

Item:



Committee of the Whole Report

DATE: Monday, September 17, 2018

WARD: 2

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.11.003
ZONING BY-LAW AMENDMENT FILE Z.11.009
SITE DEVELOPMENT FILE DA.15.072
77 WOODSTREAM INC.
VICINITY OF REGIONAL ROAD 7 AND MARTIN GROVE ROAD**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment and Site Development Files OP.11.003, Z.11.009, and DA.15.072 (77 Woodstream Inc.) for the Subject Lands shown on Attachments #1 and #2, to amend Vaughan Official Plan 2010 to: redesignate the Subject Lands to “High-Rise Mixed-Use”; increase the maximum permitted building height from 10-storeys to 15-storeys; increase the maximum permitted Floor Space Index (“FSI”) from 2.5 to 2.61 times the area of the lot; and to amend Zoning By-law 1-88 and obtain site plan approval to permit a development, consisting of 15 and 13-storey residential buildings connected by a 3-storey podium, containing 1079 m² of commercial uses and 28 townhouse units, as shown on Attachments #3 to #8.

Report Highlights

- The Owner is seeking approval of an Official Plan Amendment to redesignate the Subject Lands to “High-Rise Mixed-Use” and to increase the maximum permitted building height from 10-storeys to 15-storeys and the maximum permitted density from 2.5 to 2.61 FSI, and to amend Zoning By-law 1-88 and obtain site plan approval to permit a development, consisting of 15 and 13-storey residential buildings connected by a 3-storey podium, containing 1079m² of commercial uses and 28 townhouse units.
- An increase in the permitted building height and density is proposed in return for the provision of community benefits, pursuant to Section 37 of the *Planning Act*, Vaughan Official Plan 2010 and the City’s Guidelines for the Implementation of Section 37 of the *Planning Act*, which includes a \$210,929.59 contribution towards community benefits.
- The Development Planning Department supports the approval of the applications, subject to the Recommendations of this report as they implement the land uses approved by the Ontario Municipal Board for the Subject Lands, and are consistent with and conform to Provincial policies.

Recommendations

1. THAT Official Plan Amendment File OP.11.003 (77 Woodstream Inc.) BE APPROVED, to amend Vaughan Official Plan 2010 (“VOP 2010”), Volume 1, for the Subject Lands shown on Attachments #1 and #2, as follows:
 - a) amend Schedule 13-Land Use, to redesignate the Subject Lands from “Mid-Rise Mixed-Use” with a maximum permitted building height of 10-storeys and a maximum Floor Space Index (“FSI”) of 2.5 times the area of the lot to “High-Rise Mixed-Use” with a maximum permitted building height of 15-storeys and a maximum FSI of 2.61 times the area of the lot;
 - b) Section 3.2.3.4, to permit a 10 m vegetation protection zone (“VPZ”) from the stable top-of-bank (along the rear yard) and 10 m from the property line (along the interior side yard) with encroachments, as shown on Attachment #3, whereas VOP 2010 requires a minimum 10 m VPZ as measured from the stable top-of-bank without encroachments; and
 - c) Section 9.2.3.6 respecting the “High-Rise Building” design criteria.
2. THAT Zoning By-law Amendment File Z.11.009 (77 Woodstream Inc.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments #1 and #2, from “EM1 Prestige Employment Area Zone”, subject

to site-specific Exceptions 9(463) and 9(463A) to “RA3 Apartment Residential Zone”, “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone”, in the manner shown on Attachment #3, together with the site-specific exceptions identified in Table 1 of this report.

