

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 19, 2013**

Item 7, Report No. 47, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on November 19, 2013, as follows:

***By approving the following:***

***That Communication C3 from Steve and Pat Lioukras, Angelina Avenue, Woodbridge, dated November 6, 2013, be received.***

**7**

**OFFICIAL PLAN AMENDMENT FILE OP.12.003  
ZONING BY-LAW AMENDMENT FILE Z.12.008  
JOHN DUCA  
WARD 2 - VICINITY OF REGIONAL ROAD 7 AND KIPLING AVENUE**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 5, 2013, be approved;**
- 2) That the following be approved in accordance with Communication C7 from the Commissioner of Planning, dated November 1, 2013:**
  - 1. That this Communication, be received, as information;**
- 3) That the following deputations be received:**
  - 1. Mr. Nick Pinto, West Woodbridge Homeowners Association Inc., Mapes Avenue, Woodbridge;**
  - 2. Mr. Tony D'Aversa, Hwy 7, Woodbridge; and**
  - 3. Mr. Michael Lopez, West Woodbridge Homeowners Association, Sara Street, Woodbridge; and**
- 4) That the following Communications be received:**
  - C2 Mr. Sergio Zeppieri, Angelina Avenue, Woodbridge, dated October 30, 2013;**
  - C3 Mr. Raymond Grech, Tasha Court, dated October 30, 2013;**
  - C4 Tom and Angela Mazzitti, Angelina Avenue, Woodbridge, dated October 30, 2013;**
  - C5 Ms. Joanne Lopez, Sara Street, Woodbridge, dated October 30, 2013;**
  - C6 Charles and Laura Belfiore, Veneto Drive, Vaughan, dated October 30, 2013;**
  - C8 Mr. Robert De Luca, Graceview Court, Woodbridge, dated October 31, 2013;**
  - C9 Mr. Arthur Pereira, Sara Street, Woodbridge, dated October 30, 2013;**
  - C10 Mr. P. Torchetti, Abell Avenue, Woodbridge, dated November 4, 2013;**
  - C11 Ms. Iuna Barone, Zinnia Place, Woodbridge, dated November 1, 2013;**
  - C12 Ms. Tina Catalano, Dalmato Court, Woodbridge, dated November 1, 2013;**
  - C13 Ms. Ann Grech, dated November 2, 2013;**
  - C14 Ms. Rosina D'Alimonte, Hawman Avenue, Woodbridge, dated November 3, 2013;**
  - C15 Marino and Daniela Sclocco, Kipling Avenue, Woodbridge, dated November 3, 2013;**
  - C16 Frank and Ivana Skerlan, Kipling Avenue, Woodbridge, dated November 3, 2013;**
  - C17 Mr. Nick Manno, Coles Avenue, Vaughan, dated November 4, 2013;**
  - C18 Ms. Maria D'Amico, Veneto Drive, Woodbridge, dated November 5, 2013;**
  - C19 Ms. Norma Basciano, Coles Avenue, Woodbridge, dated November 4, 2013;**
  - C20 Mr. Drazen Bulat, dated November 4, 2013;**
  - C21 Mary and Phil Schirripa, dated November 5, 2013; and**
  - C25 Gianfranco and Frances Camillo, Hawman Avenue, Woodbridge, dated November 5, 2013.**

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#### **Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Official Plan Amendment File OP.13.003 and Zoning By-law Amendment File Z.13.008 (John Duca) BE REFUSED.
2. THAT City Staff and external consultants be directed to attend the Ontario Municipal Board in support of the refusal.

#### **Contribution to Sustainability**

The Owner has advised that the following sustainable site and building features will be included in the proposed development:

- i) a cistern for the collection and use of storm water for irrigation;
- ii) bicycle parking (both surface and underground);
- iii) energy efficient appliances;
- iv) water saving fixtures; and,
- v) site lighting designed to minimize light pollution.

#### **Economic Impact**

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

#### **Communications Plan**

On August 10, 2012, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, the West Woodbridge Homeowners' Association, 2 residents that requested notification of the Public Hearing, and to those individuals that had requested notice of Development Files OP.07.009, Z.07.049 and DA.09.056 (Pine Grove on Seven Inc.) for the adjacent development located at the southwest corner of Kipling Avenue and Regional Road 7.

#### **Public Comments**

The West Woodbridge Homeowners Association Inc. provided comments in a correspondence dated June 11, 2012, which states that the Association does not support the proposed development for a number of reasons, including but not limited to:

- i) the proposal is not consistent with the policies and intent of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
- ii) the proposal is not consistent with the City's Official Plan with respect to land use, built form and the public realm policies that encourage fully integrated commercial, retail and residential uses within a comprehensively planned and designed development that has good transitional relationships to its surrounding context and protects the existing stable neighbourhood;
- iii) the proposal is not consistent with the June 25, 2009, Ontario Municipal Board Decision (OMB) and Order (respecting the easterly Pine Grove on Seven site) that helps protect the character of the well-maintained neighbourhood;
- iv) the proposal does not promote a pleasurable and safe walking and cycling environment along the Regional Road 7 corridor and Coles Avenue;

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- v) the proposal does not enhance the attractiveness and safety of the pedestrian environment through the creation of vibrant streetscapes and active frontages, introducing new retail, personal services and restaurant uses, and providing pleasurable, comfortable and convenient experience on the site and active ground floor uses; and,
- vi) the proposal does not create a vibrant and safe public realm, by placing eyes on the street, and creating an inviting and friendly streetscape for pedestrians.

Several residents spoke in opposition to the applications at the September 4, 2012, Public Hearing. Additional correspondence was also received from residents in the area which reiterate the concerns identified by the West Woodbridge Homeowners' Association and the request that the City uphold the Minutes of Settlement it agreed to that resulted from the OMB appeal of the lands to the east of the subject lands.

Correspondence was also received on behalf of the landowners of the property to the immediate west of the subject lands (5317 Regional Road 7) which identified the following:

- i) the proposal curtails an existing driveway opening on the property;
- ii) the proposal eliminates an easement and right-of-way along an east-west sidewalk between the properties;
- iii) concern of a reduced market value of their property;
- iv) compatibility with adjacent lands;
- v) impacts resulting from the intensified density and change of zoning;
- vi) appropriateness of the subject site for intensified density;
- vii) ability of the existing and proposed services to satisfy both the proposed development and the future development of their property;
- viii) impact resulting from shadowing of the proposed buildings abutting the easterly property line, in particular to ensure "the private enjoyment" of 2<sup>nd</sup> floor residential component of their property;
- ix) consideration of existing vehicular and pedestrian access points (over 65 years) that are not appropriately defined, detailed, or formalized on the subject proposed development site;
- x) functionality with the abutting property to the east and south;
- xi) understanding how "full-moves" access are provided on the proposed development site;
- xii) Traffic Impact Study;
- xiii) Shadow Model and Impact Study; and,
- xiv) Noise Impact Study to ensure "the quiet enjoyment" of the 2<sup>nd</sup> floor residential component of their property.

The recommendation of the Committee of the Whole at the Public Hearing on September 4, 2012, to receive the Public Hearing report and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on September 25, 2012.

#### **Purpose**

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2, to permit the development of six (6) stacked townhouse blocks with a total of 180 units and 225 underground parking spaces as shown on Attachments #3 to #9:

1. Official Plan Amendment File OP.12.003, specifically to amend OPA #240 (Woodbridge Community Plan), as amended by OPA #345 (Woodbridge Commercial Plan), to redesignate the southerly portion of the subject lands, as shown on Attachment #9, from "General Commercial" to "Prestige Areas - Centres & Avenue Seven Corridor" by OPA

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#240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Futures Land Use Study), and apply a uniform land use designation and site-specific policies to the entirety of the subject property in order to implement the proposed development.

