

MEMORANDUM

C 9 COMMUNICATION CW (PH) - <u>SEPT 4/12</u> ITEM - <u>3</u>

To: Committee of the Whole

From: Dražen Bulat

Re: Ward 2 – 5289 and 5309 Highway 7, being on the South side of Regional Road 7, west of Kipling Avenue, City of Vaughan

Applications by John Duca for the Development of 6 stacked Townhouse Blocks

File Nos.: OP.12.003 and Z.12.008

Date: September 4, 2012

As set out below, I oppose Mr. Duca's applications, as presented.

Background

June 25, 2007	Council adopts OPA#661 and new land use designation: "Prestige Areas – Centres and Avenue Seven Corridor".
June 3, 2008	Council adopts modifications to OPA#661 recommended by Ward 2 Subcommittee (see Attachment 1).
June, 2008	OPA#661 appealed by Pinegrove On Seven Inc. to the OMB; John Duca does not participate.
June 22, 2009	Minutes of Settlement signed by the City, Pinegrove On Seven Inc. and WWHA (see Attachment 2). In para. 3 the City agrees to support further modification of the boundary line of OPA#661.
June 22, 2009	Mr. Duca applies to the OMB to adjourn the hearing. His request is refused by the OMB.
August 28 and September 8, 2009	OMB issues decisions modifying the boundary line of OPA#661 in accordance with the Minutes of Settlement (see Attachment 3).
September 7, 2009	Vaughan Official Plan 2010 ("VOP 2010") is adopted. Schedule 13-Q indicates the City intends that Mr. Duca's lands south of the OPA#661 boundary line are to be designated as low-rise residential (see Attachment 4). VOP 2010 does not permit stacked townhouses in low-rise residential areas (see Section 9.2.2.1).

Summary

- The City and the Community signed Minutes of Settlement setting the boundary of OPA#661.
- The settlement was embodied in the OMB Decision.

RECEIVED

SEP 4 - 2012

CLERK'S DEPT.

- Mr. Duca did not participate in the OBM hearing. His later request to adjourn the hearing was refused by the OMB.
- VOP 2010 implements the settlement and the OMB Decision and makes it clear the City's plan for Mr. Duca's lands south of the OPA#661 boundary line (on the north side of Coles Avenue) is that the lands are to be developed as low-rise residential. VOP 2010 does not permit stacked townhouses in low-rise residential areas.
- The homes on the south side of Coles Avenue and the homes abutting both sides of Mr. Duca's property on the north side of Coles Avenue are all single family detached homes.
- Mr. Duca's applications and planned development for the lands south of the OPA#661 boundary line:
 - do not comply with the OMB Decision or VOP 2010; and
 - are inconsistent with the character of the existing community on Coles Avenue.

Att #2

OMB Case No.PL080857

ONTARIO MUNICIPAL BOARD

B E T W E E N:

THE CORPORATION OF THE CITY OF VAUGHAN

("the City")

- and -

THE WEST WOODBRIDGE HOMEOWNERS ASSOCIATION INC.

("the WWHA")

- and -

PINEGROVE ON SEVEN INC.

("Pinegrove")

MINUTES OF SETTLEMENT

WHEREAS Pinegrove owns the property located at the southwest corner of Kipling Avenue and Highway 7, municipally known as 5263 Regional Road 7, 7720 Kipling Avenue, and 7730 Kipling Avenue ("the Pinegrove Site");

AND WHEREAS on June 25, 2007, the City adopted Official Plan Amendment No. 661 ("OPA 661"), and forwarded OPA 661 to the Regional Municipality of York ("York Region") for approval in July of 2007;

AND WHEREAS on October 19, 2007, Pinegrove filed a site-specific application to amend Official Plan Amendment No. 240 and OPA 661 (bearing file #OP.07.007) ("OPA Application"), and a site-specific application to amend the City's Comprehensive Zoning By-law No. 1-88 (bearing file #Z.07.049) ("ZBLA Application"), in respect of the Pinegrove Site;

AND WHEREAS on June 2, 2008, Pinegrove appealed OPA 661 to the Ontario Municipal Board ("the Board"), after the time period for approval of OPA 661 by York Region had expired;

AND WHEREAS on June 3, 2008, City Council recommended a series of modifications to OPA 661, including a modification to the boundary of OPA 661 at the Kipling and Highway 7 Transit Stop Centre;