3. THAT the implementing Zoning By-law Amendment include a provision for a contribution, pursuant to Section 37 of the *Planning Act*, for a \$210,929.59 cash payment. The Section 37 benefits will be implemented through a Section 37 Density Bonusing Agreement (the “Section 37 Agreement”) between the Owner and the City of Vaughan to be executed prior to the issuance of building permit. The Section 37 amount shall be paid to the City prior to the issuance of the first Building Permit for any above grade structure(s) for the Development shown on Attachments #3 to #8, and shall be allocated at the discretion of the Development Planning Department towards the costs associated with: upgrades to community facilities; enhanced public access to natural heritage features; and the development of playground/sporting facilities on or off-site in the vicinity of the Subject Lands. The amount of the payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Vaughan to be calculated from the date of the enactment of the Zoning By-law Amendment.
4. THAT the Mayor and the City Clerk be authorized to execute the Section 37 Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of the community benefits identified in Recommendation #3.
5. THAT the implementing Official Plan and Zoning By-law Amendments not be enacted until such time that:
 - a) the Local Planning Appeal Tribunal (“LPAT”) issues a written Order approving its Oral Decision of May 28, 2013, pending receipt of the executed Minutes of Settlement between the Owner and the City;
 - b) the Owner resolves its appeal to VOP 2010 (identified as Appeal #25 in the City of Vaughan List of VOP 2010 Appeals) as it relates to the Subject Lands, to the satisfaction of the City Solicitor and the Deputy City Manager, Planning and Growth Management;
 - c) the Owner seek exemption from Regional approval for Official Plan Amendment File OP.11.003. If granted, this exemption will allow the Official Plan Amendment to come into effect following its adoption by the City and the expiration of the required appeal period; and

- d) the Owner shall pay to the City the Section 37 Agreement surcharge fee, in accordance with the in-effect Tariff of Fees By-law for Planning Applications.
6. THAT the Owner be permitted to apply for a Zoning By-law Amendment and/or Minor Variance application(s) to permit minor adjustments to the in-effect Zoning By-law to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into full force and effect.
7. THAT Site Development File DA.15.072 (77 Woodstream Boulevard Inc.) BE DRAFT APPROVED, subject to satisfying the following conditions to the satisfaction of the Development Planning Department, to permit the development of 15 and 13-storey residential buildings containing 199 and 166 apartment dwelling units respectively, connected by a 3-storey commercial podium containing 1079 m² of commercial gross floor area ("GFA") and 801 m² of private indoor amenity space, and 28 townhouse units, as shown on Attachments #3 to #8, subject to the following:
- a) That a Site Plan Agreement be entered into by the Owner and the City, and prior to the execution of the Site Plan Agreement:
 - i) the Owner shall pay all outstanding fees pursuant to the in-effect Fees and Charges By-law (Development Engineering Services), as amended;
 - ii) the Owner shall provide a permanent easement(s) in favour of the public authority (the City of Vaughan or the Toronto and Region Conservation Authority) over the Subject Lands to the public authority's satisfaction, so that the public authority can gain access to the lands to be zoned "OS1 Open Space Conversation Zone" for future maintenance, as required;
 - iii) the Owner shall satisfy all requirements of the Development Planning Department, and the Development Planning Department shall approve the final site plan, building elevations, landscape plans, landscape cost estimate, and feature wall signage details;
 - iv) the Owner shall satisfy all requirements of the Development Engineering Department, and the Development Engineering Department shall approve the final site servicing and grading plans,

erosion and sediment control plan, Functional Servicing and Stormwater Management Reports, Geotechnical and Hydrological Assessment, and Traffic Impact and Parking Study;

- v) the Owner shall satisfy all requirements of the Policy Planning and Environmental Sustainability Department;
 - vi) the Owner shall satisfy all requirements of the Parks Development Department;
 - vii) the Owner shall satisfy all requirements of the Environmental Services Department, Waste Management Division, and the Environmental Services Department, Waste Management Division shall approve the final site plan for conformity with the Waste Collection Design Standard Policy;
 - viii) the Owner shall obtain all necessary approvals and permits, and shall satisfy all requirements of the Toronto and Region Conservation Authority, including any required dedications of the OS1 Open Space Conservation Zone lands, as shown on Attachment #4; and
 - ix) the Owner obtain all necessary approvals and shall satisfy all requirements of York Region.
- b) the Site Plan Agreement shall include the following clauses:
- i) “Prior to the issuance of building permits, the portion of the Subject Lands to be zoned OS1 Open Space Conservation Zone (as shown on Attachment #4) be dedicated into public ownership free of all costs and encumbrances.”
 - ii) The Owner shall be responsible to finance and implement or contribute to necessary downstream sanitary sewer system improvements applicable to the Regional Road 7 Intensification Corridor drainage areas based on the conclusions and recommendations of the City’s Water/Wastewater Master Plan Update and/or Focus Area Core Servicing Strategy Study, as appropriate and to the satisfaction of the Infrastructure Planning and Corporate Asset Management Department. An area specific Development Charge By-law will be finalized to establish estimated

project costs and the appropriate cost-sharing methodology/financial contribution from all benefiting areas.