2. Zoning By-law Amendment File Z.12.008 to amend Zoning By-law 1-88, specifically to rezone the subject lands from C1 Restricted Commercial Zone, subject to Exceptions 9(791) and 9(424) (5289 and 5309 Regional Road 7 respectively) to RM2 Multiple Residential Zone, with the following site-specific zoning exceptions:

	<b>By-law Standard</b>	<b>By-law 1-88 Requirements (RM2 Multiple Residential Zone)</b>	<b>Proposed Exceptions to By-law 1-88 (RM2 Multiple Residential Zone)</b>
a.	Minimum Lot Area	230 m <sup>2</sup> /unit	20 m <sup>2</sup> /unit
b.	Minimum Parking Requirement	1.5 spaces per dwelling unit, plus 0.25 for visitors (315 parking spaces)	1.0 space per dwelling unit, plus 0.2 for visitors (220 parking spaces)
c.	Minimum Number of Barrier Free Parking Spaces	3	2
d.	Minimum Front Yard Setback (Regional Road 7)	4.5 m	0 m
e.	Front Yard Setback (Stair, Porch and Balcony Encroachments)	2.7 m	0 m
f.	Minimum Interior Yard Setback (East and West)	1.5 m	1.0 m
g.	Maximum Building Height	11.0 m	12.8 m
h.	Maximum Height of Exterior Stairways and Porches	Shall not exceed one-half storey in height	To exceed one-half storey in height
i.	Minimum Dimension for Barrier Free Parking Space	3.9 m by 6.0 m	3.6 m by 6.0 m
j.	Width of an Access Driveway	7.5 m	7.6 m

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#### **Background Analysis and Options**

##### Application Submission

At the time of the preparation of this report, City Staff and external review agencies had received and reviewed only the original complete application submission including the plans and documents submitted in support of the applications. The applicant has not submitted a comprehensive package of revised plans or documents to respond to the comments provided to them to date. It is noted that the Owner provided a conceptual modified version of the site plan, and the north and south building elevations (Attachments #10 - #12). These conceptual drawings were incorporated into the attachments provided for the Public Hearing Notice, dated August 10, 2012, and the Public Hearing report. However, the Owner has not formally amended and updated the original complete application submission to reflect the concept plan, and the plan has not been reviewed by any City Department or commenting agency. Accordingly, all comments received on the applications are based on the original March 2, 2012, complete application submission. The above noted zoning exceptions are based on the review of the original submission of March 2, 2012 (as shown on Attachments #3 - #9).

The Owner has not submitted a formal Site Development Application. Technical comments, such as the Region of York's requirement for a road widening along Regional Road 7, will result in changes to the proposed site plan and supporting documents, and additional and/or different site-specific zoning by-law exceptions. These may include additional exceptions to accommodate the portions of buildings below grade (i.e. the parking garage); further clarification of encroachments such as stairs, balconies, porches and planter boxes into required yards and/or rights-of-ways. Comments provided to the applicant also requested confirmation of the lot coverage, calculation of amenity space, landscaped areas, and dimensioning of the loading space, which may result in additional zoning exceptions. An additional exception may be required to deem the lot as one for the purposes of zoning compliance with Zoning By-law 1-88 upon future conveyance of the lands.

The applicant is requesting an exception to Zoning By-law 1-88 to permit a maximum building height of 12.8 m and has suggested that the proposal be considered a 3-storey building, which would exclude the top level as it is proposed to be devoted to a mechanical room. Zoning By-law 1-88 and the Ontario Building Code provide exemptions for a mechanical rooms being considered as a storey. The review of the elevation plans, floor layouts and building sections by the Building Standards Department has resulted in the determination that the proposed stacked townhouse units are four storeys in height for the purposes of Zoning By-law 1-88. The area devoted to the mechanical uses is 2.45 m in height, extends across the full width of each block, includes ample area to provide living space, and leads to terrace areas, as shown on Attachment #7.

The Building Standards Department has also advised that the area below grade is considered a basement and therefore falls outside the definition of a storey. However, the Ontario Building Code and Zoning By-law 1-88 considers storeys based on the average grade around the entire building. The elevation and building section plans submitted in support of the application illustrate that more than half of the basement level floor space is below grade. Detailed grading information is required to determine if the basement level is a storey as defined by Zoning By-law 1-88, and the Ontario Building Code.

It is also noted that on October 11, 2013, the applicant provided the City with copies of correspondence it had sent to the Region of York, together with a revised Site Plan (Attachment #13) and a Traffic Impact Study in an effort to address comments provided by the Region of York on August 22, 2013. The revised plan was provided approximately 3 weeks before the deadline established by the Ontario Municipal Board for the exchange of witness statements (November 8, 2013), and also states that a separate submission will be sent at a later date in response to Region of York comments dated September 27, 2013, and received October 2, 2013. The

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revised site plan include revisions that illustrate a road widening along Regional Road 7 to be conveyed to the Region of York, a driveway connection from Regional Road 7 to Coles Avenue, and stacked townhouse blocks with frontage onto Coles Avenue with a 1.5m separation between each block. A comprehensive review of the October 11, 2013, submission has not been undertaken for the purposes of this report, as a full resubmission has not been provided by the Owner. Notwithstanding, the revised concept site plan received on October 11, 2013, propose a stacked townhouse built form and site layout that is generally consistent with the complete application submission and therefore, does not change the recommendations included in this report.

#### Location

The subject lands shown on Attachments #1 and #2 are located on the south side of Regional Road 7, west of Kipling Avenue, being Lots 3-9 on Registered Plan 3762, in Lot 5, Concession 8, City of Vaughan. The lands are municipally known as 5289 and 5309 Regional Road 7. The surrounding land uses are shown on Attachment #2.

#### Owner's Appeal to the Ontario Municipal Board (OMB)

The Owner submitted Official Plan Amendment File OP.12.003 and Zoning By-law Amendment File Z.12.008 with the City of Vaughan on March 2, 2012. The City issued a Notice of Complete Application to the Owner on April 2, 2012. However, the Owner was requested to submit additional information, including east and west building elevation drawings; a pedestrian and cycling circulation plan; and, a Travel Demand Management (TDM) study so that staff could undertake a comprehensive review of the proposal. The City issued a Notice of Complete Application to the public on April 16, 2012. A Notice of the Public Hearing was mailed on August 10, 2012, and the applications were the subject of a Public Hearing held by Vaughan Council on September 4, 2012.

On November 15, 2012, and December 5, 2012, the Owner appealed the Official Plan Amendment and Zoning By-law Amendment applications respectively, to the Ontario Municipal Board (OMB), pursuant to Sections 22(7) and 34(11) of the Planning Act, 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 convened on March 26, 2013. Five (5) parties were identified at Pre-Hearing including: the appellant (John Duca), the City of Vaughan, the Region of York, the West Woodbridge Homeowners' Association, and Liberata D'Aversa (the owner of lands municipally known as 5317 Regional Road 7, which abut the subject lands to the west). Furthermore, the OMB granted several individuals participant status at the Hearing. The OMB scheduled Mediation for July 19, 2013, between all parties. The appellant's (John Duca) solicitor subsequently advised the OMB that the appellant was no longer interested in pursuing mediation. In early July of 2013 the Mediation was cancelled at the request of the appellant. A Pre-Hearing held by tele-conference occurred on August 7, 2013, at which time the OMB has scheduled a 10 day Hearing to consider the appeals, commencing on January 6, 2014.

#### Planning Considerations

#### Land Use Context

The subject lands represent a through lot with frontage on Regional Road 7 and Coles Avenue, which is a local road. The lands located at the southwest corner of Regional Road 7 and Kipling Avenue (immediately east of the subject lands) are developed with a 12-storey condominium apartment building with ground floor commercial uses along Regional Road 7. The lands fronting onto Regional Road 7 immediately west of the subject lands are developed with a 1 and 2-storey

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commercial plaza (5317 Regional Road 7). The southeast corner of Regional Road 7 and Kipling Avenue is zoned C6 Highway Commercial Zone and is developed with an existing Petro Canada automobile gas bar. The north side of Regional Road 7, opposite the subject lands, is developed with 1 to 3-storey commercial buildings, some with residential units on the upper floors. The lands on the north side of Coles Avenue, east and west of the subject lands, and on the south side of Coles Avenue are developed with existing detached residential dwellings.

The properties in the surrounding residential neighbourhood to the south, west and east are developed with detached single family residential dwellings that establish the residential character of the community as detached residential dwellings. There are no existing semi-detached, townhouse, stacked townhouse or apartment buildings in the surrounding residential community located to the south, west and east of the subject lands and south of Regional Road 7. 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 to the north and 10 local streets to the immediate south including Coles Avenue, Angelina Avenue, Sara Street, Nadia Avenue, Tasha Court, Hawman Avenue, Graceview Court, Starview Gate, Veneto Drive and Dalmato Court. Kipling Avenue dead-ends at the south limit of this community and provides the only road access to and from the residential community to the south. The low density residential area surrounding the site is zoned either R2, R3 Residential Zone or R5 Residential Zone as shown on Attachment #2, which permits only detached dwellings.

