

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

5

**OFFICIAL PLAN AMENDMENT FILE OP.13.003
ZONING BY-LAW AMENDMENT FILE Z.13.005
PORTSIDE DEVELOPMENTS (KIPLING) INC.
WARD 2 - VICINITY OF KIPLING AVENUE AND REGIONAL ROAD 7**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated June 17, 2014, be approved; and**
- 2) That the following deputations and Communication be received:**
 - 1. Mr. Jeffrey E. Streisfield, Land Law, and Communication C1, dated June 11, 2014;**
 - 2. Mr. Michael Manett, Michael S. Manett Planning Services Inc., Foxwood Road, Thornhill; and**
 - 3. Mr. Nick Pinto, West Woodbridge Homeowners Association Inc., Mapes Avenue, Woodbridge.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

- 1. THAT Official Plan Amendment File OP.13.003 and Zoning By-law Amendment File Z.13.005 (Portside Developments (Kipling) Inc.), BE REFUSED.**
- 2. THAT City Staff and external consultants be directed to attend the Ontario Municipal Board Hearing in support of the refusal.**

Contribution to Sustainability

To date, the owner has not identified any site or building sustainable development features.

Economic Impact

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

Communications Plan

On August 9, 2013, a Notice of Public Hearing (for the September 3, 2013 meeting) was circulated to all property owners within a modified polling area, extending beyond the statutory 150 m required by the Planning Act as shown on Attachment #2, and to the West Woodbridge Homeowners' Association and 6 residents that requested notification of the Public Hearing. A copy of the Notice of the Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice sign installed on the property.

On June 3, 2014, a notice of this Committee of the Whole meeting (June 17, 2014) was also mailed to all those individuals that have requested notification of these applications.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 2

a) Public Comments

On June 20, 2013, correspondence was received from neighbouring homeowners expressing concerns about the proposed density of the project, traffic generated by the development, and the adverse impact that would result on emergency response time in the event of an emergency/disaster.

At the Public Hearing on September 3, 2013, several residents addressed the Committee of the Whole and correspondence was received by the Planning Department in opposition to the applications that generally expressed the following concerns:

- the proposal will create instability and destroy the neighbourhood's fabric, character and integrity
- the proposal does not conform to Official Plan Amendment #240 (Woodbridge Community Plan)
- the proposal does not respect and/or reinforce the existing surrounding physical character of the neighbourhood, which is predominantly low-rise residential (single detached dwellings)
- the subject lands are not located within an intensification area as identified in the City's Vaughan Official Plan 2010
- the proposal is not consistent with the Provincial Policy Statement (PPS)
- the proposal will set a precedent for other lands on the street
- the proposal is too dense and the building is too high and not appropriate for this area
- the proposal will increase traffic and noise on Kipling Avenue, raise safety concerns and place a strain on infrastructure
- the proposal will impact upon the environment and the natural habitat for wildlife

On September 17, 2013, Vaughan Council adopted the recommendation of the Committee of the Whole (Public Hearing) of September 3, 2013, as amended, to receive the Public Hearing report and forward a comprehensive technical report to a future Committee of the Whole with the following amendment:

"WHEREAS the Applicant has applied to amend the City's Official Plan and has also applied to amend the City's zoning by-law to implement its proposal amendment to the Official Plan;

AND WHEREAS Council will take a position on the merits of both applications once it has considered with an open mind all relevant input, including the Applicant's input, the public's input and staff's input and recommendations;

AND WHEREAS the Applicant has already appealed the zoning by-law applications to the Ontario Municipal Board prior to the public meeting, without its own Official Plan Amendment application;

AND WHEREAS proper public participation and Council's review and decisions on applications are vital to the proper function of the land use planning regime in Ontario;

AND WHEREAS Council and the Ontario Municipal Board have many other applications to address in accordance with the Planning Act, and these applications have not been through the development planning review process;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 3

THIS COUNCIL HEREBY RESOLVES:

That when appropriate the Local Councillor convene a community meeting to discuss the application and that the Mayor and Regional Councillors be included in such a meeting; and,

That this resolution be circulated to the TRCA and the Region of York.”

As the proposed development has not changed from that shown at the Public Hearing, the Local Councillor has advised Planning Staff that a community meeting is not necessary, prior to the consideration of the subject report by the Committee of the Whole.

Purpose

The applicant seeks approval from the Committee of the Whole for the following applications to permit the development of the subject lands shown on Attachments #1 and #2 with a 9-storey apartment building containing 162 residential units and 208 underground parking spaces as shown on Attachments #3 to #5:

1. Official Plan Amendment File OP.13.003, specifically to amend OPA #240 (Woodbridge Community Plan) to:
 - a) incorporate the subject lands, which have been deleted from the Parkway Belt West Plan, into Neighbourhood 1 of OPA #240 (Woodbridge Community Plan);
 - b) to redesignate the subject lands to “High Density Residential” (developable land) and “Open Space” (valley land); and,
 - c) to increase the maximum permitted density in the “High Density Residential” designation from 99 uph (60 units) to 266 uph (162 units), based on the development limits identified by the owner (not confirmed by the Toronto and Region Conservation Authority).
2. Zoning By-law Amendment File Z.13.005 to amend Zoning By-law 1-88, specifically to rezone the subject lands from PB1 Parkway Belt Open Space Zone to RA2 Apartment Residential Zone (developable land to be confirmed) and OS1 Open Space Conservation Zone (valleyland to be confirmed) together with the following site-specific zoning exceptions:

TABLE 1

	By-law Standard	By-law 1-88 Requirements, RA2 Apartment Residential Zone	Proposed Exceptions to By-law 1-88, RA2 Apartment Residential Zone
a.	Minimum Lot Area (Developable Portion)	12,960 m ²	6,100 m ²

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 4

b.	Minimum Parking Requirement	162 units @ 1.5 spaces/ dwelling unit = 243 + 162 units @ 0.25 visitor spaces/ dwelling unit = 41 spaces Total Parking Required = 284 spaces	162 units @ 1.08 spaces/dwelling unit = 175 spaces + 162 units @ 0.2 visitor spaces/unit = 33 spaces Total Parking Proposed = 208 spaces
c.	Minimum Landscape Strip Width Along a Street Line (Kipling Avenue)	6.0 m	Ranges between 1.0 m and 3.5 m, as shown on Attachment #3
d.	Minimum Front Yard Setback (Kipling Avenue)	7.5 m	3.5 m
e.	Minimum Building Setback to Portions of Building Below Grade Along Kipling Avenue (Front Yard)	1.8 m	0 m
f.	Loading Space Requirements	No loading space shall be permitted between a building and a street	Permit a loading space in the Front Yard between the building and Kipling Avenue
g.	Minimum Amenity Area	5,375 m ²	640 m ²
h.	Maximum Width of an Access Driveway	7.5 m	13.92 m (2 driveways of 6.96 m each)
i.	Maximum Building Height	A mechanical room is excluded from the calculation of the maximum building height	Permit a floor comprised of a mechanical room and an enclosed amenity space room to be excluded from the calculation of the maximum building height

Zoning By-law 1-88 and the Ontario Building Code provide exemptions for mechanical rooms being considered as a storey. The proposed building includes a large mechanical penthouse

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 5

level and the floor plan indicates that most of this level will be used as an enclosed amenity space room. Under Zoning By-law 1-88, the amenity space provided on this floor would constitute an additional storey. The agent for the owner has advised that the exact use for this level has not been determined and that the plan may be revised to reduce the overall size of this level. However, given the current information on the plans submitted by the owner in support of the applications, the proposed building is considered to be 9-storeys in height, as defined by Zoning By-law 1-88, and not the 8-storeys that the applicant has been indicating.