- iii) “Prior to occupancy of any of the residential or commercial units, a noise consultant shall certify that the all plans are in accordance with the noise control features as recommended by the approved Noise Feasibility Study. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Feasibility Study, these features shall be certified by a Professional Engineer (as defined by the *Professional Engineers Act*, R.S.O. 1990, c.P.28, as amended). The Engineer’s certificate must refer to the approved Noise Feasibility Study and be submitted to the City’s Chief Building Official and the Director of Development Engineering.”
- iv) “Prior to occupancy of any of the residential or commercial units, the Owner shall to submit to the City satisfactory evidence that appropriate warning clauses have been included in all Offer of Purchase and Sale or Lease, and within the future Condominium Declaration.”
- v) “The Owner agrees to make application(s), enter into any Agreement(s) and/or obtain any permit(s) as required by the Development Engineering Department for the implementation of the Development, including but not limited to: any temporary and permanent dewatering systems to discharge groundwater directly or indirectly into a municipal sewer system; excavation, shoring, and encroachment; the installation of the proposed service connections; and the installation and purchasing of a water meter.”
- vi) “The Owner shall pay to the City by way of certified cheque, cash-in-lieu of the dedication of parkland prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City’s Cash-in-Lieu of Parkland 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 Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.”

- vii) “The Owner shall pay all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board, prior to the issuance of any Building Permit.”
 - viii) “Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify both the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.”
 - ix) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner, the Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services, and the Development Planning Department, Urban Design and Cultural Heritage Division.”
8. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Site Development File DA.15.072 (77 Woodstream Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a maximum total of 393 residential units (893 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City’s current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the Development does not proceed to registration within a reasonable timeframe.”

Background

The Owner’s lands are located to the east of Martin Grove Road, south of Regional Road 7 and are municipally known as 77 Woodstream Boulevard (the “Subject Lands”). The Subject Lands and surrounding land uses are shown on Attachments #1 and #2. The Subject Lands are presently developed with a banquet hall.

Official Plan and Zoning By-law Amendment and Site Development applications have been submitted to permit the Development

The Owner has submitted the following applications (the “Applications”) for the Subject Lands, shown on Attachments #1 and #2, to permit a development consisting of 15 and 13-storey residential buildings, connected by a 3-storey commercial podium containing 1079 m² of commercial GFA and 801 m² of private indoor amenity space, and three, 3½-storey townhouse blocks (the “Development”):

1. Official Plan Amendment File OP.11.003 to amend Schedule 13 - Land Use of Vaughan Official Plan 2010 (“VOP 2010”) to redesignate the Subject Lands from “Mid-Rise Mixed-Use” with a maximum permitted building height of 10-storeys and a maximum FSI of 2.5 times the area of the lot to “High-Rise Mixed-Use” with a maximum permitted building height of 15-storeys and a maximum FSI of 2.61 times the area of the lot, in the manner shown on Attachments #3 to #8; amend the policies of Section 3.2.3.4 of VOP 2010 regarding minimum vegetation protection zones (“VPZ”); and amend the policies of Section 9.2.3.6 of VOP 2010 regarding the design criteria for High-Rise Buildings.
2. Zoning By-law Amendment File Z.11.009 to amend Zoning By-law 1-88 to rezone the Subject Lands from “EM1 Prestige Employment Area Zone” subject to site-specific Exceptions 9(463) and 9(463A) to “RA3 Multiple Residential Zone”, “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment #3, together with the site-specific exceptions to the “RA3 Multiple Residential Zone”, “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone” identified in Table 1 of this report.
3. Site Development File DA.15.072 to permit a mixed-use residential / commercial development consisting of 15 and 13-storey residential buildings containing 199 and 166 apartment dwelling units respectively, connected by a 3-storey podium, and for three, 3½ storey townhouse blocks containing 28 townhouse units on the Subject Lands, as shown on Attachments #3 to #8.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol for the Official Plan and Zoning By-law Amendment Applications

The Owner on March 29, 2011, submitted Official Plan and Zoning By-law Amendment Files OP.11.003 and Z.11.009 to the City for consideration of a mixed-use development consisting of: two 10-storeys residential buildings (containing 270 apartment dwelling units) connected by a 3-storey mixed-use podium (containing 1803 m² of commercial GFA and 8 apartment dwelling units); three, 4-storey residential buildings (containing

101 apartment dwelling units); and three levels of underground parking, as shown on Attachment #9.