The Development Planning Department has reviewed the applications to amend the Official Plan and Zoning By-law 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:

i) Applications Do Not Address Technical Comments

As noted above, the complete application submission was submitted to the Development Planning Department on March 2, 2012, and reflects the plans shown on Attachments #3 - #9 inclusive. These plans do not respond to technical comments, including:

- the plans do not incorporate the road widening (22.5m from the centreline of Regional Road 7) and sufficient building setback to avoid encroachments (e.g. stairs, opening doors, etc.) into the Regional right-a-way, which will impact the location of Blocks “C” and “D” on the proposed site plan (Attachment #3), and potentially the balance of the proposed site plan;
- the Traffic Study submitted in support of the application is premised on a full movement driveway being permitted on Regional Road 7 in the location shown on Attachment #3. The Region of York has advised that it will not permit a full movement driveway onto Regional Road 7 for this property and that any development on this site will be limited to right-in/right-out traffic movements because of the bus rapid transit median. The Owner has not submitted a Traffic Study to demonstrate that the proposed driveway can operate properly and support the proposed development utilizing a right-in/right-out driveway only; and,
- the proposed plan does not protect for a future consolidated driveway access to accommodate future development on the lands to the west (5317 Regional Road 7), which can only be achieved either by a driveway (and any required easements) located at the west limit of the subject lands or alternatively and east/west driveway in the northerly portion of the site connecting to the lands to the west. The provision of either driveway will impact the proposed site plan shown on Attachment #3.

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In order to address these technical comments, the proposed site plan shown on Attachment #3 and all of the related plans and supporting documents must be modified. To date, the Owner has failed to comprehensively respond to any of these technical comments and considerations. As a result, the proposed plan does not address fundamental technical requirements. The plans and supporting documents must be amended to address these issues, formally submitted as a complete application package and the appropriate City Departments and commenting agencies, afforded adequate time to review an amended proposal.

#### ii) 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, and,
- 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 with 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.

#### iii) Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. 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.

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;
- 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;



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- 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 PPS defines “Redevelopment” as follows:

“Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.”

The proposal represents the redevelopment and intensification of 5289 and 5309 Regional Road 7 as defined by the PPS as the applications will facilitate the creation of new residential units on developed land in an existing community at a 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 south, west and east of the subject lands as described in the Land Use Context section of this report is physically stable characterized by detached dwellings and not identified in the City’s Official Plan or Zoning By-law for intensification. OPA #661, the result of a comprehensive study undertaken for all lands along the Regional Road 7 corridor, which was approved by the Ontario Municipal Board (OMB), in August 2009 identifies and designates only those properties fronting onto Regional Road 7 as “Prestige Areas - Centres & Avenue Seven Corridor” as appropriate locations for substantial intensification and redevelopment on and in the vicinity of the subject lands. This designation is not extended to the southerly portion of the subject lands, which fronts onto Coles Avenue.

The City of Vaughan also undertook 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 approved, in part, by the OMB, it designates the southerly portion of the subject lands fronting onto Coles Avenue as “Low-Rise Residential”, further identifying that stacked townhouse dwellings are not an appropriate form of intensification or redevelopment along Coles Avenue.

The introduction of stacked townhouse dwellings at a location mid-block into an existing stable residential community and local street developed solely with detached dwellings is not in the public interest, is not consistent with the policy direction clearly established in the PPS, as implemented through the City’s Official Plans, and does not take into account the existing building stock in the community. The proposal represents the piece-meal development of a single parcel of land without regard for the policies of the PPS as implemented through the City’s Official Plan and the surrounding land use context, particularly along Coles Avenue.

OPA #661 identifies the northerly portion of the subject lands as a “Transit Stop” location, which permits a maximum building height of 10-storeys and an overall density within the Transit Stop of 3.0 Floor Space Index (FSI). The subject lands are located just west of an existing Viva Transit Stop and a planned future transit stop as part of the dedicated bus rapid transit line along Regional Road 7. VOP 2010 permits a maximum building height of 6-storeys and an FSI of 2.0 on the northern portion of the lands known as 5289 Regional Road 7, and a maximum building height of 4-storeys and an FSI of 1.5 on the northern portion of 5309 Regional Road 7. The property abuts an existing 12-storey residential condominium building with ground floor

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commercial uses located on the southwest corner of Kipling Avenue and Regional Road 7 (site-specific OPA #701 and VOP 2010 permission for a building height of 12-storeys and a FSI of 3.99). The proposed development does not take advantage of the permitted density on the northerly portion of the property and the proposed stacked townhouse units result in a poor built form transition with the surrounding built form context.

Policy 1.2.1 of the PPS states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper tier municipal boundaries, including managing and/or promoting growth and development. The City has undertaken a coordinated, integrated and comprehensive approach to managing and promoting intensification and redevelopment along the Regional Road 7 corridor by undertaking The Avenue Seven Land Use Futures Study, which formed the basis for OPA #661 together with other Official Plan Amendments (#660, #662, #663 and #664), which implement an intensification strategy for Regional Road 7 across the City of Vaughan and have been adopted by Vaughan Council and either approved by the Regional Municipality of York or the OMB. Furthermore, the City undertook a comprehensive city-wide Official Plan review (VOP 2010), which designates the southerly portion of the subject lands as "Low-Rise Residential". The applications are not consistent with the PPS in this respect since they do not represent an integrated or comprehensive approach to managing growth related to City planning matters, as it relates to the intensification of land uses on the Regional Road 7 corridor.

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 complement 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. Neither OPA #661 or VOP 2010 identify the southerly portion of the subject lands for the intensification or redevelopment proposed. The portion of the lands fronting onto Coles Avenue is located mid-block with low density homes on either side in a physically stable residential community and is not appropriate for the proposed form of intensification. Approval of the subject applications would introduce intensification that is located mid-block and which utilizes a built form, lot sizes, lotting pattern and building placement that are inappropriate in this context and, therefore, causing instability in this stable residential neighbourhood. If approved, it would have the potential to encourage further similar redevelopment and intensification on lands on Coles Avenue and adjacent local streets that have not been identified for intensification and specifically, stacked townhouse or similar or more intense forms of redevelopment.

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The proposed stacked townhouse development does not achieve the policy objectives of the Transit Stop policies with respect to creating a more intense form of development along the Regional Road 7 frontage to take advantage of the existing and planned transit infrastructure and also respond more appropriately, from a built form perspective, to the existing 12-storey residential condominium building located to the immediate east of the subject lands.

For the reasons identified above, the proposed development is not consistent with the policies of the Provincial Policy Statement.

#### iv) 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, not all locations in the municipality. The identified intensification areas are intended for change while those areas outside of the identified intensification areas not intended for change, such as the portion of the subject lands fronting onto Coles Avenue, are not meant to be changed 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. The subject lands fronting onto Coles Avenue have not been identified by the municipality for redevelopment or intensification in the form proposed by these applications. Policy f) requires intensification to

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achieve an appropriate transition of built form to adjacent areas. The southerly portion of the subject lands are designated “General Commercial” by in-effect OPA #240 as amended by OPA #345. However the size, configuration and location of the subject lands on a local road in a detached dwelling residential context and with no access to Regional Road 7, (should the northerly portion of the subject lands be redeveloped and intensified in accordance with the “Prestige Areas - Centres & Avenue Seven Corridor” designation, which is the intended designation to accommodate redevelopment and intensification), are not appropriate for the stacked townhouse form of intensification proposed. The portion of the subject lands fronting onto Coles Avenue are designated “Low-Rise Residential” by VOP 2010. Therefore the policy framework does not support the built form proposed by the applicant for Coles Avenue.

The proposal, if approved, would introduce instability onto a local residential street in an existing stable residential area by establishing a built form, lotting pattern, lot size and building locations that are out of character with the existing development. It would also introduce intensification on a local street in a mid-block location in a manner that is not consistent with the policies of the Growth Plan, clearly not identified in the City’s in-effect or Council adopted Official Plans, and could encourage similar or a more intense form 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 OPA #661, the City has adopted a municipal official plan amendment to promote intensification on the Regional Road 7 corridor. 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 two comprehensive planning studies that lead to the approval of OPA #661 and Vaughan Council adoption (and endorsed by the Region of York) of VOP 2010, that implement 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.

#### v) Region of York Official Plan

The Region of York Official Plan 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 “Regional Corridor” 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.”

#### 5.3 Intensification

“Planning and design in intensification areas will provide well-designed public spaces that create attractive and vibrant places; support walking, cycling and transit for everyday activities; and achieve an appropriate transition of built form to adjacent areas.”

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- 5.3.6 “That intensification areas be planned and designed to achieve an appropriate transition of built form to adjacent areas.”