AND WHEREAS on June 11, 2008, the York Region Planning and Economic Development Committee recommended that the Board approve OPA 661, as proposed to be modified by the City;

AND WHEREAS on October 23, 2008, Pinegrove appealed its site-specific OPA and ZBLA Applications to the Board ("OPA and ZBLA Appeals");

AND WHEREAS Pinegrove's site-specific appeals were consolidated with its appeal of OPA 661, all three appeals bearing OMB Case No. PL080857;

AND WHEREAS Pinegrove, the City, and the WWhA (collectively, "the Parties") are parties to the Board hearing, which commenced on June 8, 2009;

AND WHEREAS in response to discussions with the City and the WWhA, Pinegrove has agreed to modify its proposal to limit the height of its proposed building to generally conform, within 30 metres of a low-density residential designation, with a 45 degree angular plane taken from the south property line and the parties have agreed to support certain further boundary modifications to OPA 661;

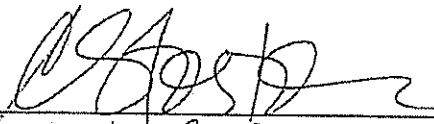
NOW THEREFORE, the Parties agree to settle Pinegrove's Appeals on the following terms, which the Parties will jointly recommend to the Board for approval, and which is intended to be a final settlement of the development applications for the Pinegrove Site:

1. The Parties agree that the Recitals above are true.
2. On or before June 25, 2009, the Parties will ask the Board to issue a Decision and Order allowing Pinegrove's OPA Appeal in part, and a Decision allowing Pinegrove's ZBLA Appeal in part, with the ZBLA Order to be held by the Board pending site plan approval by the City, which will permit the following ("the Revised Proposal"):
 - (a) a height of 12 storeys or 38.4 metres, whichever is less, stepping down to a height of 4 storeys or 12.8 metres, whichever is less, in a design substantially in accordance with the elevations attached as Figure 1;
 - (b) up to 120 units;
 - (c) the GFA resulting from the proposal will be permitted and may not exceed 3.99 FSI;
 - (d) Pinegrove will provide the widenings requested by the City on Kipling Avenue and by the Region on Highway 7, as well as the daylight triangle at the intersection of Kipling Avenue and Highway 7, as shown on the proposal currently before the Board;

- (e) the parking standard will be:
 - (i) for residential uses: 1.05 spaces per residential unit and 0.2 visitor spaces per residential unit;
 - (ii) for commercial uses: 4 spaces per 100m²;
 - (iii) up to 6 on-grade parking spaces will be shared between the commercial use and residential visitor parking;
 - (iv) parking spaces will be a minimum of 2.7 m by 5.8 m;
 - (f) the Parties will work co-operatively to draft the ZBLA referenced in paragraph 2 above, to implement the proposal so that its built form will be substantially in accordance with the elevations attached as Figure 1. Pinegrove undertakes not to request that the Board issue the ZBLA Order until such time as the site plan has been approved. Should it become necessary for the Board (instead of the City) to approve the site plan, then Pinegrove can request that the Board issue the ZBLA Order at the same time as its decision on the site plan.
3. The WWHa will request that the Board further modify the boundary of OPA 661 at the intersection of Highway 7 and Kipling Avenue (the further boundary adjustments being located in the southwest and southeast quadrants of the intersection), as shown on the attached Figure 2, and Pinegrove and the City will support the request for the boundary revision. The Parties will then ask the Board to approve OPA 661, as proposed to be modified by the City and further modified by the WWHa in accordance with Figure 2.
 4. No Party will seek costs of the Board hearing from any other party.
 5. The Board's Order(s) and these Minutes of Settlement, will be registered on title to the Pinegrove Site.
 6. The Parties acknowledge that they have sought and received legal advice in connection with these Minutes of Settlement.
 7. These Minutes of Settlement may be executed in one or more counterparts, which together shall constitute a complete set of these Minutes of Settlement, and executed counterparts may be delivered by email or facsimile transmission.

IN WITNESS WHEREOF, the Parties have executed these Minutes of Settlement
as of the date(s) indicated below.

) CORPORATION OF THE CITY OF
) VAUGHAN
)
)
)
)

) 
) Per: C. STORTO, SOLICITOR.
)

Date: June 22, 2009

) I have the authority to bind the Corporation.

) PINEGROVE ON SEVEN INC.
)
)
)
)

) _____
) Per: Mr. Bruno Lisi, President
)

Date: June 22, 2009

) I have the authority to bind the Corporation.