On May 20, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Hearing was posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols. The Public Hearing for the Applications was held on June 14, 2011, where the recommendation of the Committee was to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting. Vaughan Council on June 28, 2011, ratified the recommendation of the Committee of the Whole.

The Owner on November 17, 2015, revised the Official Plan and Zoning By-law Amendments applications, and submitted a new Site Development Application (File DA.15.072) to the City for consideration of a mixed-use development consisting of a 15-storey residential building (containing 209 apartment dwelling units) and a 13-storey residential building (containing 183 apartment dwelling units) connected by a 3-storey mixed-use podium (containing 989 m² of commercial space and 859 m² of private amenity area); two, 4-storey residential buildings (containing 64 apartment dwelling units); and three levels of below-grade parking, as shown on Attachment #10. In accordance with Section 10.1.4.1 of VOP 2010, Volume 1, a new Public Hearing was required as the Applications had not been considered by Vaughan Council within two years after the initial the Public Hearing was held on June 14, 2011, and given that the revised proposal sought additional height and density beyond the previous development proposal considered at the Public Hearing.

On April 8, 2016, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Hearing was posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols. The second Public Hearing for the Applications was held on May 3, 2016, where the recommendation of the Committee was to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting. Vaughan Council, on May 17, 2016, ratified the recommendation of the Committee of the Whole.

The following is a list of individuals who made a deputation at either of the Public Hearings held on June 14, 2011 or May 3, 2016, or submitted written correspondence regarding the Development:

- N. Pinto, representing the West Woodbridge Homeowners' Association
- J. Fedele, representing the West Woodbridge Homeowners' Association
- F. Asta, Woodstream Boulevard, Woodbridge
- K. Franklin, Weston Consulting Group, Vaughan, representing 93 Woodstream Boulevard; and
- M. Testaguzza, Humphries Planning Group Inc., representing 77 Woodstream Inc.

The following comments were made in the deputations at the Public Hearing and the written submissions received by the Development Planning Department. The Development Planning Department offers the following responses to these comments:

- a) The local business community wants to be involved in the approval process
Correspondence was received on behalf of York Region Condominium Corporation No. 611 ("YRCC No. 611") advising that they do not object to the Development, including residential uses, however YRCC No. 611 expressed a desire to be part of the approval process.

On June 27, 2010, the Owner of the Subject Lands filed an appeal to VOP 2010, Volume 1 (identified as Appeal #25 in the City of Vaughan List of VOP 2010 Appeals) with respect to its "General Employment" land use designation. The Owner requested that the "General Employment" designation of VOP 2010 be changed to "Mid-Rise Mixed-Use" for 77 Woodstream Boulevard. On May 28, 2013, the Ontario Municipal Board ("OMB"), now the Local Planning Appeal Tribunal ("LPAT"), issued an Oral Decision approving the "Mid-Rise Mixed-Use" land use designation for the Subject Lands.

The Development Planning Department and the Office of the City Clerk confirm that the Notice of Public Hearings for Official Plan and Zoning By-law Amendment Files OP.11.003 and Z.11.009 were circulated on May 11, 2011 and April 8, 2016, to all property owners within 150 m of the Subject Lands, and to the West Woodbridge Homeowners' Association, which exceeds the minimum requirement of the *Planning Act*, and which provided the surrounding business community an opportunity to comment and participate in the development review process.

- b) Intensification is not appropriate for the Subject Lands given that the Subject Lands are not part of the Regional Intensification Corridor
Correspondence was received stating that the Subject Lands are not located within the "Regional Intensification Corridor" or a defined "Intensification Area" by VOP 2010, which should be the major focus areas for development.

The Subject Lands have been approved for a “Mid-Rise Mixed-Use” designation with a maximum permitted building height of 10-storeys and maximum FSI of 2.5 times the area of the lot by the OMB. The Applications seek to redesignate the Subject Lands from “Mid-Rise Mixed-Use” to “High-Rise Mixed-Use” to permit minor built form changes, including an increase in the maximum building height to 15-storeys, and increase the permitted density to 2.61 FSI, and implement land uses on the Subject Lands that have been approved by the OMB. The Subject Lands are located in close proximity (approximately 220 m removed) to the Regional Road 7 “Regional Intensification Corridor”, which is an “Intensification Area” designed to accommodate growth, and the greatest mix of uses, heights and densities.