Regional Centres and Corridors policies are included in Section 5.4, which includes the following with respect to City Building:

“City building is an approach to planning and development in the Urban Area that is socially inclusive, environmentally sustainable, and economically viable. City building creates communities that are compact, well-designed and lively, are served by subways and rapid transit, and have exciting opportunities to live, work, and play. This approach is a shift in how growth is accommodated. It is about building “up and not out,” to protect valuable resources and creating a sense of place, for today and tomorrow, and for a growing and changing population. The policies in this section direct how city building will shape the Regional Centres and Corridors, combining a bold vision for the future with practical and adaptable directions to meet community needs in changing times.”

- 5.4.1 “That the Regional Centres and Corridors, serve a critical role as the primary locations for the most intensive and greatest mix of development within the Region.”

- 5.4.6 “That comprehensive secondary plans for Regional Centres and key development areas along Regional Corridors be prepared by local municipalities and implemented in co-operation with the Region and related agencies. These secondary plans shall include (in part):

- d. a concentration of the most intensive development and greatest mix of uses within a reasonable and direct walking distance of rapid transit stations and/or planned subway stations.
- f. policies that sequence development in an orderly way, coordinated with the provision of human services, transit and other infrastructure.”

- 5.4.30 “That the boundaries of the Regional Corridors be designated by the local municipality, based on:

- “c. compatibility with and transition to adjacent and/or adjoining lands.”

The City has undertaken and approved a land use study to identify and promote opportunities for intensification and redevelopment along the Regional Road 7 corridor, which has been implemented by OPA #661. OPA #661 designates the northern portion of the subject lands as “Prestige Areas - Centre & Avenue Seven Corridor”.

The applications do 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 #661, and the new City of Vaughan Official Plan VOP 2010. The proposal, as submitted, under-utilizes the portion of the subject lands fronting on Regional Road 7. It does not provide an appropriate built form transition with either the existing 12-storey mixed-use building on the southwest corner of Regional Road 7 and Kipling Avenue or with the existing low density residential community along Coles Avenue, consistent with the above-noted policies in the Regional Official Plan.

- vi) Vaughan Official Plan

In-effect OPA #661 (The Avenue Seven Futures Land Use Study) identifies properties along Regional Road 7 for intensification, which will be served by a rapid transit system.

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The northern portion of the subject lands are designated “Prestige Areas - Centres & Avenue Seven Corridor” by in-effect OPA #240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Futures Land Use Study), which permits business, corporate, civic, residential, institutional and community services activity. OPA #661 also identifies a “Transit Stop” at the intersection of Kipling Avenue and Regional Road 7, and permits a maximum building height of 10-storeys, or 32.0 metres, whichever is less on the subject lands and a maximum Floor Space Index (FSI) of 3.0 within the Transit Stop and requires that there be an appropriate transition between development on the subject lands and adjacent sensitive land uses (lands designated “Low Density Residential”). For sites that abut a “Low Density Residential” designation, the maximum permitted building height within 30 metres of such designation shall be 4-storeys, or 12.8 metres, whichever is less. Given the “Low Density Residential” designation of the residential lots on Coles Avenue and abutting the subject lands, the majority of the overall subject lands will be subject to this policy (i.e. the 4-storey restriction would apply). The “Prestige Areas - Centre & Avenue Seven Corridor” designation permits a wide range of uses including office, business, retail, residential (which would include stacked townhouses) and civic uses. These uses may be in stand-alone buildings or may be part of mixed-use complexes.

The southern portion of the subject lands are designated “General Commercial” by OPA #240 (Woodbridge Community Plan), as amended by OPA #345 (Woodbridge Commercial Plan). This designation permits existing commercial uses, retail stores, restaurants, banks and business and professional office uses on the south portion of the subject lands, however does not permit residential uses. The proposed development does not conform with the “General Commercial” designation, which does not permit residential uses, and an Official Plan Amendment is required to redesignate the south portion of the subject lands to facilitate the proposed plan.

The plans submitted in support of the proposal indicate a Floor Space Index of 1.76, consistent with the density policy of OPA #661, but underutilizing the land. The plans also illustrate a minimum of 4-storeys of living space that includes a basement storey for habitable space, three additional levels for residential living space, with another storey for roof-top mechanical equipment which is 2.45 m high, extends across the full width of each building and include sliding doors to roof-top terraces as shown on Attachments #5, #6 and #7. As such, in certain areas, the proposed stacked townhouse units will have the appearance of being 4.5 to 5-storeys in height.

The Development Planning Department is not supportive of applying a uniform designation to the entirety of the property in order to facilitate the stacked townhouse proposal. The stacked townhouse building typology on Coles Avenue is not consistent with the existing lotting fabric, lot sizes, or built form along Coles Avenue. The proposed built form (stacked townhouses) is not permitted within “Low Density Residential” designation which applies to the residential area. The Official Plan permits the intensification of the Regional Corridor along Regional Road 7, however, the appropriate transition to Coles Avenue could be more appropriately achieved with a detached dwelling building typology consistent with the existing development on Coles Avenue.

The proposal for 6 stacked townhouse blocks with a total of 180 units and 225 underground parking spaces which occupies the entirety of the subject lands from Regional Road 7 through to Coles Avenue does not fit into the local residential context and would be in sharp contrast to the existing built form in the surrounding residential community.

The subject lands represent an opportunity to enhance and implement the vision of Regional Road 7 through intensification and also provide a detached dwelling built form into the existing established neighbourhood to the south and “finish” Coles Avenue in a manner consistent with the balance of the street and surrounding community. Instead, the applications represent a piecemeal approach to planning on a single development parcel, which is not in the public interest and is inconsistent with the planning initiatives undertaken by the City (OPA #661), adopted by the Region of York and approved by the OMB.

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Furthermore, there is a need to ensure development co-ordination (particularly with regard to possible shared access) and transition, with the lands to the west (5317 Regional Road 7) which represent the last developable parcel of lands along this section of the south side of Regional Road 7.

Site-Specific OPA #701

The lands located to the east of the subject lands (northerly portion) are developed with an existing 12-storey condominium building consisting of 118 residential units and ground floor commercial uses. On June 2, 2008, the Owners of that property appealed the City's OPA #661 (The Avenue Seven Land Use Futures Study) to the Ontario Municipal Board (OMB) on the basis that more than 180 days had elapsed since OPA #661 was received by the Region of York (the approval authority) and that the Region failed to give notice of a decision in respect of all or any part of OPA #661. On October 23, 2008, the Owner appealed their site-specific applications to amend the Official Plan and Zoning By-law (Files OP.07.009 and Z.07.049) to the OMB citing that the City failed to make a decision on the applications within the time frames prescribed by the Planning Act.

The Owner, the City of Vaughan, and the West Woodbridge Homeowners Association Inc. were the Parties represented at the OMB Hearing which was held in June 2009. It is noted that Mr. Duca, after being advised by the OMB and in the Draft Procedural Order of the distinction between party and participant status, chose to be a participant at the Hearing. On June 22, 2009, a negotiated resolution of the appeals was reached and formalized in the form of signed Minutes of Settlement which were approved by the OMB. Ultimately, OPA #701 which includes site-specific policies related to building height (12 storeys), density (3.99 FSI) and landscaping buffers regarding the development of the 12-storey building was approved and the OPA has been incorporated into VOP 2010 as a Volume 2 Area Specific Policy. As part of the Settlement, the southern boundary of the "Prestige Areas - Centres & Avenue Seven Corridor" on the lands subject to these applications was moved closer to Regional Road 7, thereby reducing the amount of lands within this designation. On August 28, 2009, the OMB issued a Memorandum of Oral Decision (PL080857) and Order of the Board, respecting the approval of OPA #701. The remainder of the lands subject to this application (southern portion, with frontage on Coles Avenue), maintained the "General Commercial" designation of OPA #240 (Woodbridge Community Plan), as amended by OPA #345 (Woodbridge Commercial Plan).

The Memorandum of Oral Decision Delivered by S.J. Sutherland on June 25, 2009, and Order of the Board issued on the August 28, 2009, states:

"the adjustment of the boundary line for OPA #661, as represented in the settlement, helps protect the character of the well-maintained neighbourhood, the proposed development borders, and represents good planning."

Subsequent to the Minutes of Settlement and the Decision of the Ontario Municipal Board, Counsel for John Duca filed a Request for Review of the OMB's Decision citing that it was detrimental to the John Duca property. In a letter dated September 22, 2009, the Chair of the OMB stated there was no evidentiary basis for the statement found in the Request that Mr. Duca was "severely prejudiced" by the Decision, and that Mr. Duca has the opportunity to submit a development application to the City, once his plans for the property are finalized. The request for review was denied.

