Official Plan

The subject lands are designated “High Density Residential/Commercial” by in-effect OPA #600 as amended by site-specific OPA #638 and “Settlement Area” by OPA #604 (Oak Ridges Moraine Conservation Plan). Site-specific OPA #638 designates the entirety of the subject lands (Parts “A” and “B”) “High Density Residential/Commercial” and permits apartment dwelling units with a maximum residential density of 250 units/ha, a maximum building height of 12-storeys, and a maximum Floor Space Index (FSI) of 2.95. The proposal for 34 single-detached residential units on 1.95 ha of the subject lands identified as Part “A” on Attachment #3 does not conform to the Official Plan. The remaining 0.88 ha of the subject lands identified as Part “B” on Attachment #3, for future high density residential uses conforms to the in-effect Official Plan.

Prior to OPA #638, the subject lands were designated “Low Density Residential” with a “Neighbourhood Commercial” overlay by OPA #600. The “Low Density Residential” designation permits the proposed single-detached dwelling units with a maximum permitted net density of 22 units per hectare. The proposal to redesignate Part “A” back to “Low Density Residential” will re-establish the “Low Density Residential” policies within OPA #600 prior to the approval of OPA #638. Therefore, the Development Planning Department is of the opinion that the proposal is appropriate and maintains the original intent of OPA #600 and is compatible with surrounding land uses.

e) Vaughan Official Plan (VOP) 2010

The subject lands are designated “Mid-Rise Mixed-Use” by the new Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The VOP 2010 permits a maximum building height of 12-storeys and maximum density of 3.5 FSI on the entirety of the subject lands (Parts “A” and “B”). The property is also subject to site-specific Policy 13.2 of Volume 2 of the VOP 2010, which was adopted by Vaughan Council on September 7, 2010, and permits Low-Rise Buildings. The development proposal for Portion “A” (34 single detached units) conforms to VOP 2010, and the remainder of the subject lands to maintain the existing “High Density Residential/Commercial” designation on Portion “B” is consistent and conforms with the policies of VOP 2010.

Zoning

The entirety of the subject lands (Parts “A” and “B”) are zoned RA3(H) Apartment Residential

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Zone with the Holding Symbol “(H)” by Zoning By-law 1-88, subject to Exception 9(1261), as shown on Attachment #3. To implement the proposed draft plan of subdivision shown on Attachment #4, an amendment to Zoning By-law 1-88 is required to rezone Part “A” of the subject lands from RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” (single detached dwellings on minimum 12 m frontage lots), RD4(H) Residential Detached Zone Four with the Holding Symbol “(H)” (single detached dwellings on minimum 9 m frontage lots) and OS2 Open Space Park Zone (landscaped buffer) in the manner shown on Attachment #4, and to maintain the existing zoning on Part “B” of the subject lands.

The Owner is proposing to maintain the existing RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” subject to Exception 9(1261) on Part “B” of the subject lands, as identified on Attachments #3 and #4.

The Development Planning Department can support the approval of Zoning By-law Amendment File Z.12.031 as the proposed rezoning would implement the low density residential policies of the new Official Plan (VOP 2010) on Portion “A”, be consistent with the original planning for Part “A” for single detached dwellings in OPA #600, and result in lots and a built form that is compatible with the surrounding residential area. The zoning application would maintain the existing site-specific high density residential zoning requirements on Part “B” of the subject lands, including a maximum building height of 38.5 m (12 storeys).

Subdivision Design

The proposed draft plan of subdivision shown on Attachment #4 is comprised of 34 residential lots for single detached units (Lots 1 – 34), a 0.88 ha block for future high density residential (Block 36) and a 0.05 ha landscaped buffer block (Block 35) adjacent to Bathurst Street. The property has a residential developable area of 2.81 ha and a frontage of 180 m along Bathurst Street. The future Street “A” as shown on Attachment #4 will be conveyed to the City as a public road. The Owner will be required to revise the approved Block 12 Community Plan to reflect the proposed lotting and street pattern, if approved. A condition to this effect is included in the Conditions of Draft Approval on Attachment #1. The proposal will result in development that is compatible with the existing surrounding low density residential land uses.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the applications and provided the following comments:

i) Servicing Allocation Capacity

Servicing allocation capacity for the subject applications has not been reserved nor assigned potential future capacity in conjunction with the last annual servicing capacity report that was approved by Council on June 26, 2012. Therefore, servicing allocation capacity is not available for this draft plan of subdivision at this time. A Holding Symbol “(H)” will be placed on the subject lands through the related Zoning By-law Amendment File Z.12.031, and the Owner will be required to enter into Agreements of No-Sale with the City. A condition to this effect is included in the recommendation of this report in the Conditions of Draft Approval on Attachment #1.