c) The height and density of the Development should not be greater than what's currently permitted on Regional Road 7

Correspondence was received commenting that the OMB approval of the “Mid-Rise Mixed-Use” designation with a maximum building height of 10-storeys and maximum FSI of 2.5 times the land area is appropriate and that the Subject Lands should not be permitted to have a building height and density beyond what's permitted within the “Regional Intensification Corridor” on Regional Road 7. As noted above, the Applications seek to redesignate the Subject Lands from “Mid-Rise Mixed-Use” to “High-Rise Mixed-Use”, and permit an increase in the maximum building height from 10 to 15-storeys, and increase the permitted density from 2.5 FSI to 2.61 FSI, and implement land uses on the Subject Lands that have been approved by the OMB.

The lands with frontage along Regional Road 7, within the “Regional Intensification Corridor” in this general area (as shown on Attachment #2) are designated “Mid-Rise Mixed Use” with a maximum permitted building height of 10-storeys, and a maximum FSI of 3.0 times the area of the lot. The Subject Lands are also approved for a “Mid-Rise Mixed Use” designation with a maximum permitted building height of 10-storeys and a maximum FSI of 2.5 times the area of the lot, and the Subject Lands abut a valley corridor within the Parkway Belt West Plan area. The appropriateness of the proposed height is discussed in greater detail later in this report and the proposed density does not exceed the permitted density of the properties within the “Regional Intensification Corridor”.

- d) The location of the proposed driveway and the setback of Building “B” are in too close proximity to 93 Woodstream Boulevard

Correspondence was received on behalf of YRCC No. 611 including comments that the proposed driveway location and Building “B” are in too close proximity to 93 Woodstream Boulevard.

The existing condition along the south property line which directly abuts 93 Woodstream Boulevard is surface parking. The Development replaces the surface parking with a 2 m landscape strip. The proposed south driveway location, shown on Attachment #3, is in generally the same location as it exists today to serve the existing banquet hall (Fontana Primavera Event Centre). The driveway curb has been slightly modified in response to the orientation of the new internal road.

The existing banquet hall is located approximately 11.2 m from the south property line and maintains a consistent setback along the majority of the south property line. The Development includes a minimum 10 m setback from Building “B” and minimum 7 m setback from Townhouse Block “E”, as shown on Attachment #3, from the south property line. The orientation of Building “B” is directed inward within the Subject Lands and only extends as close as 10 m to the south property line at two pinch-points and a landscaped amenity area is also located along the south property line.

- e) The approval of the Development could prejudice the future redevelopment of 93 Woodstream Boulevard

Correspondence was received on behalf of YRCC No. 611 commenting that the approval of the “High-Rise Mixed-Use” designation for the Subject Lands could prejudice the redevelopment potential of 93 Woodstream Boulevard for high-rise residential uses, should they choose to seek redevelopment in the future.

The Subject Lands have been approved for residential and commercial uses by the OMB, whereas 93 Woodstream Boulevard is designated “General Employment” by VOP 2010. The Owner of 93 Woodstream would be required to obtain approval of an employment land use conversion prior to making any development applications for residential and/or commercial uses. The Official Plan Amendment application to redesignate the Subject Lands and increase the permitted building height by 5-storeys and the permitted FSI by 0.11 times the area of the lot will not prejudice the future redevelopment of the abutting lands. Should the Owner of 93 Woodstream Boulevard wish to redevelopment their lands, the Development Planning Department will assess all information provided in support of a development proposal, including input from the community and

other City departments and external agencies, and formulate a planning opinion which represents the principles of good planning based on the merits of any proposal.

On September 6, 2018, a courtesy notice of this Committee of the Whole Meeting was sent to all individuals who made a deputation at the Public Hearing, submitted written correspondence to the Development Planning Department, or those individuals who requested notification regarding these applications.

Previous Reports/Authority

[May 17, 2016, Committee of the Whole \(Public Hearing\) \(Item 6, Report No. 22, Recommendations 1 to 2\)](#)

[June 28, 2011, Committee of the Whole \(Public Hearing\) \(Item 2, Report No. 34, Recommendations 1 to 3\)](#)

Analysis and Options

The Ontario Municipal Board, now the Local Planning Appeal Tribunal, approved the Subject Lands for residential uses

On June 27, 2010, the Owner of the Subject Lands filed an appeal to VOP 2010, Volume 1 (identified as Appeal #25 in the City of Vaughan List of VOP 2010 Appeals) with respect to its “General Employment” land use designation. The Owner requested that the “General Employment” designation of VOP 2010 be redesignated to “Mid-Rise Mixed-Use” for 77 Woodstream Boulevard.