City of Vaughan Plan 2010 (VOP 2010)

The northern portion of the subject lands (along Regional Road 7) are identified as a "Primary Intensification Corridor" by Schedule 1, Urban Structure, by the new City of Vaughan Official Plan

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2010 - Volume 1 (VOP 2010). The portion of the subject lands municipally known as 5289 Regional Road 7 are designated “Mid-Rise Mixed-Use”, which permits a range of residential, community, cultural, retail and office use with a maximum building height of 6-storeys and a maximum 2.0 FSI (Floor Space Index). The westerly portion of the subject lands (5309 Regional Road 7) are designated “Low Rise Mixed-Use” which permits townhouses, stacked townhouses, low-rise buildings, public and private institutional building, and retail and commercial uses. VOP 2010 was adopted by Vaughan Council on September 7, 2010 (as modified by Vaughan Council on September 27, 2011, March 20, 2012 and April 17, 2012) as endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board, on July 23, 2013. The northerly portion of the property is also subject to Area Specific Policy 12.11 (Kipling Avenue and Highway 7), of Volume 2 of VOP 2010, which provides for a maximum building height of 6-storeys and an FSI of 2.0 on the lands known as 5289 Regional Road 7 and permits townhouse and stacked townhouse dwellings, and public and private institutional buildings on the balance (5309 Regional Road 7) of the subject lands. The southerly portion of the subject lands are designated “Low-Rise Residential”, which does not permit stacked townhouse units. The proposal does not conform to “Low-Rise Residential” policies of VOP 2010. On February 11, 2013, the Owner filed an appeal with the Ontario Municipal Board citing the failure of the Region of York to approve the Vaughan Official Plan insofar as it affects the subject lands. The Owner is concerned that the approval of VOP 2010 may not be consistent with any potential OMB decision respecting the subject development applications. The Owner’s VOP 2010 appeal is currently outstanding.

VOP 2010 includes the following relevant policies:

Section 9.1.2 Urban Design and Built Form includes the following:

“A great city is a beautiful city: one that consists of remarkable buildings and high-quality architecture and urban design. This is true for both a city’s major buildings and its core fabric of houses and small to mid-sized buildings. These buildings work together with associated public spaces to create rewarding and interesting experiences. A City needs a clear set of directions on how buildings should be designed and organized, how they relate to the public realm and its intentions for urban design and architectural quality.

A clear set of intentions and expectations are provided for how buildings should be developed in different parts of the City. The transformation envisioned in this Plan requires that a new emphasis be placed on design excellence. Developments in Vaughan will need to be both functional for the users of the building and contextually fit within their surroundings.”

“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:

- 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 9.1.2.3.
- b. in Intensification Areas, new development will be located and organized, as set out in policies 9.1.2.5 and 9.1.2.6 to frame and support the surrounding public realm and massed to fit harmoniously into its surrounding environment, including appropriate transition to areas of lower intensity development.



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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.

9.1.2.5 That in Intensification Areas, new development will be designed to (in part):

- d. mass new buildings to frame adjacent streets in a way that respects the existing or planned street width but also provides for a pedestrian-scaled environment;
- e. create appropriate transitions in scale to areas of lower intensity;
- g. provide for adequate light and privacy for occupants of the new development and for occupants of adjacent properties;
- i. provide appropriate indoor and outdoor amenity space for the occupants of the new development; and,
- j. contribute to an interesting and attractive skyline through architectural treatment and roof design.

**Stacked Townhouses**

9.2.3.3 The following policies and development criteria (in part) apply to stacked townhouses:

- a. A building containing a row of Stacked Townhouses shall not be longer than 50 metres;
- b. Stacked Townhouses shall generally be oriented to front onto a public street in order to provide front entrances on public streets; and,
- c. The facing distance between blocks of Stacked Townhouses that are not separated by a public street should generally be a minimum of 18 metres in order to maximize daylight, enhance landscaping treatments and provide privacy for individual units."

The subject lands have frontage on Regional Road 7 and Coles Avenue and have a split-designation. Section 2.2.1.1 of VOP 2010 establishes a hierarchy of Intensification Areas that range in permitted building height and density and establishes that Regional Intensification Corridors will be a major focus for intensification on the lands adjacent to major transit routes, at densities and in a form supportive of the adjacent higher-order transit. The Regional Intensification Corridors link the Vaughan Metropolitan Centre with other intensification areas in Vaughan and across York Region. Section 9.1.2 includes policies with regard to new development in both Intensification Areas and Community Areas.

The applications fail to demonstrate that they meet either objective of intensifying a regional corridor and compatibility within an established residential area. The introduction of stacked townhouses along a Regional Corridor, on lands adjacent to an existing 12-storey mixed-use building, underutilizes the permission afforded to it by the Region's and City's plans and facilitates a poor built form transition with the surrounding low density context. Additionally, the subject applications do not demonstrate that they frame and support the surrounding public realm and are massed to fit harmoniously into its surrounding environment, including appropriate transition to areas of lower intensity development (Community Area). The proposed development does not comply, in particular with Section 9.1.2.2, identified above. The buildings with frontage on Coles

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Avenue have not been designed with generally consistent setbacks and built form along the sidewalk. The proposed development does not create an appropriate transition in scale to areas of lower intensity. The proposed lot size and configuration, building type, height, setback and the rear and sideyards are not designed to respect and reinforce the existing physical characteristic and use of the surrounding area. The proposal does not respect and reinforce the existing and planned context within which it is situated.

#### vii) Zoning

5289 and 5309 Regional Road 7 are zoned C1 Restricted Commercial Zone, subject to Exceptions 9(791) and 9(424) respectively, as shown on Attachment #2.

An amendment to Zoning By-law 1-88 is required to rezone the entirety of the subject lands from C1 Restricted Commercial Zone (residential uses not permitted) to RM2 Multiple Residential Zone and to permit the proposed site-specific zoning exceptions to Zoning By-law 1-88 that are required to implement the proposed development.

As noted in the Purpose section of this report, a number of exceptions to Zoning By-law 1-88 are required to implement the proposed plan. The PPS places the responsibility for the identification of opportunities for intensification and redevelopment with planning authorities which will be implemented through the Official Plans and Zoning by-laws. Similarly, the Growth Plan requires that all municipalities develop and implement through their Official Plans and supporting documents, a strategy and policies to phase in intensification.

The current zoning of the subject lands and surrounding area is shown on Attachment #2. The lands south, east and west of the subject lands that are developed with existing dwellings are all zoned utilizing a Zone category (e.g. R2 and R3 Zones) that permit only detached dwellings as permitted uses. The R5 Zone to the west is subject to a site-specific zoning exception that permits only detached dwellings. Approval of the Zoning Amendment application would introduce a multiple residential Zone category (RM2 Zone) at a mid-block location that extends through to Coles Avenue, together with proposed site-specific development standards. The RM2 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 or VOP 2010 Official Plans. The zoning exceptions would result in a built form street wall with building massing and setback, roofline and profile that is inconsistent and not compatible with the existing single detached dwellings on Coles Avenue and do not achieve the goals of the Official Plan with respect to locating density on the Regional Road 7 corridor.

The zoning exceptions includes a 0m setback to the property line adjacent to Regional Road 7, which would result in encroachments into the Regional right-of-way for doors, private planters and stairs, which is not permitted. The proposed interior side yard setbacks of 1 m abut adjacent single detached dwellings and are insufficient to provide an appropriate transition with these buildings given the building design which includes mechanical penthouse rooms that extend across the full width of each proposed townhouse block, thereby adding to the height of the proposed buildings immediately adjacent to detached dwellings. This building separation will not allow for adequate light, view and privacy for residents.

The proposed rear yard of 6.9 m results in a permanent built form that does not maintain the general front yard setback condition existing on the north side of Coles Avenue. The adjacent detached dwellings located to the east and west of the subject lands and fronting onto Coles Avenue are designated "Low Density Residential" by the Official Plan and are zoned R2 Residential Zone by Zoning By-law 1-88, which requires a minimum front yard setback to the Coles Avenue property line of 7.5 m. The adjacent lots are not designated or zoned for

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intensification and are developed with existing detached dwellings that will remain for many years. The proposed development would encroach into the established front yard setback along Coles Avenue resulting in an inconsistent and non-harmonious streetscape environment from the perspective of building placement, built form, massing, landscaping and architectural design.