Background Analysis and Options

In 1996, the Minister of Municipal Affairs considered an application to delete the subject lands and three other neighbouring properties on Kipling Avenue from the Parkway Belt West Plan, specifically the tableland portion approximately 3.14 ha in size. The remaining 2.3 ha of area located below the top of bank would remain in the Parkway Belt West Plan. The tableland portion for the subject site is identified as those lands lying east of the top-of-bank, as shown on Attachment #3, which must be confirmed by the TRCA.

Application Submission

At the time of the preparation of this report, the City and external public review agencies had received and reviewed only the original complete application submission including the plans and documents submitted by the owner. Accordingly, all comments received on the applications and the zoning exceptions identified in Table 1 are based on the original February 27, 2013, complete application submission. This submission was also considered by Vaughan Council at the Public Hearing on September 3, 2013, and reviewed by the Vaughan Design Review Panel on October 25, 2012.

To date, the owner has not provided a new submission or the additional information required to respond to the outstanding comments from various City departments and external commenting agencies. In particular, the owner has not addressed comments regarding the actual height of the building, sustainable features, parking and traffic justification and the establishment of the development limits of the subject lands.

On May 8, 2014, the owner and their representatives, City Planning staff and Toronto and Region Conservation Authority (TRCA) staff held a meeting as directed in the Ontario Municipal Board Pre-hearing Order of March 27, 2014, to discuss the outstanding information and comments. At the meeting, the owner confirmed that the actual height of the building is 9-storeys instead of the original 8-storeys proposed, and indicated that a list of sustainable features will be provided.

Comments have been provided by City Departments and external agencies that require revisions to the plans and/or studies or require additional information, as follows:

- A Traffic Signage Plan
- A revised Traffic Study Report
- A revised Transportation Tomorrow Survey (TTS)
- A revised Parking Study
- A Phase 1 Environmental Site Assessment Study
- A revised Geotechnical Report
- A revised Environmental Impact Study (EIS)

At the time of the preparation of this report, the owner had not responded to these requirements. In particular, the development limits of the subject lands have not been determined to the satisfaction of the TRCA as identified in their letter dated June 10, 2013.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 6

Location

The subject lands shown on Attachments #1 and #2 are located on the west side of Kipling Avenue, south of Regional Road 7, known municipally as 7476 Kipling Avenue, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Appeal to the Ontario Municipal Board (OMB)

On March 5, 2013, the owner appealed Volume 1 and Volume 2 of the Vaughan Official Plan (VOP 2010) on the basis that no decision was made on the Official Plan within 180 days as outlined in the Planning Act. Specifically, the owner appealed the policies that apply to the subject lands (7476 Kipling Avenue) as they do not permit “Mid-Rise Residential”, the form of development proposed on the subject lands.

On July 29, 2013, and September 12, 2013, the owner appealed their Zoning By-law and Official Plan Amendment applications, respectively, to the Ontario Municipal Board (OMB), pursuant to Sections 34(11) and 22(7) of the Planning Act, respectively, citing that the City of Vaughan failed to make a decision on the applications within the timeframes prescribed by the Planning Act.

An OMB Pre-hearing was held on March 27, 2014, with a second Pre-Hearing conference scheduled for October 6, 2014, at which time an OMB hearing is expected to be scheduled.

Planning Considerations

Land Use Context

The subject lands are located towards the south end of Kipling Avenue, which terminates north of the Humber River valleylands, north of Highway #407 and provides the only road access to and from the subject lands and the surrounding community from Regional Road 7 to the north. The site is surrounded by large lot single detached dwellings and Parkway Belt open space lands. An existing residential dwelling and an Italian Cultural Club (Ciociara Cultural Centre) are located south of the subject lands. The Veneto Centre (a social centre) is located on the east side of Kipling Avenue, set back approximately 160m from the street and screened by significant vegetation. Existing residential dwellings and a place of worship (Minime Sisters of the Passion) are located on the east side of Kipling Avenue. The Veneto Centre and the place of worship are both located on provincially owned open space lands. The area surrounding the subject lands is heavily treed and this section of Kipling Avenue has a rural street profile that is un-serviced, ditched and with no curbs.

Approximately 130 m north of the subject lands is an existing residential community characterized by detached dwellings as shown on Attachment #2. There are no existing semi-detached, townhouse, stacked townhouse or apartment buildings in the surrounding residential community located to the north, east and west of the subject lands.

The physical boundary of the residential community is defined by the Rainbow Creek valley corridor to the west, the Humber River valley corridor to the east, Regional Road 7 and 10 local streets to the north including Coles Avenue, Angelina Avenue, Sara Street, Nadia Avenue, Tasha Court, Hawman Avenue, Graceview Court, Starview Gate, Veneto Drive and Dalmato Court.

Kipling Avenue is a dead-end street at the south limit of this community and provides the only road access to and from the residential community and the lands to the south, out to Regional Road 7 to the north. The nearest transit location and intensification or built-up area is on Regional Road 7, which is located approximately 750 m from the centre of the site. The southwest corner of Regional Road 7 and Kipling Avenue (approximately 750 m north of the

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 7

subject lands) is developed with a 12-storey condominium apartment building with ground floor commercial uses fronting onto Regional Road 7 and with access from Kipling Avenue. The southeast corner of Regional Road 7 and Kipling Avenue is zoned C6 Highway Commercial Zone and is developed with an existing Petro Canada service station.

Analysis

The Planning Department has reviewed the applications to amend the Official Plan and Zoning By-law 1-88 and is of the opinion that they do not represent good planning, do not contribute to appropriate City building, and are not in the public interest, for the following reasons:

a) Planning Act

Section 2 of the *Planning Act* states that the Council of a municipality in carrying out their responsibilities shall have regard to, among other matters, matters of Provincial interest such as:

- the orderly development of safe and healthy communities
- the co-ordination of planning activities and public bodies
- the appropriate location of growth and development
- the adequate provision of a full range of housing
- the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians

Section 3(5) also requires that a decision of Council of a municipality in respect of the exercise of any authority that affects a planning matter:

- shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and,
- shall conform to the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The applications do not satisfy these requirements of the Planning Act as discussed below in the following sections.

b) Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development and sets the policy foundation of regulating the development and use of land. The PPS is supportive of intensification provided that it is planned and coordinated within built-up areas that have a compact form, mix of uses and densities that allow for the efficient use of land infrastructure and public service facilities. Policy 1.1.3.3 states that “planning authorities” shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. In addition, Planning authorities must establish and implement minimum targets for intensification and redevelopment within built-up areas in accordance with Provincial targets.

The PPS defines “Intensification” as follows:

“Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 8

- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and,
- d) the expansion or conversion of existing buildings.”

The PPS further defines “Residential Intensification” as follows:

“Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.”

The proposal would represent a redevelopment and intensification of 7476 Kipling Avenue as defined by the PPS as the applications would facilitate the creation of new residential units on a site in an existing low density residential community at a much higher density. The PPS directs that municipalities identify opportunities for intensification and redevelopment where it can be accommodated within the municipality. This policy inherently recognizes that intensification and redevelopment is not appropriate in all locations and that there are areas that are identified to change through intensification and redevelopment and that there are areas that are intended to remain stable.

The PPS places the responsibility for the identification of opportunities for substantial intensification and redevelopment with planning authorities, which is implemented through Official Plans and Zoning By-laws. The residential neighbourhood located to the north, south, west and east of the subject lands is described in the Land Use Context section of this report as being physically stable, characterized by detached dwellings and provincially owned open space lands. The lands are not intended to be intensified in the City's Official Plan or Zoning By-law. The subject lands were originally located within the Parkway Belt West Plan, and were released from the plan in 1996. OPA #240 (Woodbridge Community Plan) states that the subject lands may be incorporated into the adjacent neighbourhood (Neighbourhood 1) without an amendment only if planned for low density residential uses that are compatible with the adjacent low density residential uses. The proposed development is not compatible with the adjacent low density residential community.