On May 28, 2013, the OMB considered Appeal #25, for the employment land use conversion of 77 Woodstream Boulevard. At the Hearing, the OMB rendered an Oral Decision approving the employment land use conversion for the Subject Lands, approving the “Mid-Rise Mixed-Use” land use designation with a maximum building height of the 10-storeys and maximum density of 2.5 FSI. The OMB withheld issuing a final written Order pending executed Minutes of Settlement between the Owner and Vaughan Council.

The LPAT’s written Order and the executed Minutes of Settlement will bring the “Mid-Rise Mixed-Use” land use designation into full force and effect for the Subject Lands, and permit the following:

- a maximum building height of 10-storeys; and
- a maximum density of 2.5 FSI.

Should the Applications be approved, the implementing Official Plan and Zoning By-law Amendments should not be enacted until such time that the LPAT issues its written Order approving its Oral Decision of May 28, 2013, after receipt of the executed Minutes of Settlement between the Owner and the City, and the Owner resolves its appeal to VOP 2010 (identified as Appeal #25 in the City of Vaughan List of VOP 2010 Appeals) as it relates to the Subject Lands to the satisfaction of the City Solicitor and the Deputy City Manager, Planning and Growth Management. This is included as a condition in the Recommendation section of this report.

The Applications consistent with the Provincial Policy Statement, 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent with” the *Provincial Policy Statement, 2014* (the “PPS”). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment are protected.

The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Applications in consideration of the policies of the PPS and is of the opinion that the Official Plan Amendment Application to permit an increase in the maximum permitted FSI from 2.5 to 2.61 times the area of the lot, and the maximum permitted building height from 10 to 15-storeys is consistent with provincial policy, specifically the following sections (in part) under Part V – “Policies” of the PPS:

“Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;***
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;***

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- e) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society.”*

As noted, the OMB’s Oral Decision on May 28, 2013, approved the “Mid-Rise Mixed-Use” designation for the Subject Lands, permitting the residential and commercial uses. The Official Plan Amendment Application is to redesignate the Subject Lands from “Mid-Rise Mixed-Use” with a maximum building height of 10-storeys and maximum FSI of 2.5 times the area of the lot to “High-Rise Mixed-Use” with a maximum building height of 15-storeys and maximum FSI of 2.61 times the area of the lot. The Applications seek to permit an additional 5-storeys in building height and an increase to the FSI equal to the 0.11 times the area of the lot and to implement the land uses approved by the OMB for the Subject Lands. The Applications are consistent with the Part V – “Policies” of the PPS, specifically relating to Section 1.1.1, and contributes to a healthy, livable and safe community in the following manner:

- the additional 0.11 FSI is a nominal increase for the Subject Lands, and the Applications will intensify an existing, underutilized site in a designated settlement area at a marginally higher density than approved by the OMB on the Subject Lands;
- the proposed increased density will utilize the Subject Lands more efficiently by using the existing and planned infrastructure within the built-up area and reducing land consumption and servicing costs; and
- the Development will be designed in compliance with the standards set by the *Accessibility for Ontarians with Disabilities Act (“AODA”)* providing for accessibility for residents and visitors.

“Settlement Areas

1.1.3.1 *Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

1.1.3.2 *Land use patterns within settlement areas shall be based on:*

- a) *densities and a mix of land uses which:*
 - *efficiently use land and resources;*
 - *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,*
 - *support active transportation; and,*
 - *are transit-supportive, where transit is planned, exists or may be developed.*

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

1.1.3.6 *New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”*

As noted, the OMB has approved the Subject Lands for residential and commercial uses and the Applications seek to permit an additional 5-storeys in building height and an additional 0.11 FSI for the Subject Lands. The Applications are consistent with the Part V – “Policies” of the PPS, specifically relating to “Settlement Areas”, and contributes to the vitality and economic prosperity of the community in the following manner:

- the Applications implement the OMB-approved land uses for the Subject Lands. The Subject Lands are located 220 m from a Regional Intensification Corridor (Regional Road 7) by VOP 2010, and are in close proximity to a planned transit corridor on Regional Road 7, which reduces private vehicle dependency; and
- through the Section 37 provisions of the *Planning Act*, which is discussed later in this report, the Owner is proposing a building height and density that marginally exceed the permissions approved by the OMB in return for community benefits.