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

#### City Department and Agency Comments

The following comments have been provided by City Departments and the Region of York:

##### 1. Development Planning Department

The Development Planning Department provided the following comments respecting the urban design, landscaping, and built form aspects, of the proposal:

##### i) Site Organization and Plan

- A proper transition from a potentially active and vibrant urban public realm along the Regional Road 7 frontage transitioning through the site to the more suburban residential character of Coles Avenue should be considered as a design priority. To respond better to the vision for the future of Regional Road 7 transit oriented development by the Region and the City, the applicant is encouraged to review all related documents and reorganize the site to achieve a context related site plan. This may include bringing retail to the north of the site, where proposed rapid transit stops will generate more pedestrian presence and movements.
- A better transition into the existing community is required by providing high density built form along Regional Road 7 in the northeast corner of the site and transitioning down to a low density form of development along the south frontage. This design approach provides for significant landscaping opportunities and a more suburban streetscape character along Coles Avenue.
- Excessive car and truck penetration into the site must be minimized by relocating the proposed “T” driveway intersection closer to Regional Road 7. Moving the “T” intersection further north will provide for a more prominent centrally located amenity area within the development.
- The frontage of the adjacent high-rise development must be considered as a design factor to create a coordinated and cohesive urban public realm along Regional Road 7.
- The feasibility of internalizing the proposed ramp to the underground parking should be explored.
- The proposed staircase to the parking garage on the east side of “Block B” should be relocated to clear the sidewalk path.
- The proposed open garbage and recycle storage area is not permitted. All garbage and recycle materials are to be stored internally to one of the proposed buildings, hidden from the public view.
- An adequate weather protected area of bicycle parking for the residents and visitors of the site must be provided.

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##### ii) Landscaping

- Sustainability objectives with respect to stormwater infiltration and reuse strategies should be considered wherever possible.
- It is recommended that an eco-paving/unit paver system be used to cover the proposed pedestrian areas and provide opportunity for stormwater infiltration.
- Only adaptive and drought tolerant plant species shall be selected to reduce potable water usage for landscaping.
- The proposed garbage receptacle type should be revised to 3-stream side-opening waste and recycle receptacles.
- Convert the proposed landscaped area between Blocks “A” and “B” to a prominent central amenity area which includes a children’s play area.
- Locate all utility and hydro boxes on the site which ensures none of them are visible from surrounding public areas.

##### iii) Elevations

- Excessive repetition of a single building block elevation has created a monotonous looking development. More variety and articulation on building elevations, rooflines and built form massing is necessary to achieve better quality built form which is different but complimentary to each other.
- To increase and activate the visual connectivity between the interior and exterior facades of the proposed buildings, increased use of clear vision glazing is required.
- Provide an adequate number of cross sections through the site to clearly describe the relationship between the site plan components and the neighbouring areas.

#### 2. Region of York

The Region of York Transportation and Community Planning Department has provided the following comments (in part) on the proposed site plan and Traffic Study.

- i) York Region is protecting for a 45.0 metre right-of-way adjacent to this site. As such, for this section of Regional Road 7, the Owner will be required to dedicate, upon execution of the Site Plan Agreement, the following lands to the Region, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
  - A road widening along the entire frontage of the site adjacent to Regional Road 7 of sufficient width to provide 22.5 metres from the centreline of construction of Regional Road 7.
  - Should the Regional Road 7 Rapid Transit project proceed ahead of this development, the Owner will be required to provide temporary construction easements to the Region, as shown on the drawing prepared by Lloyd & Purcell Limited, dated January 3, 2013, for the purpose of constructing the rapid transit

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works and a temporary interface between the Regional right-of-way and the subject lands. These easements shall be provided to the Region free of all costs and encumbrances to the satisfaction of the Regional Solicitor.

- ii) The Owner must revise all plans to reflect the property to be dedicated.
- iii) The Owner must make provisions for a future interconnection and consolidation of access with the adjacent property to the west, should the adjacent lands redevelop in the future.
- iv) The Owner will need to provide an easement to the City of Vaughan, or the adjacent landowners, for the purpose of maintaining public access over the roadway and protecting for the interconnection and access consolidation of this site with the lands to the west.
- v) Any access from Regional Road 7 will be restricted to right-in/right-out movements only.
- vi) The Regional Road 7 right-of-way shall be free of all visibility obstructions of any sort including earth berms, landscaping and utility structures, construction equipment, vehicles and materials not immediately required for the construction of site works.
- vii) The Region requires the Owner to submit to it, in accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended), a Phase 1 Environmental Site Assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to the Region.
- viii) The Owner shall submit plans and satisfy the Regional Municipality of York Transportation and Community Planning Department that a concrete pedestrian access connection from the building entrances to the sidewalk on Regional Road 7 will be provided. The concrete pedestrian access shall be privately owned and maintained.
- ix) The Owner will be required to provide direct pedestrian and cycling connections to the boundary roads, and facilities on the site (e.g. sufficient, convenient, and secure bike racks) to promote the usage of non-auto travel modes. York Region and the City of Vaughan will not assume any financial responsibility for implementing the provision of the pedestrian and cycling connections and facilities.
- x) A detailed Traffic Management Plan (TDM) shall be prepared by the Consultant and submitted to the Transportation and Community Planning Department for review and approval, prior to commencing any work. If traffic conditions are severe, the Traffic Management Plan and the requirements below may need to be revised to mitigate impact.
- xi) York Region Rapid Transportation Corporation (the "YRRTC") will be implementing the VIVA - Next Transitway (the Project) in the vicinity of the subject lands. The proposed project is an at-grade bus rapid transit facility located in the centre median area of Regional Road 7 and within an exclusive right-of-way
- xii) The Owner will be required to identify, implement and monitor a comprehensive TDM program in support of the proposed development to the satisfaction of York Region and the City of Vaughan. The TDM program may include but not be limited to the following measures:

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- Provide a TDM checklist that identifies the programs/measures, associated costs, and Owner's responsibilities to implement and monitor the recommended TDM programs/measures;
- Provide a comprehensive information package for new residents with available pedestrian, trails, cycling, and transit facilities, including community map, cycling map, York Region Transit route map, GO Transit route map and schedule;
- Reduce parking supply, where appropriate, in consultation with the City of Vaughan;
- Provide carefully planned, safe, illuminated and convenient pedestrian walkways and sidewalks linking to bus stops, where appropriate;
- Provide high quality pedestrian amenities such as benches and garbage receptacles, where appropriate; and,
- Implement incentives (e.g. preloaded Presto cards) to encourage residents to use alternative modes of transportation and from this development.

xiii) The Owner shall submit plans and satisfy the Regional Municipality of York Transportation and Community Planning Department that sidewalks will be provided, including illumination in accordance with the local municipality's or the Region's design standards, as applicable. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadways that have transit services.

#### 3. Vaughan Development/Transportation Engineering Department

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

##### i) Road Network

The submitted Site Plan proposes one access point from Regional Road 7. This access will be primarily used to access the site and the proposed underground parking ramp. Given the proposed access is from Regional Road 7, Region of York approval is required.

##### ii) Municipal Servicing

The Applicant has submitted a Functional Servicing (FSR) brief and Stormwater Management (SWM) Report prepared by Masongsong Associates Engineering Limited, dated November 2011 in support of the applications. This report concludes that the proposed development could be serviced by the existing municipal services on Coles Avenue and Regional Road 7.

##### iii) Sanitary Servicing

The Consultant proposed to provide a 200mm diameter sanitary sewer service connection at the south property boundary and connect into the existing 300mm sanitary sewer on Coles Avenue.

The Functional Servicing Report did not provide a comprehensive review of the capacity existing within the Coles Avenue sanitary sewer or hydraulic calculations including the addition of the 180 units stacked townhouse.

As part of Site Plan approval, the Consultant shall analyze the sanitary sewer system, to the nearest City Trunk Sewer, and its associated upstream / downstream tributary areas in detail and provide design sheets accordingly. As well, in order to accommodate the ultimate build out of the Primary Intensification Corridor, the Consultant shall incorporate the anticipated future intensification for this corridor in the sanitary sewer analysis. The ultimate population / density figure can be obtained from the City.

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If downstream system constraints are identified through the sanitary sewer system analysis, the Owner will be required to complete the system upgrades to the satisfaction of the City.

#### iv) Water Distribution System

The Functional Servicing Report did not provide Hydrant Flow Test(s), water consumption or fire flow data. The site lies within the Pressure District 4 (PD4) of the York Water System. The Consultant shall confirm, via a hydrant pressure test(s), that the required pressure / flow design criteria requirements for the site can be achieved with a connection to the existing local system. Given the proposed intensification for the site the City's preference and the most ideal point of connection is to the existing 400mm diameter watermain along the north limit of the site on Regional Road 7.