IN WITNESS WHEREOF, the Parties have executed these Minutes of Settlement
as of the date(s) indicated below.

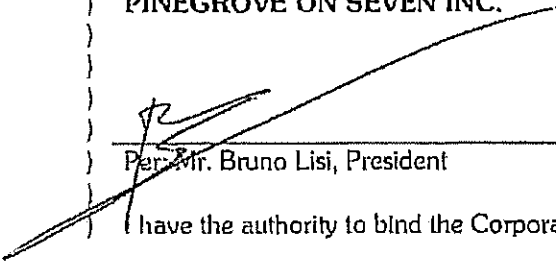
) CORPORATION OF THE CITY OF
) VAUGHAN
)
)
)
)
)

Per: _____

Date: June 22, 2009

) I have the authority to bind the Corporation.


) PINEGROVE ON SEVEN INC.
)
)
)
)
)
)

Per:  _____
Mr. Bruno Lisi, President

Date: June 22, 2009

) I have the authority to bind the Corporation.

) WEST WOODBRIDGE HOMEOWNERS
) ASSOCIATION INC.

) 
) _____

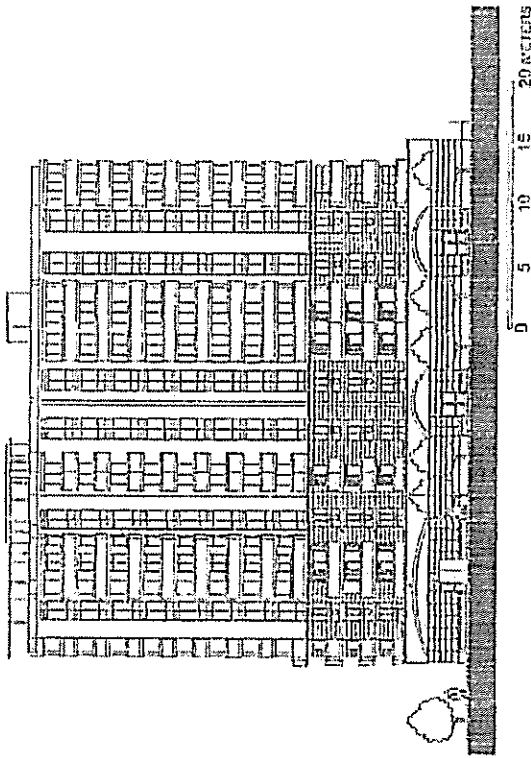
) Per: Mr. Nick Pinto, President
)

Date: June 22, 2009

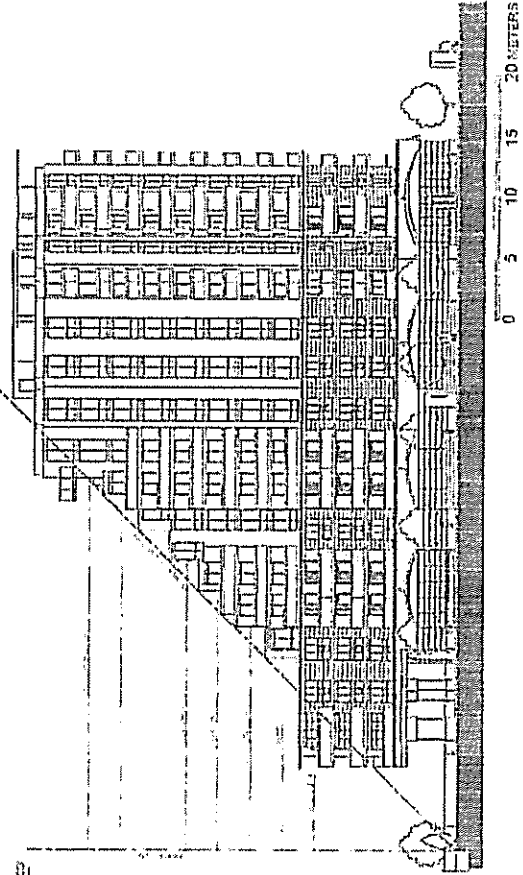
) I have the authority to bind the Corporation.