The PPS (Section 1.2.1) is supportive of a coordinated, integrated and comprehensive approach when dealing with planning matters within built-up areas. The City of Vaughan has undertaken a coordinated, integrated and comprehensive approach to managing and promoting redevelopment and intensification for the City of Vaughan including the subject lands by undertaking a City-wide comprehensive Official Plan review, that culminated in Vaughan Official Plan 2010 (VOP 2010), which has been adopted by Vaughan Council, endorsed by Region of York Council, and substantially approved by the OMB. VOP 2010 does not recognize the subject lands as an intensification area and designates the property “Low Rise Residential” (developable portion) and “Natural Area” (valley lands).

The proposed development does not conform to the policies of the PPS with respect to planned and coordinated intensification as the proposed 9-storey building comprised of 162 residential

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 9

units with an FSI of 2.25 at this location on Kipling Avenue, which has a rural road cross-section, is unserviced and is located south of a community developed solely with detached dwelling units is not in the public interest and is not consistent with the policy direction of the PPS. Furthermore, the proposed development would set an undesirable precedent for other landowners in the area to submit similar proposals.

Policy 4.5, Implementation and Interpretation of the PPS states:

“The official plan is the most important vehicle for implementation of this Provincial Policy Statement.

Comprehensive, integrated and long-term planning is best achieved through municipal official plans. Municipal official plans shall identify provincial interests and set out appropriate land use designations and policies. Municipal official plans should also coordinate cross-boundary matters to compliment the actions of other planning authorities and promote mutually beneficial solutions.

Municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of a municipal official plan.”

The Planning Act states that the appropriate location of growth and redevelopment to be a matter of Provincial interest and the PPS states that official plans shall provide policies to protect Provincial interests. Policy 4.5 identifies that the mechanism through which Provincial interest is protected is the municipal official plan by setting appropriate land use designations and policies by directing development to suitable areas. Both OPA #240 (Woodbridge Community Plan) as amended, and VOP 2010 provide clear land use direction with respect to the subject lands. Neither OPA #240 or VOP 2010 identify the subject lands or the immediate area for the intensification or redevelopment proposed.

The subject lands front onto a rural road cross-section and unserviced part of Kipling Avenue, south of an existing stable residential community characterized by low density single detached dwellings and is not appropriate for the proposed form of intensification. VOP 2010 clearly sets out Intensification Areas, with attainable policies to implement and protect provincial policies and direct development to suitable areas. Approval of the subject applications would introduce intensification that is located outside of the intensification areas outlined in the City’s VOP 2010 and a built form that is inappropriate in this context, and therefore, causing instability in this stable residential neighbourhood.

Section 1.1.3.3 (in part) of the PPS also states that planning authorities shall identify and provide opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposal does not take into account the existing building stock or area as it is in sharp contrast to all existing buildings in this community and there are no planned infrastructure or public service facilities in this area.

Section 1.6.3 of the PPS also states (in part):

“Before consideration is given to developing new infrastructure and public service facilities:

- a) the use of existing infrastructure and public service facilities should be optimized.”

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 10

The proposal requires the construction of new municipal services (sewer, water and road improvements), whereas the existing infrastructure cannot be utilized to accommodate intensification, which should occur in designated areas such as Regional Road 7. Section 1.6.6.2 further states that intensification and redevelopment within settlement areas on existing municipal services and municipal water services should be promoted, wherever feasible.

c) Places to Grow: The Growth Plan for the Greater Golden Horseshoe

The applications are required to conform to The Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan identifies how and where growth and development will occur within the Greater Golden Horseshoe. It establishes policies that address, among other matters, land use planning, urban form, housing, transportation and infrastructure.

Section 2.2.2.1 of the Growth Plan states (in part) that population and employment growth will be accommodated by, “b) focusing intensification in intensification areas.” The Growth Plan utilizes the same definition for “intensification” and “redevelopment” as the PPS. The Growth Plan defines an “intensification area” as:

“Lands identified by municipalities or the Minister of Infrastructure within a settlement area that are to be the focus for accommodating intensification. Intensification areas include urban growth centres, intensification corridors, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings and greyfields.”

The Growth Plan states that intensification areas are the focus for accommodating intensification, and not all locations in the municipality. The identified intensification areas are intended for intensification and change while those areas outside of the identified intensification areas are not. The subject lands, which front onto a section of Kipling Avenue with a rural road cross section, are located within an existing stable low density community, and have not been identified as an area to accommodate intensification.

Section 2.2.3.6 of the Growth Plan, General Intensification, states (in part):

“All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target. This strategy and policies will:

- a) be based on the growth forecasts contained in Schedule 3, as allocated to lower-tier municipalities in accordance with policy 5.4.2.2;
- b) encourage intensification generally throughout the built-up area;
- c) identify intensification areas to support achievement of the intensification target.”

Section 2.2.3.7 of the Growth Plan also states that (in part):

“All intensification areas will be planned and designed to:

- f) achieve an appropriate transition of built form to adjacent areas.”

Therefore, Policy b) above encourages intensification generally throughout the built-up area, however, Policy c) above, states that the Growth Plan requires municipal official plans to identify intensification areas to support and to meet the municipality’s intensification targets. VOP 2010 identifies specific Intensification Areas to meet the Growth Plan requirements. In addition, OPA #661 also identified an intensification corridor along Regional Road 7 that does not include the subject lands. The subject lands have not been identified by the municipality for redevelopment or intensification in the form proposed by the subject applications. Policy f) requires

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 11

intensification to achieve an appropriate transition of built form to adjacent areas. The lands are located on a portion of Kipling Avenue that has a rural road cross section that terminates midway to Steeles Avenue, and the lands are also south of a stable low density residential community that is designated “Low Density Residential” by OPA #240 and “Low-Rise Residential” by VOP 2010. Therefore, the policy framework does not support the built form proposed by the applicant for this portion of Kipling Avenue. In addition, the lands are not identified as an intensification area.

The proposal, if approved, would introduce instability into a stable residential community by establishing a built form, which is out of character with development within the existing development. It would also introduce intensification in an area that is not consistent with the policies of the Growth Plan, clearly not identified in the City’s in-effect or Vaughan Council adopted and approved Official Plans, and could encourage similar or a more intense form of redevelopment and intensification in the area.

The Growth Plan and the Region’s intensification strategy places the onus on the upper tier and local municipalities to decide where and how to accommodate growth and intensification. Through VOP 2010, the City has adopted a municipal official plan that identified intensification areas of which the subject lands were not included. The applications are not consistent with the City’s intensification strategy as required by the Growth Plan.

As directed by the Growth Plan, intensification is to be implemented by way of municipal Official Plans. The City has undertaken a comprehensive planning study that lead to the Vaughan Council adoption (and endorsed by the Region of York) of OPA #661 and VOP 2010, that has implemented an intensification strategy that responds to the requirements of the Growth Plan and is sensitive to the needs and requirements of all of Vaughan’s existing and future residents.

For the reasons noted above, the applications do not conform to the Growth Plan policies identified above.

d) Region of York Official Plan

The Region of York Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing on September 7, 2010, and appealed to the Ontario Municipal Board (OMB). Since that time, the York Region Official Plan - 2010 has been partially approved by the OMB. The subject lands are designated as “Urban Area” and “Regional Greenland System” on Map 1, Regional Structure. The Region of York Official Plan includes the following policies (in part) respecting intensification and transition with adjacent lands:

“5.2.5.8 To employ the highest standard of urban design, which:

- b. complements the character of existing areas and fosters each community’s unique sense of place;
- d. promotes landscaping, public spaces and streetscapes;
- e. ensures compatibility with and transition to surrounding land uses; and,
- f. emphasizes walkability and accessibility through strategic building placement and orientation”; and,

Section 5.3 “Intensification” of the YROP indicates that intensification will occur in strategic locations in the built-up areas to maximize efficiencies in infrastructure delivery, human services provision and transit ridership. These strategic locations are based on an intensification framework that recognizes that the highest density and scale of development will occur in the Regional Centres and Regional Corridors, and that the local municipality must have the authority to determine their own appropriate intensification areas taking into consideration the existing built form policies and Provincial targets without setting an adverse precedent for future development that will detract from the underlining intent of the City’s Official Plan.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 12

Furthermore, the location of the subject lands is not within a generally acceptable walking distance to public transit. Section 5.3.4 indicates that the distance to a transit stop in the Urban Area is within 500 m (a 5 to 10 minute walk) for 90% of the residents and no more than 200 metres for 50% of the residents. The north limit of the subject site is approximately 700 m away from the nearest transit location along Regional Road 7.