Accordingly, an updated Functional Servicing Report shall be submitted in conjunction with the Site development application for review and approval.

#### v) Stormwater Management (SWM)

##### Quantity Control

The site lies within the Humber River Watershed. Based on the on-going City-Wide Storm Drainage and Stormwater Management Master Plan Class EA. Unit flow rates for the Humber River Watershed shall be used in calculating the allowable discharge from the site. The Stormwater Management Report shall be updated accordingly.

Based on the Site Servicing and Grading concept, local storm drainage will be conveyed internally to the south west corner of the development lands. The master storm drainage plan for this tributary area allowed for approximately 50% of the development area to drain to Coles Avenue. The applicant will be required to demonstrate that the allowable discharge rate will not be exceeded under full build-out. The applicant 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).

##### 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 in the Ministry of Environment (MOE). The applicant 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 shall be submitted in conjunction with the Site Development application for review and approval.

#### vi) Lot Grading

Detailed Grading plans showing existing and proposed grades shall be submitted in conjunction with the Site Plan approval 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.

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vii) Environmental

The Owner has submitted a Site Screening Questionnaire and Phase 1 Environmental Site Assessment, 5289 Highway 7 West dated November 2007 for review and approval. The Owner must address comments provided by the Environmental Engineer on March 25, 2013.

viii) Noise

The applicant has submitted a Noise Feasibility Study, titled “Duca Condo Stacked Townhouse Development”, dated December 12, 1011, prepared by HGC Engineering.

Traffic on Regional Road 7 and the Canadian Pacific (CP) railway lines have been determined to be the dominate sources of sound. Sound level predictions within the report indicate that future traffic sound levels will exceed the MOE Guidelines at many of the units within the development.

Central air conditioning system and forced air ventilation systems with future sizing provisions are recommended for Townhouse Blocks “C” and “D” closest to Regional Road 7 and Townhouse Blocks “B” and “E” respectively. Upgraded glazing construction is recommended for Townhouse Blocks “C” and “D” and it is further recommended that all units have noise warning clauses. The Noise Report should include a professional engineer’s seal, signature and date.

ix) Site Plan Agreement

The Owner shall require to enter into a Site Plan Agreement with the City to address the issues such as the provisions of services, noise attenuation, etc.

x) Servicing Capacity Allocation

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Vaughan Council servicing allocation capacity for these applications has not been reserved or assigned potential future capacity at this time. Therefore, servicing allocation capacity is currently not available to support the proposed development concept.

The City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol. The availability of servicing allocation capacity for the above noted development applications may be revisited at this time based on the status of the subject development applications.

xi) Transportation

The Transportation Engineering Section has reviewed the site plan submitted by Gregg Fordyce Architect, dated February 29, 2012, and the Transportation/Parking Study prepared by Read, Voorhees & Associates dated, December 2011, as well as correspondence from York Region.

a) Parking Study

The study is in support of a reduced parking supply of 225 spaces (1.05 spaces per unit for residents and 0.20 space per unit for visitors), whereas Zoning By-law 1-88 requires 315 spaces (1.5 spaces per unit for residents and 0.25 space per unit for visitors).

According to the study “The transit service on Highway 7 is good, so the site is considered to be in allocation with high order transit service. The proposed ratios are considered with the City’s recent review of parking standards.”

The information provided in the report is not sufficient to verify the recommended parking ratio for the subject development. Furthermore, the description of residential units



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(number of bed rooms) should also be specified in the report. Please note that the IBI Draft Parking Study as mentioned in the report recommends the subject development is within a Local Centre Corridor instead of a High Order Transit Corridor. The report should be revised accordingly.

We have concerns regarding the approach of parking estimation as presented in the report. The proposed parking supply is considerably less than the usual calculated rates listed in the City's comprehensive Zoning By-law 1-88. The report should not be totally based on the report prepared by IBI Group for the City of Vaughan (i.e. '*Review of Parking Standards Contained within the City of Vaughan's Comprehensive Zoning By-Law*'). A By-law to implement that IBI study has not been approved by Vaughan Council.

In the absence of the above mentioned study or new City by-law, we recommend that an analysis/survey of at least two similar facilities (i.e. stacked townhouses) should be included in the report to verify the recommended parking ratio for the subject development. The parking survey should be conducted during busy periods and at least two days data will be required.

#### b) Site Plan

- Design/details of proposed access on Regional Road 7, requires review and approval by Region of York.
- Show manoeuvring plan for the garbage trucks. Public Works Department to provide additional comments with respect to waste management requirements, if any.
  - Provide stop sign as marked on the plan.
  - Please show fire route with turning radii.
  - Please show existing and future right-of-way (R.O.W) along Regional Road 7.

#### c) Transportation Study

- The study should be revised to reflect a right-in/out access on Highway 7 as per Region of York letter of September 27, 2013. The study should also ensure that the proposed development would not cause traffic operational issues on the arterial road due to the restricted full moves.
- The study should also examine the scenario of having a future internal laneway connection to the adjacent lands to the west.
- The application requires review and approval from the Region of York as the study affects a Regional road.
- Please provide a copy of traffic counts. Also please note that the obtained traffic counts should be compared against the Region's traffic counts.
- The applied 1.2% traffic growth rate as utilized in the report appears to be low. It is recommended that the same should be calculated using historical growth rates and should be verified by Region of York.
- Trips generated by the proposed development located at the north-east corner of Regional Road 7/Lansdowne Avenue (Celebration Estates Development – 10-storey residential apartment building containing 163 units) should be included in the report. It may be noted that the above mentioned proposal is under review by the City.

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- Trip distribution should be verified with Transportation Tomorrow Survey data.
- The study did not provide details with respect to Modal Splits. The study should include appropriate methodologies to show how the targeted modal splits of the City can be achieved through design and TDM programs. Sufficient sources should also be provided to support and justify the targeted trip rate reductions.
- All soft copy files for the Synchro Analysis should be included in the revised submission.
- Page 1 of the report shows total number of parking spaces the 225 (189 resident parking spaces and 36 visitors spaces), whereas page 7 indicates 261 spaces (225 resident parking spaces and 36 visitors parking spaces). The report should be revised accordingly.

#### d) Active Transportation

##### i) Pedestrian and Bicycle Circulation Plan

- A conceptual plan should be provided with the objective to create safe, accessible and convenient pedestrian/cycling connections within the development and surrounding destinations. The plan should advise site plan design (e.g. location of sidewalks, crosswalks and wayfinding signage), including locations for cycle parking. The plan should consist of a map showing interior and exterior flows.
- Additional on-site crosswalks are recommended to create a safe and continuous pedestrian network. In particular, three clearly marked pedestrian crosswalks are recommended adjacent to the pedestrian connection to Coles Avenue. Concrete sidewalk extensions are recommended using similar materials to the concrete sidewalks. In addition, all crosswalks should be accessible through the use of dropped curbs or raised crossings. All dropped curbs should be clearly marked on the site plan.
- The site plan shows the proposed new sidewalk abutting the travel lanes on Regional Road 7. Sidewalks that are adjacent to traffic may have an impact on pedestrian safety. Snow storage would also be an issue. As such, a minimum 0.5-1.0m buffer should be considered to separate pedestrians from the street (as per the existing situation).
- On Regional Road 7, the sidewalk should continue at grade across the driveway entrance to provide for through pedestrian movement, slow vehicles, and make it clear to motorists that sidewalk users have the right-of-way. Municipal sidewalks travelling through a driveway shall be 200mm thick as per City Standard Drawing E-1 (Site Plan and Site Servicing Engineering Criteria Guide).

##### ii) Cycle Parking

- No cycle parking has been proposed. The following cycle parking standards are recommended for residential uses in Intensification Areas as per the Draft Parking Standards Report (March 2010).

Use	Long term secure parking	Short term parking
Residential (180 units)	90 spaces (0.5 cycle parking spaces/unit)	36 spaces (Greater of 0.2 spaces/unit or 6 spaces)

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- Long term cycle parking should be conveniently located in each building for the residential units. Long term cycle parking should be secure (e.g. lockers, cycle rooms and cages), and dedicated entrances to indoor cycle parking facilities are preferred. Wayfinding signage should also be provided to make everyone aware of the location of parking and importance of cycling.
- Short term cycle parking (for visitors) should be provided for each building, and should consist of bike racks, preferably sheltered. Rack areas should be easily accessible (no more than 15m from a building entrance), and highly visible along the roadway frontage. Medium-high security racks are recommended, which permits the bicycle frame and both wheels to be locked to the rack. A Dero Swerve Rack with in-ground mount is recommended.