CIVIL CASE NO. 11-01-037

SECTION 1 to the N. 1/2 of S. 1/2 of Sec. 10, T. 10 N., R. 10 E., S. 10



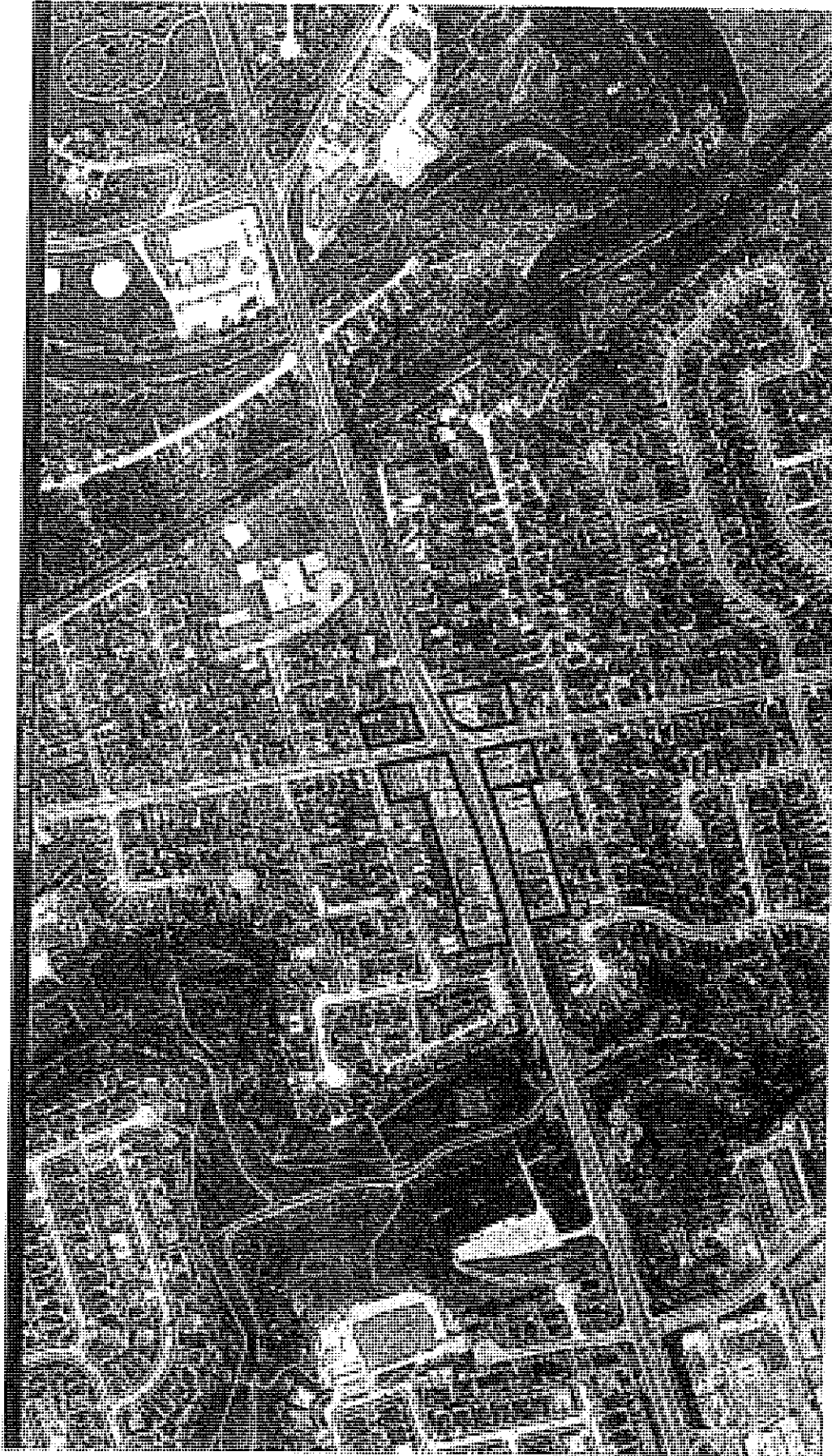
NORTH ELEVATION
SCALE: AS SHOWN



EAST ELEVATION
SCALE: AS SHOWN



ELEVATION



Pinegrove Hwy 7 OMB

Vaughan, Ontario

OMB File Number : PL080857



Settlement Boundary				
DRAWN	CHECKED	PROJ. NO.	DATE	SCALE
ADN	AS	D319	14-05-08-11	1" = 500'
				CUS. NO.
				A105