YROP Section 5.3.6 states that “intensification areas be planned and designed to achieve an appropriate transition of built form to adjacent areas.” The official plan does not permit the proposed development as it is not compatible with the surrounding neighbourhood and does not represent an appropriate development of the subject lands since the scale of the development proposed is not consistent or compatible with the existing community, or the planned development envisaged by OPA #240. Furthermore, the new City of Vaughan Official Plan VOP 2010, which represents a comprehensive review of the City’s Official Plan, does not support intensification for the subject lands, and therefore, is not consistent with the above-noted policies in the Regional Official Plan.

The York Region Transportation and Community Planning Department has indicated that they do not support the Official Plan Amendment application and have provided the following comments:

“The application was considered by the Regional Development Review Committee comprised of staff from Regional Departments and the following comments are provided:

i) Woodbridge Community Plan (OPA #240) and VOP 2010

The subject lands were removed from the Parkway Belt West Planning Area and Section 3.2(h) of the Official Plan stipulates that lands south of Regional Road 7 may be incorporated into Neighbourhood 1 designation without an amendment to the Plan and that these lands shall be compatible with the adjacent low rise land uses.

The 2010 Vaughan Official Plan designates the site “Low Rise Residential” and “Natural Area”. According to VOP 2010 mid-rise development should generally be located within the “Intensification Areas”, as outlined in Schedule 1- Urban Structures and be compatible with adjacent uses in the area. The proposed 9-storey residential building is not consistent with the adjacent residential community and is not within an Intensification area outlined in Chapters 5, 6, and 7 of the Regional Official Plan that the proposal must conform with. In particular, Section 5.3.3 of the plan stipulates the requirement of Official Plans to identify the role of each of the following: Regional Centres, Regional Corridors, GO Transit train stations and bus terminals and subway stations, Local Centres and Corridors, other major streets, local infill and secondary suites. In this regard, the Vaughan Official Plan has identified seven “Intensification Areas” of which this site is not included.

ii) York Region Official Plan (Ontario Municipal Board Partial Approval, June 2013)

The subject lands are designated “Urban Area” and ‘Regional Greenlands System” in the York Region Official Plan (Ontario Municipal Board Partial Approval, June 2013). The Region has a detailed growth management approach outlined in Chapters 5, 6, and 7 of the Regional Official Plan that the proposal must conform with. In particular, Section 5.3.3 of the plan stipulates the requirement of Official Plans to identify the role of each of the following: Regional Centres, Regional Corridors, GO Transit train stations and bus terminals and subway stations, Local Centres and Corridors, other major streets, local infill and secondary suites. In this regard, the Vaughan Official Plan has identified seven “Intensification Areas” of which this site is not included. The development is not within the generally accepted walking distance to public transit; the nearest transit location being along Regional Road 7, located approximately 700 metres away.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 13

Height, density and compact form of the magnitude proposed should be directed to the appropriate “Intensification Areas” as outlined in the Vaughan Official Plan or Regional Centres and Corridors in the Regional Official Plan. Policies relating to the Region’s Centres and Corridors can be found in Section 5.4 of the Regional Official Plan.

The lands are designated “Regional Greenlands System” under Policy 5.1.5 of the Regional Official Plan, to have their boundaries further defined through local Official Plans: integrating the system into community design. A portion of the site will remain in its natural state with an “Open Space” designation complying with this policy.

Regional Staff does not support the Official Plan Amendment as proposed. The applicant is encouraged to refine the proposal to be more in keeping with the 2010 Vaughan Official Plan and Region’s Official Plan.”

e) Vaughan Official Plan Amendment #240 (Woodbridge Community Plan)

The subject lands are located outside of Neighbourhood 1 as identified on Schedule 1 of the in-effect OPA #240 (Woodbridge Community Plan). These lands were previously located within the Parkway Belt West Plan, and have since been released from the Plan by the Province. Section 3.2 General Policies (h) of OPA #240 states (in part):

“ Any lands south of Highway #7 may be incorporated into Neighbourhood 1 without an amendment to this plan should they be released from the Parkway Belt West Plan. The lands fronting Kipling Avenue may be used for residential purposes only, compatible with adjacent residential uses, and shall be subject to a comprehensive plan.”

The lands are located on a portion of Kipling Avenue that has a rural cross-section and terminates midway to Steeles Avenue, and are also located south of an existing stable residential community developed with detached dwellings and designated “Low Density Residential” by in-effect OPA #240. The appropriate land use designation is one that is compatible with the neighbouring land uses. A general goal of OPA #240 is to create a distinctive residential community of a scale and character that will relate well to the existing village of Woodbridge, and possess a strong sense of community identity. A residential land use goal of OPA #240 is to arrange the social, physical, and economic facilities and services necessary for the proper functioning of the community in such a way as to provide optimum convenience, efficiency, safety, and attractiveness to the present and future population, and to provide for a predominantly low density housing community.

The proposed 9-storey apartment building with 162 residential units, a residential density of 266 uph and an FSI of 2.25 does not conform to OPA #240 and is not appropriate for this location. The intent of OPA #240, specifically Section (h) is to redesignate the subject lands, once released from the Parkway Belt West Plan to “Low Density Residential” to facilitate consistent with the adjacent residential designation and to maintain the low density area and the stability of the single family detached neighbourhood. This is further reinforced through VOP 2010, which maintains a “Low Rise Residential” designation on the subject lands.

f) City of Vaughan OPA #661 (An Amendment to OPA #240)

Official Plan Amendment #661, The Avenue Seven Land Use Futures Study was a comprehensive land use plan for lands 200 m north and south of Regional Road 7 (this amendment did not reach as far south to the subject lands) and was approved to establish (in part) a transit supportive land use that includes a series of urban centres that provides broad direction to public and private sectors with respect to street and block patterns, land use, building

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 14

height and density, and urban design. The objective of OPA #661 was to recognize Regional Road 7 as a major intensification corridor that would provide a higher level of density and intensification consistent with the policies of OPA #661. OPA #240 as amended by OPA #661, and followed by VOP 2010, has not identified the subject lands for high density development.

g) City of Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “Low-Rise Residential” (developable lands) and “Natural Area” (valley lands and woodlot) by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified by Council 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 was approved, in part, by the Ontario Municipal Board on July 23, 2013, December 2, 2013, and February 3, 2014. VOP 2010 is now substantially in effect. VOP 2010 represents Vaughan Council’s most current vision for the development of the City of Vaughan and the City’s only comprehensive city-wide policies for accommodating intensification and directing it to appropriate locations as required by the PPS and the Growth Plan.

The “Low Rise Residential” designation permits detached, semi-detached and townhouse dwelling units with a maximum building height of three-storeys, subject to specific compatibility criteria. VOP 2010 defines a “Mid-Rise Building” as a building over 5-storeys in height and up to a maximum of 12-storeys. VOP 2010 permits mid-rise buildings only in the “Mid-Rise Residential”, “Mid-Rise Mixed Use”, “High-Rise Residential”, and “High-Rise Mixed Use” designations. Section 9.2.2.3, “Mid-Rise Residential” of VOP 2010 states that Mid-Rise Residential areas and developments such as the one proposed by the owner should be generally located within Intensification Areas, shall be planned to consist primarily of residential buildings and help achieve the City’s population and intensification targets.