"Housing"

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market by:*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety."*

The Applications to permit an additional 5-storeys in building height and 0.11 FSI for the Subject Lands are consistent with the Part V – "Policies" of the PPS, specifically relating to "Housing", by providing for an appropriate range and mix of housing types in the following manner:

- the additional density is considered to be minor and the Development would be transit-supportive and promote active transportation, as Regional Road 7 which is approximately 220 m from the Subject Lands is a planned Regional Rapid Transit Corridor by Schedule 10-Major Transit Network by VOP 2010; and
- the Applications also implement the OMB-approved land uses for the Subject Lands.

"Natural Heritage"

2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

The Development is consistent with the Part V – “Policies” of the PPS, specifically relating to “Natural Areas”, which seeks to protect natural features and areas in the following manner:

- a Scoped Environmental Impact Study (“EIS”) has been submitted in support of the Development, which demonstrates that there will be no negative impact to the surrounding natural heritage network; and
- the Development will help to provide long-term protection for the surrounding natural environment (Rainbow Creek Valley) by bringing it into public ownership.

In consideration of the above, the Development is consistent with the policies of the PPS.

The Applications are consistent with Places to Grow: The Growth Plan for the Greater Golden Horseshoe, 2017

The *Places to Grow - Growth Plan for the Greater Golden Horseshoe, 2017* (“Growth Plan”) is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

The *Planning Act* requires that Vaughan Council’s planning decisions are consistent with the Growth Plan. The Development Planning Department has reviewed the Applications, which seek to permit an additional 5-storeys in building height and an additional 0.11 FSI for the Subject Lands and which will implement the OMB approval for the Subject Lands, in consideration of the policy framework of the Growth Plan, and is of the opinion that the Applications are consistent with the Growth Plan objectives, specifically the following sections (in part):

“2.2.1 - Managing Growth

2. *Forecasted growth to the horizon of this Plan will be allocated based on the following:*
 - a) *the vast majority of growth will be directed to settlement areas that:*
 - i) *have a delineated built boundary;*
 - ii) *have existing or planned municipal water and wastewater systems;*
and
 - iii) *can support the achievement of complete communities;*
 - b) *growth will be limited in the settlement areas that:*
 - i) *are undelineated built-up areas;*
 - ii) *are not serviced by existing or planned municipal water and wastewater systems; or*
 - iii) *are in the Greenbelt Area;*
 - c) *within settlement areas, growth will be focused in:*
 - i) *delineated built-up areas;*
 - ii) *strategic growth areas;*
 - iii) *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv) *areas with existing or planned public service facilities;*
 - d) *development will be directed to the settlement areas, except where the policies of the Growth Plan permit otherwise; and*
 - e) *development will be generally directed away from hazardous lands.”*
4. *Applying the policies of this Plan will support the achievement of complete communities that:*
 - a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
 - b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
 - c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of*

life, and to accommodate the needs of all household sizes and incomes;

- d) expand convenient access to:
 - i) a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii) public service facilities, co-located and integrated in community hubs;*
 - iii) an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv) healthy, local, and affordable food options, including through urban agriculture;**
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;*
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and*
- g) integrate green infrastructure and low impact development.”*

The Applications for an additional 5-storeys in building height and 0.11 FSI for the Subject Lands are consistent with the policies of the Growth Plan, specifically with respect to “Managing Growth”, in the following manner:

- the Applications would implement a residential/commercial development which was approved by the OMB, and assists in achieving the population and employment targets set out in the Growth Plan within the City’s urban boundary;
- the policies of the Growth Plan require the achievement of complete communities, provide a diverse range and mix of housing options, access to a range of transportation options, and ensure the development of high-quality compact built form with an attractive and vibrant public realm. The OMB-approved land uses provide housing options (apartment dwelling and townhouse dwelling units) that are supported with grade-related commercial uses that are conveniently accessible. The Applications are for marginal increases to the permitted building height and density, which maintains the intent of the OMB approval for the Subject Lands; and

- the Subject Lands are located near the Regional Intensification Corridor that includes retail and commercial uses along Regional Road 7. The proximity to higher-order transit will offer transportation options for future residents.