#### e) Transportation Demand Management Plan (TDM Plan)

- In the new VOP 2010, it is policy to require the preparation and implementation of TDM Plans to support sustainable transportation. TDM Plans are required for all Site Plan approval applications for developments with greater than 50 residential units. TDM Plans should be prepared with the aim to encourage/enhance use of sustainable transportation through ongoing action before and after occupation. As stated in the Vaughan Official Plan (VOP 2010), 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.
- A TDM Plan shall be included within or attached to the Traffic Impact Study. The TDM Plan shall identify candidate TDM measures, determine the change from base trip generation estimates for each, and include a modal split analysis to determine estimated shifts to sustainable modes. To meet the requirements of the VOP, the following contents are recommended for the TDM Plan:
  - 1. Objectives – The TDM Plan should set a few objectives for this development. For example, the primary objective should be, "to reduce single occupancy vehicle use".
  - 2. Targets – The TDM Plan should include targets. For example, percent trips by car (as driver), carpool, transit, cycling, or walking. The TDM Plan could also set a target to reduce total trips. The TDM Plan must contribute to a transit modal split of 40% targeted for Intensification Areas by 2031 to satisfy the VOP.
  - 3. TDM Measures – The TDM Plan should include a mixture of hard and soft measures to meet the objectives and targets. These could include education, promotion and outreach measures, or incentive/disincentive measures. TDM measures are recommended below. Neither the City of Vaughan nor the Region will assume responsibility, financial or otherwise, for implementing the measures in the TDM Plan.

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4. Monitoring – To evaluate the degree to which the TDM Plan has achieved its objectives/targets, an annual travel survey, vehicle and occupancy counts, and transit counts should be carried out. A five year monitoring program is recommended to ensure targets are met. Reporting procedures should also be identified for the City to review.
5. Budget – The estimated costs related to each recommended measure or task should be provided as part of the TDM Plan (e.g. costs for each TDM measure, and monitoring), including funding arrangements.
6. Management Plan – The TDM Plan must identify operational and financial roles, and responsibilities of the property manager or TDM Plan Coordinator, including the proposed timing for implementation, and ongoing management of each TDM measure.

The following TDM measures are recommended for consideration:

- Unbundled resident parking – The City recommends the developer explore separate (or ‘unbundled’) resident parking. By separating the cost of parking from the cost of the residential unit, unbundling makes visible the hidden cost of driving, enables people to make more informed transportation decisions, and creates opportunities to use more sustainable modes of transportation.
- Transit incentives – Provide complimentary PRESTO fare cards with a pre-loaded value for purchasers of new residential units for the first 1-2 years of occupancy.
- Cycling incentives – Short and long-term cycle parking is strongly recommended (see previous section). The developer can also provide free/discounted bicycles for residents (a bike share program) and/or subsidize CAN-BIKE cycling skills development courses offered by the City.
- Information distribution – The developer should provide information to residents on available travel options, including walking, cycling, carpooling, carsharing and transit.
- Personal Travel Planning (PTP) Program – An individualized marketing program focusing on the community to encourage people to make more sustainable transportation choices. This can be achieved through the provision of information, incentives and motivation (e.g. one-to-one contact and advice, map/leaflet order forms, PTP branding, website, interactive web map, events, free transit passes etc).
- Promote Smart Commute Carpool Zone and their Emergency Ride Home service.
- The City will require a commitment from the Owner for implementation and monitoring of the TDM Plan. As such, the City and/or the Region may seek to enter into an Agreement with the landowner for the total cost of TDM measures to ensure completion of the TDM Program (i.e. the Owner will be required to deposit a Letter of Credit).

f) Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that if the applications are approved the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland

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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 Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

#### g) Waste Management

The Public Works Department typically provides comments respecting waste management at the Site Development Application stage; however, deficiencies with the proposed site plan are noted, including the following:

- The proposed waste storage location is acceptable but all waste (garbage/recycling) must be stored internal to a building fully enclosed (i.e. small type garage with a roof, concrete floor, roll-up door(s), daily access side door, must be vented, rodent proof etc). The structure must be large enough to hold other waste “bulky items” such as white goods, furniture, etc. Also extra space to allow front end bin(s) for cardboard only. Show the footprint of all proposed bins (i.e. 4y d<sup>3</sup>, 95 gal carts etc.).
- Garbage must be mechanically compacted. Detailed information to be shown on the drawings and a pamphlet with specifications to be submitted.
- A reinforced 200 mm concrete pad is required outside the waste storage building for staging of bins during scheduled collection day (construction must be noted on the drawings).
- Bollards must be installed on each side of the waste storage building roll-up door(s).
- Provide curb radiuses along access route (minimum 9 m) and show construction of access route, which must be constructed of heavy duty asphalt (to be noted on the drawings).

#### Summary - Proposed Site Plan

The applications for Official Plan and Zoning By-law Amendments were filed with the City on March 2, 2012, and were circulated to City of Vaughan Departments and external agencies for review and comment. Comments received on the proposal, including those related to the proposed site plan, and supporting traffic and environmental studies, etc., submitted in support of the applications were provided to the applicant at various times through the review period. The comments, and particularly those related to the requested road widening of Regional Road 7, will considerably change the proposed site plan. However, a comprehensive submission has not been submitted by the applicant to address the comments received to date. As such, the comments herein are based on the only submission received to-date.

The proposed site plan suggests that the site is being developed with a uniform built form (i.e. 6 stacked townhouse blocks) as a “compromise” between low and higher-type built form and densities, while complementing neither uses which are both in close proximity. As such, the proposal has little regard for the adjacent sensitive land use (the low density uses, along Coles Avenue and to the south), or the higher density uses either already built or contemplated by OPA #661 along Regional Road 7. The plan does not accomplish the goal of intensifying the Regional Corridor or complement the existing built form. Additionally, the proposal does not include public open space, and the majority of the amenity space for future residents of the development appears to be limited to sunken patios, balconies and terrace spaces.

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#### **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 Plan in the form of OPA #661 and VOP 2010. The proposal, when considered comprehensively, in context with the existing low density residential community and the planned vision for Regional Road 7, 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. There is an opportunity on the subject lands to maintain the existing lotting fabric and built form and unit type along Coles Avenue, and achieve higher density along Regional Road 7.

The proposed development does not respect the local area and does not appropriately contribute to City building. The development does not appropriately address either street frontage (Regional Road 7 or Coles Avenue). The proposal introduces a building form, lotting pattern and lot size that is not appropriate for Coles Avenue and does not focus intensification on Regional Road 7, as directed by the City's Official Plan. 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 Regional Municipality of York clearly require that the municipality establish an intensification strategy respecting where and how intensification will occur. This requirement has been met through the adoption of OPA #661, which has been approved by the OMB, and the comprehensive city-wide Official Plan review that culminated in the adoption of VOP 2010.

Furthermore, the technical comments provided by City Departments and external agencies will significantly change the configuration of the proposed development which must be considered and reviewed. Finally, consideration of a comprehensive and co-ordinated development plan with the lands to the immediate west of the subject lands must be considered in order for the development proposal on the subject lands to be considered good planning.

The applicant has appealed the application to the OMB based on the lack of a decision within the time provisions of the Planning Act. However, the applicant has yet to sufficiently demonstrate, based on the supporting plans and reports (Traffic, environmental, etc.) proper justification to amend the Official Plan and zoning By-law in order to facilitate the proposal.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report, which recommends refusal of the proposal, 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**

The Region will be a Party to the Ontario Municipal Board Hearing scheduled for these applications. Region of York comments have been identified in this report.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed the proposed applications to amend the Official Plan and Zoning By-law to facilitate the development of 6 stacked townhouse

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blocks with a total of 180 units and 225 underground parking spaces in consideration of the applicable Provincial Policies, Regional and City Official Plan policies, and the surrounding existing and planned land use context. The applications would result in development that does not respond appropriately to the built form on either the Regional Road 7 frontage or the existing low density residential community to the south. 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 and accordingly the Development Planning Department recommends that the applications be refused.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan Submitted With Applications
4. Planting Plan Submitted With Applications
5. North Elevation Submitted With Applications
6. South Elevation Submitted With Applications
7. Typical Stacked Townhouse Layouts as Submitted With Applications
8. Roof Floor Plan Submitted With Applications
9. Building Sections Submitted With Applications
10. Site Plan Included with Public Hearing Report (September 4, 2012)
11. North Elevation Included with Public Hearing Report (September 4, 2012)
12. South Elevation Included with Public Hearing Report (September 4, 2012)
13. Revised Site Plan Submitted on October 11, 2013

#### **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.)