The City has undertaken a comprehensive Official Plan review that has lead to the approval of VOP 2010 by Vaughan Council and which has been endorsed by the Region of York and is substantially approved by the OMB. VOP 2010 implements an intensification strategy that responds to the requirements of the Growth Plan and is sensitive to the needs and requirements of all of Vaughan’s existing and future residents. VOP 2010 identifies seven different categories for Intensification Areas, as shown on Schedule 1 “Urban Structure”. The subject lands are not identified as being in any “Intensification Area”.

The subject lands are also designated “Natural Area” and includes a woodlot that is contiguous to the valley land, a portion of which is proposed to be removed. The woodlot is identified as a core feature in the VOP 2010 (Schedule 2). The Official Plan stipulates that woodlands which are identified as Core Features should be protected and have a 10 m vegetative protection zone (Section 3.2.3.4 c). Furthermore, development and or site alteration in the Core Features are prohibited for the type of development being proposed (Section 3.2.3.7). VOP 2010 also stipulates that development or site alterations on lands adjacent to Core Features shall not be permitted unless it is demonstrated through an environmental impact study that the development or site alteration will not result in a negative impact on the feature or its function. The Core Features and their associated vegetative protection zone are to be conveyed to the City or the TRCA as a condition of development approval (Section 3.2.3.10). The owner has submitted an Environmental Impact Study, however, the TRCA is not satisfied with the study findings.

VOP 2010 includes the following relevant policies:

“It is the policy of Council:

9.1.2.1 That new development will respect and reinforce the existing and planned context within which it is situated. More specifically, the built form of new developments will be designed to achieve the following general objectives:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 15

- a. in Community Areas, new development will be designed to respect and reinforce the physical character of the established neighbourhood within which it is located as set out in policy 9.1.2.2 or, where no established neighbourhood is located, it shall help establish an appropriate physical character that is compatible with its surroundings, as set out in policy 9.1.2.4.

9.1.2.2 That in Community Areas with established development, new development be designed to respect and reinforce the existing physical character and uses of the surrounding area, paying particular attention to the following elements:

- a. the local pattern of lots, streets and blocks;
- b. the size and configuration of lots;
- c. the building type of nearby residential properties;
- d. the heights and scale of nearby residential properties;
- e. the setback of buildings from the street; and,
- f. the pattern of rear and side-yard setbacks.”

The subject lands are located within a Community Area as defined on Schedule 1, Urban Structure, of VOP 2010 and are designated “Low Rise Residential” and “Natural Area” by VOP 2010 and have frontage on an unopened and unserviced portion of Kipling Avenue, approximately 700 m south of the Regional Road 7 intensification corridor. Section 2.2.1.1 of VOP 2010 establishes a hierarchy of Intensification Areas that range in permitted building height and density, none of which include the subject lands. The property maintains its low density or low rise residential character as it is located in an established low density residential area (Neighbourhood 1, OPA #240). The introduction of an 9-storey building along this portion of Kipling Avenue on lands adjacent to a valleyland corridor and adjacent to an existing low-rise community represents an over development of the subject lands and does not conform with Sections 9.1.2.2 and 3.2.3.7 of VOP 2010 as identified above.

The proposal does not respect and reinforce the existing and planned context within which it is situated. The proposal does not respect the building types, height or scale, setbacks or pattern of rear and side yard setbacks of nearby and surrounding residential properties, and therefore, does not satisfy the compatibility criteria in Section 9.1.2.2 of VOP 2010.

Furthermore, development and/or site alteration in Core Features are prohibited, and development next to a Core Feature shall not be permitted unless it is demonstrated through an environmental impact study that the development or site alteration will not result in a negative impact on the feature or its functions. The Toronto and Region Conservation Authority have reviewed the environmental reports and studies prepared by the owner and have indicated that they do not adequately address the impact to the feature or its function and at this time cannot support the proposed development concept.

For the above reasons, the Planning Department is of the opinion that the proposed development does not conform to VOP 2010.

Zoning

The subject lands are zoned PB1 Parkway Belt Open Space Zone by Zoning By-law 1-88. To facilitate this proposal, an amendment to Zoning By-law 1-88 is required to rezone the subject lands to RA2 Apartment Residential Zone (developable land) and OS1 Open Space Conservation Zone (valleyland), and to permit the site-specific exceptions to Zoning By-law 1-88 identified on Table 1.

The current zoning of the subject lands and surrounding area is shown on Attachment #2. The lands south and east of the subject lands are developed with existing larger single family

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 16

detached dwellings, with a place of worship and two existing social clubs (Veneto Centre and Soccara Club) each surrounded by open space Parkway Belt lands. To the north of the subject lands is open space and an existing community comprised of dwellings all zoned utilizing a low density residential Zone category (e.g. R2, R3 and R5 Residential Zones) that permit only single detached dwellings as permitted residential uses.

Approval of the Zoning By-law Amendment application would introduce an apartment residential zone category (RA2 Zone) at a location that has a low rise and rural character. The RA2 Zone category and site-specific zoning exceptions required to facilitate the proposed development are not considered appropriate since they would facilitate a development proposal that does not conform with the current in-effect OPA #240 or VOP 2010 Official Plans. The proposed zoning category and exceptions would result in a built form that is out of character with the surrounding community. In addition, the proposal does not achieve the goals of the Official Plans with respect to locating density in planned intensification areas, and could encourage similar redevelopment in an area not identified for intensification.

For the reasons identified above, together with the other comments provided in this report, the Planning Department does not support the Zoning Amendment application.

City Department and Public Agency Comments

The Vaughan Planning Department, Urban Design Section has reviewed the proposed submission in support of the proposed development applications and provides the following comments:

- A more comprehensive urban design and planning justification report is required to support the compatibility and viability of the proposed development concept with the existing rural setting context.
- Revise the proposed architectural character and typology to adequately address the site's context, including the neighbouring valley lands, land topography and Kipling Street public right-of-way.
- The configuration of the proposed land for development and its context make it challenging to accommodate the proposed building type and density. As a result, the building components, such as service, loading and pick-up/drop-off areas are inadequately designed.
- Provide a pedestrian and transit connectivity plan and include an adequate number of cross sections showing the proposed design for Kipling Avenue road widening.
- To reduce the overwhelming impact on the surrounding areas, the provided massing should be divided in smaller segments.
- Align the proposed building with Kipling Avenue's axis.

Other Requirements

- Existing Vegetation Assessment, Tree Preservation and Remediation Studies
- Streetscape Elevations, showing the existing and proposed buildings in context with neighbouring buildings and public sidewalks
- Building Cross Sections, showing the relation between the proposed building and adjacent private and public areas.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 17

On October 25, 2012, the applicant presented the proposed development to the Design Review Panel being an advisory panel to staff and made up of professional architects landscape architects, planners and urban designers. The panel provided the following comments in part on the proposed development:

- The panel felt that this development was lacking in strong planning justification and questioned the criteria for intensification in this area of Woodbridge.
- The panel advised the applicant to think about a planning justification that would strongly support the development's proposed scale and height.
- The applicant was encouraged to revisit the density for the proposed development to be respectful of the rural setting.
- The panel felt that a different built form should be considered including the materiality of the building.
- The proposal should consider its existing context - the low density residential and open space and its potential context.