416-291-0606
 200-1001
 100-1001
 100-1001

A77-3



City of
Vaughan
The City Above

LEGEND



Subject Land

OPA 661
Boundary as
modified and
approved by
Council

Proposed
Settlement
Boundary



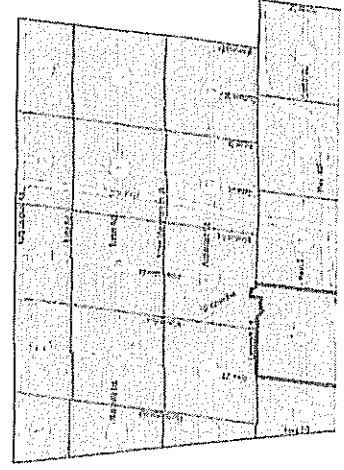
Att #4



SCHEDULE 13-Q

Land Use

- Natural Areas
- Parks
- Private Open Spaces
- Agricultural
- Rural Residential
- Low-Rise Residential
- Mid-Rise Residential
- High-Rise Residential
- Commercial Mixed-Use
- Downtown Mixed-Use
- General Employment
- Prestige Employment
- Major Institutional
- New Community Areas
- Theme Park and Entertainment
- Parkway Belt West Lands
- Infrastructure and Utilities
- Roads
- Railway
- Greenbelt Plan Area and Oak Ridges Moraine Conservation Plan Area
- Municipal Boundary



This map illustrates the proposed High Speed 1 railway line through the Islington area. The railway line is shown as a dashed line with cross-ticks, running from the bottom left towards the top right. Key features include:

- Highway 7:** Labeled at the top and bottom of the map.
- Islington Avenue:** A major road running diagonally across the upper right portion of the map.
- Kipling Avenue:** A road running horizontally across the middle right portion of the map.
- Martin Grove Road:** A road running horizontally across the bottom right portion of the map.
- Deferred Area:** A rectangular area on the left side of the map, labeled "Deferred Area".
- Building Footprints and Labels:** Various buildings are shown with labels indicating their height (H) and distance (D) from the railway line. Examples include:
 - H4 D1.75, H6 D2, H10 D3, H12 D3.99, H4 D1.5, H4 D1.75, H6 D2, H3 D1.25, H6 D2, H8 D2.5, H4 D1.5, H4 D1.75, H6 D2, H10 D3, H10 D3.
- Other Labels:** "Islington Avenue" and "Kipling Avenue" are written along their respective roads. "Highway 7" is written at the top and bottom. "Deferred Area" is written inside the rectangular area on the left.

Britto, John

From: Messere, Clement
Sent: Tuesday, September 04, 2012 4:17 PM
To: Britto, John
Subject: FW: Committee of the Whole (Public Meeting) -- September 4, 2012 -- Ward 2 -- Applications by John Duca -- File Nos. OP.12.003 and Z.12.008
Attachments: 8423662_1_Memo to Committee of the Whole and Attachments re John Duca Applications (Sept 4 12) .PDF

From: Panaro, Doris
Sent: Tuesday, September 04, 2012 4:11 PM
To: Messere, Clement
Subject: FW: Committee of the Whole (Public Meeting) -- September 4, 2012 -- Ward 2 -- Applications by John Duca -- File Nos. OP.12.003 and Z.12.008

FYI

Doris Panaro

City of Vaughan • Development Planning Department •
P-[905] 832-8565 X 8208 • F-[905] 832- 6080 • doris.panaro@vaughan.ca

From: Drazen B [<mailto:dm245@live.com>]
Sent: Tuesday, September 04, 2012 2:18 PM
To: maurizo.bevilacqua@vaughan.ca; Rosati, Gino; Di Biase, Michael; Schulte, Deb; Iafrate, Marilyn; Carella, Tony; DeFrancesca, Rosanna; Racco, Sandra; Shefman, Alan
Cc: DevelopmentPlanning@vaughan.ca; wwha@wwha.ca
Subject: Committee of the Whole (Public Meeting) -- September 4, 2012 -- Ward 2 -- Applications by John Duca -- File Nos. OP.12.003 and Z.12.008

Dear Members of Council,

Please see my Memorandum and attachments opposing the Applications filed by John Duca with respect to 5289 and 5309 Highway 7 (South side of Regional Road 7, West of Kipling Avenue, City of Vaughan), File Nos. OP.12.003 and Z.12.008, being item 3 at this evening's Committee of the Whole meeting.

Dražen Bulat

Direct Line: 416.595.8613