The City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol in Fall 2013. The availability of servicing allocation capacity for the subject development applications will be considered at that time based on the City’s servicing allocation protocol.

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ii) Environmental Site Assessment (ESA)

Based on our Environmental Engineer's review and memorandum dated January 9, 2013, the City of Vaughan Development/Transportation Engineering Department is satisfied with the proposed sampling and analysis plan (SAP) provided by SPL. As such, the development application may proceed with the condition that a Phase Two Environmental Site Assessment (ESA) presenting the results of the SAP (and any remediation if required) be provided to the City for review and approval prior to final approval of the Draft Plan of Subdivision. Conditions of approval to this effect are included in Attachment #1.

iii) Municipal Servicing

The proposed Draft Plan of Subdivision is serviced by storm sewers, sanitary sewers and watermain that connect to existing services located on Torah Gate that were constructed as part of the Block 12 Spine Services, and as such, future connection points are available at the limits of the property.

The municipal services for this development shall be in accordance with the approved Block 12 Master Environmental Servicing Plan and Environmental Impact Statement Addendum dated September 1999 (Revised October 2001) and Addendum dated August 2003, all prepared by Malone Given Parsons.

iv) Lot Grading

The subject lands (Parts "A" and "B") have been graded in accordance with the overall grading plans for Block 12.

v) Streetlighting

The streetlighting design shall meet the City's Criteria and Design Standards, and the streetlighting poles and luminaire are consistent with other developments within Block 12 (Trafalgar pole and decorative arm and luminaire).

vi) Noise Attenuation

The subject development is located along Bathurst Street (east), Torah Gate (west), a commercial use (north), and is in proximity to Teston Road. Noise from these facilities impacts the living environment of a number of units in the Plan, therefore noise attenuation measures are being proposed. The applicant has submitted a report "Environmental Noise Analysis, Block 12, Nonnodesto Subdivision", dated August 3, 2012, and amended on December 21, 2012, which recommends a combination of a 0.3m high berm and a 2.4 m high acoustic fence on top of the berm for Lot #12 to meet the 58 dBA acceptable noise level. The 2.4m high acoustic fence and berm is to merge with the existing 2.4m high acoustic fence between the commercial property to the north and the proposed subdivision. In addition to the 1.8m high acoustic fence to attenuate traffic noise on Torah Gate and Bathurst Street for Lots 1,13, 16, 25 and 26 and mandatory air conditioning for Lots 1 to 16 inclusive and provision for adding air conditioning for Lots 25 and 26, and all necessary warning clauses as per the approved noise report.

Vaughan Cultural Services Division

The Vaughan Cultural Services Division has no objections to the approval of the subject applications and advises that the lands have been cleared of concern for archaeological resources.

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Parkland Dedication

The Owner will be required to pay cash-in-lieu of parkland in accordance with the recommendation in this report.

School Boards

The York Region District School Board, York Catholic District School Board, and Conseil Scolaire de District Catholique Centre-Sud, have no objections to the subject development applications, and require no conditions.

Canada Post

Canada Post Corporation has no objection to the proposed development applications, subject to the conditions of subdivision approval provided in Attachment #1.

Enbridge Gas Distribution Inc.

Enbridge Gas Distribution Inc. has no objection to the proposed development applications, subject to the conditions of subdivision approval provided in Attachment #1.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

iii) Lead and Promote Environmental Sustainability

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes City waste pick-up, including organic waste and recycling, which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

iv) Plan and Manage Growth & Economic Vitality

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

The Community Planning Department of the Region of York is of the opinion that the proposed Official Plan Amendment application is a routine matter of local significance. Furthermore, in accordance with Regional Official Plan Policy 7.2.7, the proposal does not adversely affect Regional planning policies or interest. Accordingly, the Region of York has exempted the Official Plan Amendment application from approval by Regional Planning Committee and Council. The Region of York has no objection to the approval of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications, subject to the conditions of subdivision approval provided in Attachment #1.

Conclusion

The Vaughan Development Planning Department has reviewed Official Plan Amendment File

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OP.12.013, Zoning By-law Amendment File Z.12.031 and Draft Plan of Subdivision File 19T-12V006, in accordance with the applicable Provincial policies, Regional and City Official Plan policies, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The applications will facilitate a low density residential development form on Part "A" (34 lots for detached dwellings) that is consistent and compatible with the surrounding land uses, while maintaining the site-specific high density residential Official Plan and Zoning By-law permissions on Part "B" of the applicant's lands.

Accordingly, the Development Planning Department can support the approval of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, subject to the conditions of approval set out in the recommendation of this report.

Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning and Draft Plan of Subdivision File 19T-12V006

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)