Vaughan Development/Transportation Engineering Department

The Development/Transportation Engineering Department has reviewed the submission in support of the proposed development and provide the following comments:

i. Road Network

The plan as submitted proposes an access driveway from Kipling Avenue used to access the site and the proposed underground parking. This section of Kipling Avenue is a two lane dead-end road with a rural cross-section (i.e. open ditches on both sides) and terminates south of the proposed site, just north of Highway 407. . The intersection of Kipling Avenue and Regional Road 7 is the only access point for the site and community traffic, as there are no other road network connections. In addition, the development is not within the generally acceptable walking distance to public transit, as the closest transit stop is located along Regional Road 7, approximately 700 metres away. Further, in order to provide an acceptable level of service to all modes of travel (i.e. walking, cycling and automobiles), significant road improvements are required to urbanize (i.e. curb and gutter with sidewalks) this section of Kipling Avenue, south of municipal property 7547 Kipling Avenue.

ii. Municipal Servicing

The applicant has submitted a Functional Servicing Report (FSR) brief, prepared by Valdor Engineering Inc. dated December 2012, in support of the proposed official plan and zoning by-law amendment applications. The report concludes that the proposed site could be serviced by constructing new municipal services on Kipling Avenue.

iii. Sanitary Servicing

There is currently no municipal sanitary sewer across the frontage of the site. The consultant proposes to construct a new 200 mm diameter sanitary sewer on Kipling Avenue outletting to the existing 200 mm diameter sanitary sewer approximately 140 m north of the subject site. A new 200 mm diameter service connection is proposed with a manhole at the property line. The existing septic system is to be decommissioned in accordance with municipal requirements.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 18

Prior to final site plan approval, the applicant will need to conduct further analysis of the local sanitary sewer system to the nearest City Trunk Sewer to confirm that adequate conveyance capacity is available to service the proposed development and to identify any necessary infrastructure improvements. This additional analysis shall include hydraulic modeling supported by actual flow monitoring data to the satisfaction of the City.

If downstream system constraints are identified through the sanitary sewer system analysis, the owner would need to complete the system upgrades to the satisfaction of the City.

iv. Water Distribution System

The site lies within the Pressure District 4 (PD4) of the York Water System. The consultant conducted the flow/pressure test on December 12, 2012, and confirmed that the required pressure/flow design criteria requirements for the site can be achieved with a connection to the existing local system. If the subject applications were approved, the proposed water service for the subject site would need to be connected to the existing 200 mm diameter watermain across the frontage of the site on Kipling Avenue.

Prior to final site plan approval, the applicant will be required to submit a comprehensive water system analysis in conjunction with the site plan application to the satisfaction of the City. An updated Functional Servicing Report needs to be submitted in conjunction with the Site Plan, if the subject applications are approved.

The applicant will be required to enter into a development agreement with the City to provide for the construction of the municipal infrastructure and road improvements that are necessary to service the site development.

v. Stormwater Management (SWM)

1. Quantity Control

The subject site is located within the Rainbow Creek subwatershed as part of the Humber River Watershed. The Stormwater Management Report needs to be updated accordingly in conjunction with a Site Development application, if the subject applications are approved.

Kipling Avenue has a rural road cross section across the frontage of the site with road side ditches. There are no municipal storm sewers in the vicinity of the site. The road side ditches drain southerly to the end of Kipling Avenue where they discharge to the valley. These ditches are shallow and drain poorly. Based on the Functional Servicing Report, the proposed best alternative is to construct a 525 mm diameter storm sewer within the Kipling Avenue right-of-way to the Rainbow Creek valley approximately 250 metres south of the subject site. This storm sewer would need to be sized and constructed to accept flows from the subject site, the Kipling Avenue right-of-way and the existing contributing area of the properties fronting the street. This storm sewer would also facilitate the City's potential reconstruction of Kipling Avenue from a rural to an urban cross section with curb and gutter. The selection of proposed best alternatives would need to be re-assessed in detail at the site plan approval stage, if the subject applications are approved.

The owner will be required to demonstrate that the allowable discharge rate will not be exceeded under full build-out. The owner is proposing to maintain the allowable release rate by introducing underground storage units which is an acceptable practice; however, all underground storage devices and appurtenances shall be located entirely on private property and maintained by the owner. Details regarding ponding areas including HWL elevations and volumes shall be illustrated within the report and on the grading plan(s).

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 19

2. Quality Control

The City-wide Storm Drainage and SWM Master Plan Class EA recommend lot-level control(s) to achieve its water quality objectives. The intent is to achieve a minimum 80% total suspended solids (TSS) removal (Enhanced Level 1). An oil-grit separator is an acceptable quality measure given the total area of the site. A pre-treatment oil-grit separator (OGS) will provide a minimum of 80% TSS removal for water quality control measures as outlined by the Ministry of Environment (MOE). The owner has proposed an oil-grit separator and provided manufacturer data indicating the unit is capable of treating the entire site area based on a minimum of 80% TSS removal (Enhance Level One).

Accordingly, an updated Functional Servicing Report would need to be submitted in conjunction with a Site Development application, if the subject applications are approved. TRCA approval is required to discharge the storm water to the valley. The detailed head wall and 100 year flood level in the valley should be shown on the drawing.

vi. Lot Grading

Detailed grading plans showing existing and proposed grades would need to be submitted in conjunction with a Site Development application, if the subject applications are approved, for review and approval to the satisfaction of the Development/Transportation Engineering Department. Existing grades should be shown a minimum 20 metres beyond the site boundary. The subject site is located in an area that is regulated by the TRCA. A TRCA Permit is required under Ontario Regulation 166/06 prior to commencing any earth works.

vii. Noise

A Noise Feasibility Study Report would need to be submitted in conjunction with a Site Development application, if the subject applications are approved. The Report would need to include a professional engineer's seal, signature and date.

viii. Servicing Capacity Allocation

Based on the City's October 29, 2013, Servicing Capacity Allocation Strategy – Annual Distribution Update, 12,900 persons equivalent of restricted capacity is available to distribute to various development applications throughout the City, subject to City of Vaughan Council approval. This application qualifies for "High-Rise Development" servicing capacity according to the Region of York's classification system. Accordingly, building permits may be released up to 18 months prior to the completion of required Regional infrastructure, in this case, the Southeast Collector Works. The Region of York has confirmed that the Southeast Collector Works are on schedule to be completed by Q4-2014. Accordingly, sewage and water servicing capacity is available should Council wish to allocate it to this site development.

ix. Other:

- 1) The owner is to obtain all necessary approvals from the TRCA and the Region of York.
- 2) The owner must provide a stormwater management summary table on the Site Servicing, Easement and Grading Plan(s). The SWM summary must include the following information:
 - Site area breakdown, both uncontrolled and controlled
 - Allowable site discharge

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 20

- High Water Level
- Orifice Tube size
- Orifice invert
- Controlled site discharge
- Uncontrolled site discharge
- Total site discharge
- Required storage
- Available storage

- 3) The required buffer block and easement to maintain the head wall should be provided as per TRCA requirements.
- 4) The proposed retaining wall heights and cross section should be provided.
- 5) The ponding area should be identified on the site.

x. Site Plan Agreement

Should the subject applications be approved, the owner is required to enter into a Site Plan Agreement with the City at the site plan stage, to address the issues such as the provisions of services, noise attenuation, etc.

xi. Environmental

The proposed development includes the conveyance of lands to the City, and therefore, the owner would need to submit a Phase One Environmental Site Assessment report for City review prior to allowing the site development application to proceed for consideration by the Committee of the Whole. The Development/Transportation Engineering Department has also indicated that the Environmental Report submitted by the applicant (Azimuth Environmental Report titled “Scoped Environmental Impact Study” dated February 2013) is not the same as an Environmental Site Assessment (ESA) report.

xii. Transportation

The Transportation Engineering Division has reviewed the Conceptual Site Plan and Traffic Impact and Parking Study submitted December 13, 2013, prepared by Architecture Unfolded and Cole Engineering Group, respectively, and provide the following comments:

The Transportation Engineering Division has concerns about the subject applications for a mid-rise residential development as it is at a higher density than permitted by the Official Plan designation. The site is located more than 500 m from the nearest transit service and will be automobile dependent. There are also issues with the Parking Study submitted in support of the application, discussion to follow. The new Official Plan, VOP 2010 designates these lands as “Low Rise Residential”. The City encourages transit service that is provided within 500 m of at least 90% of residences (Policy 4.2.2.14). The subject site, however, is located approximately 700 m from the Regional Road 7 transit corridor. The Ontario Ministry of Transportation also encourages a transition from higher-density development along the transit corridor to lower-density development further from the corridor (MTO, Transit-Supportive Guidelines, 2012, Strategy 8, page 17).

The City’s Transportation Master Plan (TMP) Vision focusses on “reducing automobile dependence and moving the City closer to achieving the goal of a more livable, sustainable community” (City of Vaughan, 2011, page 4-1). However, based on the

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 21

location of the subject site, residents will be automobile dependent as it is a 10 minute walk (approx. 750 m) to the nearest transit stop. Therefore, without strong Transportation Demand Management measures, it will be difficult to encourage sustainable transportation, and contribute to the City's target of achieving a 30% transit modal split during peak periods for the City as a whole by 2031 (Vaughan Official Plan, 2010, Policy 4.1.1.2).

If a mid-rise development were to proceed for this site, the Transportation Engineering Division would require a strong Transportation Demand Management Plan for Site Plan approval. In addition, a feasibility analysis for improvements to pedestrian and cycling infrastructure would be required to improve convenient and comfortable access to transit. In particular, there is a gap in the sidewalk network between the subject site and the existing sidewalk, which terminates 130 m north of the subject site.

xiii. General Site Plan Comments

The proposal is at the official plan and zoning stages and a more detailed site plan would follow, if the subject applications are approved, however, general site plan comments are as follows.

- A complete traffic signage plan is required ('Do Not Enter', one-way, stop sign, no parking, 'by permit only' signs, etc. have been suggested).
- Fire route needs to be identified clearly on a plan, along with its turning radii and appropriate signage.
- Access widths and curb radii should be as per City standards.
- Snow storage area (minimum 2% of lot area) should be identified on a plan and mentioned in the site plan notes.
- Parking statistics (required and supplied) should be provided on an underground parking garage site plan.
- Underground barrier-free parking spaces close to elevators should be provided, for both residents and visitors, with appropriate signage and parking space dimensions as required by Zoning By-law 1-88.
- To help improve pedestrian site accessibility, curb depressions and sidewalk connections leading to the existing municipal sidewalk on the west side of Kipling Avenue are recommended. Pedestrian walkways through asphalt driveways should be substituted with textured and coloured crosswalks to increase pedestrian awareness and visibility.
- Additional red-line comments have been provided on the conceptual site plan.

xiv. Traffic Impact Study

With exception to the Transportation Demand Management Plan, staff do not have any major objections to the methodologies and recommendations presented in the Traffic Impact and Parking Study, in principle. However, the following concerns should be addressed:

- Traffic counts utilized in the Traffic Impact and Parking Study were relevant at the time the report was first written. However, 2012 counts are now 1.5 to 2 years old and were conducted during the summer vacation season (July) when traffic

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 22

volumes are much lighter. Traffic data should be recounted and all volume figures in the TIS should be revised accordingly, including changing the horizon year to five years from now.

- Transportation Tomorrow Survey (TTS) data from 2006 was utilized whereas data from the most recent 2011 survey is now available. Latest TTS data (2011) may be requested from the University of Toronto's internet Data Retrieval System (iDRS) by emailing info@dmg.utoronto.ca.
- Explain how the signal timing plan at the intersection of Regional Road 7 and Kipling Avenue has been optimized for the 'AM Future (2017) Background Traffic' scenario in comparison with the 'AM Future (2017) Total Traffic'. For example, the eastbound through movement is a much heavier movement in comparison to the southbound left turn movement, 1759 versus 256 vehicles per hour (vph) respectively. However, the eastbound through 'Effective Green' time has been decreased in the Total Traffic scenario by 1.4 seconds resulting in a Level of Service (LOS) D (37.3 seconds delay) as compared to the Background scenario's LOS C (27.8 seconds delay), while the southbound left turn 'Effective Green' time has been increased by 7.5 seconds resulting in an improved LOS 'E' from the previous LOS 'F'. Explain the justification of re-allocation of green time from the major movement to a minor movement, especially when it has minimal overall benefit.
- Electronic copies of Synchro files should also be provided.
- This application also requires York Region's review.

xv. Parking Study

The parking study is in support of 208 parking spaces to accommodate the overall demand, including spaces for both residents and visitors. However, the existing by-law requirement is 284 spaces (based on 162 units), resulting in a shortage of 76 spaces or 27% deficiency. The study provides justification based on the following two sources, the IBI Parking Study and survey data from the Thornhill City Centre. Firstly, there are still outstanding issues with the recommendations of the IBI Report and it has not replaced the existing by-law. Secondly, only one proxy site was selected for the parking survey and that too was near the intersection of two major arterial roads (4-lanes each) with high order transit services on both roads and was a short walking distance to a major mall (Promenade Shopping Centre). The proposed development is not comparable to the Thornhill City Centre, as the subject site is located on a two lane dead-end street with discontinued sidewalk and it is a 10 minute walk to the closest transit stop at Regional Road 7 and Kipling Avenue. Staff recommend additional parking surveys be conducted at two similar sites to determine the appropriate parking supply.

xvi. Sustainable Transportation Division

If a mid-rise development were to proceed, the following site plan related comments are provided:

Walking and Accessibility

1. There should be at least one barrier-free pedestrian walkway between the public right-of-way and the main building entry.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 23

Cycle Parking

2. Short term parking (for visitors) should be shown on the Site Plan and Landscape Plan. The proposed rack/stand type should be identified in the Landscape Details. Cycle parking should consist of bike stands, preferably sheltered. Bike stands should be easily accessible (no more than 15m from a building entrance), and highly visible along the roadway frontage. Medium-high security stands are recommended with in-ground mount, which permits the bicycle frame and both wheels to be locked to the stand (e.g. inverted 'U' stand).
3. In the Traffic Impact and Parking Study, the applicant states long term cycle parking will be stored in the storage locker. The provision of multi-use lockers for bicycle storage is not recommended as it is inconvenient for cyclists. Cycle parking should be conveniently located in a locked separate location (e.g. cycle storage rooms, cages, or bike lockers) with a dedicated entrance if possible. Further information can be found in the 'Bicycle End-of-Trip Facilities' (Transport Canada, April 2010).
4. Long term cycle parking should be shown on the Floor Plan or Site Plan. The proposed rack/stand type and parking pattern, including bicycle footprints and aisle width should be outlined on the plan along with the total number of spaces to be provided. If parking is not in a visible location (i.e., because it is indoors or behind a building), signage should also be provided to direct cyclists to the parking facility (see example below).

xvii. Transportation Demand Management (TDM)

If a mid-rise development were to proceed for this site, it is City policy to require the preparation and implementation of TDM Plans to support sustainable transportation (Vaughan Official Plan, 2010, Policy 4.3.3.8). TDM Plans are required for all Site Plan approval applications for residential apartment buildings with greater than 50 residential units. As stated in the Vaughan Official Plan, the TDM Plan shall:

- a. *be integrated with required transportation impact assessments submitted to support the proposed development;*
- b. *identify design and/or programmatic means to reduce single occupancy vehicle use;*
- c. *identify the roles and responsibilities of the landowner with respect to each recommended program and its implementation; and*
- d. *identify the operational and financial roles and responsibilities of the landowner including, but not limited to, program development, implementation and ongoing management and operations of the travel demand management plan and/or program.*

For Site Plan approval, the proposed TDM measures would need to be sufficient to encourage an adequate shift to sustainable modes of transportation. As the development is not located in close walking distance to public transit, the developer would have to support and promote other sustainable modes of transportation, particularly cycling. TDM measures that support cycling would encourage commuter cycling trips, and cycling trips to the nearest transit stop on Regional Road 7.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has advised that if the subject applications are approved, the owner shall pay to Vaughan by way of certified

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 24

cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed unit rate per unit, whichever is higher, 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.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has reviewed the proposed Official Plan and Zoning By-law Amendment applications, and provides the following comments:

"The subject property contains a relatively steep and high/deep slope which forms the valley wall of the Rainbow/Robinson Creek valley corridor. The creek is a tributary of the main Humber River and has been identified as Redside Dace Habitat by the Ministry of Natural Resources, and is regulated by the TRCA under regulation 166/06.

TRCA staff are concerned that the proposed applications have not taken into account information provided to the owner as part of a pre-consultation process. In addition, the TRCA is concerned that the development limits of the property have not been satisfactorily determined because:

1. The long-term stable top of slope has not been determined to the satisfaction of the TRCA and a 10 m buffer has not been established; and,
2. The function of the woodlot has not been determined in accordance with the relevant policy, nor has the ecological impact on surrounding natural features including valley lands been properly assessed/determined.

The TRCA, in principle, do not oppose the proposed designation change provided that the ultimate development scenario is appropriate for the subject lands, respects the existing hazards and natural features and is consistent with TRCA policies and conforms to TRCA regulations. This said, the TRCA has significant concerns with regard to the development concept as proposed.

Based on the reports submitted by the owner in support of the development applications (i.e. review of the Environmental Impact Study (EIS) prepared by Azimuth Environmental Consulting Inc.), the TRCA Staff feel that the proposed development does not address the relevant section of the PPS (Sections 3.1 and 2.1). Specifically, the TRCA are not satisfied that the EIS has adequately identified the feature itself and the ecological function it provides.

The TRCA notes that the woodlot on the subject lands (which is contiguous with the valley system) has been identified as a woodland within the York Region Official Plan (YROP). The YROP identified this property as being located within the Regional Greenlands System. Similar to the concerns relating to how the proposal is consistent with the PPS, the TRCA is not satisfied that the material provided adequately identifies the nature of the woodlot and its ecological function.

i) City of Vaughan Official Plan 2010

The TRCA note that the subject lands are partially designated as Core Area under the City of Vaughan Natural Heritage Network in the 2010 Official Plan (Schedule 2). This

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 25

core feature designation includes the woodlot on the subject lands. The Official Plan stipulates that woodlands, which are identified as Core Features should be protected and have a 10 m wide vegetative protection zone (Section 3.2.3.4 c). Furthermore, development and or site alteration in the Core Features are prohibited for the type of development being proposed (Section 3.2.3.7) and Core Features and their associated vegetative protection zone are to be conveyed to the City or the TRCA as a condition of development approval (Section 3.2.3.10).

The TRCA is not satisfied that the environmental studies submitted by the owner provides the required rationale for the removal of a large portion of the woodlot, or for minor modifications, and has not provided the studies submitted by the owner do not provide adequate measures to maintain overall habitat area or enhance ecosystem functions.

ii) Valley and Stream Corridor Management Program (VSCMP)

The proposal involves the removal of over half of the contiguous wooded area for the development of the condominium building and includes the creation of a trail through the remainder. The current proposal does not conform to the policies of the Valley and Storm Corridor Management Plan (VSCMP) as it would constitute redevelopment/intensification within a valley corridor.

Based upon the above, the TRCA cannot support Official Plan and Zoning Amendment Files OP.13.003 and Z.13.005 as submitted. The applications are premature until such time that the outstanding issues are addressed to the satisfaction of the TRCA.”

Summary - Conceptual Site Plan and Elevations

The applicant has submitted Official Plan Amendment and Zoning By-law Amendment applications and as part of the submission has included a conceptual site plan. The proposed site plan includes a building located close to Kipling Avenue since only approximately one-third of the lot is developable tableland. The building is rectangular in shape with a footprint that occupies almost the entire developable portion of the property and as a result removes a large portion of the existing woodlot, which is not permitted by the Official Plan as the woodlot is identified as a core feature. A 10 m setback along the western lot line from the top-of-bank is proposed, however, this could change as the top-of-bank has not been approved by the TRCA. As such, the proposed building on this site has little regard for the adjacent sensitive woodlot and valley land and associated habitat, and introduces a built form that is not compatible with the low density uses to the immediate north and to the land use contemplated by the in-effect official plan and the City's new Official Plan, VOP 2010.

The building elevations include primarily vision glass and spandrel glass with an appearance of a large glass box surrounded by natural area, which may pose problems for the area wildlife, particularly birds flying into windows. The materiality of the building was a concern raised by the Vaughan Design Review panel on October 25, 2012, when the owner was requested, among other issues, to reconsider the proposed development including building design and materiality, as it is not appropriate in the context of the natural setting and the existing community to the immediate north.

Applications Do Not Represent Good Planning

As outlined above, the applications do not conform to The Provincial Policy Statement, The Growth Plan, the Region of York Official Plan and the City of Vaughan Official Plans. In addition, York Region and TRCA do not support the application. The proposal, when considered

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 26

comprehensively, in context with the existing low density residential community and the planned vision for the area, does not represent good planning. The applications are not consistent with the policy direction in the PPS which clearly states that the Official Plan is the most important vehicle for the implementation of the PPS and that comprehensive, integrated and long term planning is best achieved through municipal official plans and that municipal official plans shall identify provincial interests and set out appropriate land use designations and policies.

The proposed development does not respect the local area and does not appropriately contribute to the existing community. The applications represent piecemeal planning on one development site that is inappropriate and does not represent good planning. The PPS, Growth Plan and Regional planning policies respecting intensification do not mean that intensification can occur anywhere and everywhere throughout the City regardless of the local planning context. The PPS and Growth Plan, and the Region of York Official Plan policies clearly require that the municipality establish an intensification strategy respecting where and how intensification will occur. This requirement has been met through the comprehensive city-wide Official Plan review that culminated in the adoption and approval in part of VOP 2010. The new official plan designation maintains the low rise character for this area.

In addition, as noted in this report, the owner has not responded to comments provided by the City Departments and external public agencies. In particular, at the time of the preparation of this report the development limits for the property have not been established to the satisfaction of the Toronto and Region Conservation Authority.

The owner has appealed the applications to the OMB based on the City's lack of a decision within the time frames prescribed by the Planning Act. However, while there does not appear to be any merit to the proposal based on the broader planning framework, the owner has also failed to provide a proper justification for the specifics of the proposal as it relates to the site (such things as top-of-bank and other more technical issues).

On June 2, 2014, the Vaughan Planning Department received a revised justification letter, plans and supporting slope assessment report via email. The revised plans showed a reduced building height from 9-storeys to a 7-storey tiered building, the number of residential units from 162 to 128, and the number of parking spaces from 208 to 177 parking spaces. The plans and supporting material continue to represent intensification in an area not identified for intensification by VOP 2010, and therefore, the City staff position remains the same.

Relationship to Vaughan Vision 2020/Strategic Plan

This report, recommends refusal of the proposal, as it is inconsistent with the initiatives set forth in the Vaughan Vision 2020/Strategic Plan, particularly "Manage Growth and Economic Well Being" as it does not conform to the City's Official Plan and Zoning By-law.

Regional Implications

York Region has indicated that the proposed development does not conform to the York Region Official Plan. Their comments have been identified in this report.

Conclusion

The Vaughan Planning Department has reviewed the proposed applications to amend the Official Plan and Zoning By-law to facilitate the development of an 9-storey building with 162 residential units and 208 underground parking spaces in consideration of the applicable Provincial Policies, Regional and City Official Plan policies, City department and external public review agency comments, comments from the public, and the surrounding existing and planned land use

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 5, CW Report No. 30 – Page 27

context. The applications would result in development that does not respond appropriately to the existing low density residential community to the north. The applications, when considered comprehensively, do not conform to the Provincial Policy Statement, The Growth Plan for the Greater Golden Horseshoe, the Region of York Official Plan and the City of Vaughan Official Plan, and therefore, the applications do not represent good planning. Accordingly, the Planning Department recommends that the applications be refused.

Attachments

1. Context Location Map
2. Location Map
3. Preliminary Site Plan
4. Elevation Plan
5. Mechanical Floor Plan

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.)