“4.2.2 – Natural Heritage System

3. *Within the Natural Heritage System: a) new development or site alteration will demonstrate that: there are no negative impacts on key natural heritage features or key hydrologic features or their functions.*
6. *The municipality shall continue to protect any other natural heritage features in manner that is consistent with the PPS.”*

The Development is consistent with the policies of the Growth Plan, specifically with respect to the “Natural Heritage System”, in the following manner:

- the EIS submitted in support of the Development, concludes that there will be no negative impact to the surrounding natural heritage network; and
- the Development will help to provide long-term protection for the surrounding natural environment (Rainbow Creek Valley system) by bringing it into public ownership.

In consideration of the above, the Applications are consistent with the policies of the Growth Plan.

The Applications conform to York Region Official Plan, 2010

The York Region Official Plan, 2010 (the “YROP 2010”) guides economic, environmental and community building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

The Subject Lands are located within the “Urban Area” and “Regional Greenlands System within the Parkway Belt West Plan” by Map 1-Regional Structure of YROP 2010. The Subject Lands are in close proximity to a “Regional Corridor”, designated as a “Regional Transit Priority Network” by Map 11-Transit Network, and “Cycling Facilities on Regional Roads and right-of-ways” by Map 12-Regional Cycling Network.

Chapter 5 - “An Urban Region: Building Cities and Complete Communities” of the YROP 2010 states (in part) the following:

“Sustainable Cities, Sustainable Communities

- 5.2.4 *That development requiring Regional approval shall be supported by a transportation study that assesses impacts on the Region’s transportation system and surrounding land uses. Significant development shall prioritize walking, cycling and transit.*
- 5.2.5 *That a balance of residential and employment uses shall be provided throughout the Region to improve the possibilities for working and living in close proximity.*
- 5.2.8 *To employ the highest standard of urban design, which:*
- a) provides pedestrian scale, safety, comfort, accessibility and connectivity;*
 - b) complements the character of existing areas and fosters each community’s unique sense of place;*
 - c) promotes sustainable and attractive buildings that minimize energy use;*
 - d) promotes landscaping, public spaces and streetscapes;*
 - e) ensures compatibility with and transition to surrounding land uses;*
 - f) emphasizes walkability and accessibility through strategic building placement and orientation;*
 - g) follows the York Region Transit-Oriented Development Guidelines; and,*
 - h) creates well-defined, centrally-located urban public spaces.*
- 5.2.9 *That retail, commercial, office, and institutional structures be carefully designed in a compact form and be pedestrian-oriented, transit-supportive, and multi-storey where appropriate.”*

The Applications are consistent with the Chapter 5 policies of the YROP, specifically relating to “Sustainable Cities, Sustainable Communities” in the following manner:

- a Transportation Impact Study (“TIS”) has been submitted in support of the Applications. The TIS anticipates minimal impact on the surrounding road network as a result of the additional 5-storeys in building height and an additional 0.11 FSI for the Subject Lands. In addition, the TIS also recommends a number of Transportation Demand Management (“TDM”) measures to incentivize cycling and walking to and from the Development;

- the Development includes a mix of residential and commercial uses on the Subject Lands. The two-floors of commercial uses will help to serve the residents of the Development and the local community, and provide employment opportunities; and
- the Development incorporates a number of indoor and outdoor amenity areas which creates a comfortable and accessible environment, establishes a sense of place and prioritizes pedestrian movement through the Subject Lands.

“Intensification

- 5.3.1 *That by the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development will occur within the built-up area as defined by the Province’s Built Boundary in Places to Grow: Growth Plan for the Greater Golden Horseshoe.*
- 5.3.4 *That the distance to a transit stop in the Urban Area is within 500 metres (a 5-to-10 minute walk) for 90 per cent of the residents and no more than 200 metres for 50 per cent of residents.*
- 5.3.6 *That intensification areas be planned and designed to achieve an appropriate transition of built form to adjacent areas.*
- 5.3.8 *That the Regional Greenlands System shall be protected and enhanced and include pedestrian-accessible green spaces and passive parks, where appropriate.*
- 5.3.10 *That retail, commercial, office, and institutional structures shall be well designed, street-oriented and pedestrian scaled, and shall include, wherever appropriate as determined by the local municipality, mixed-use, multi-storey buildings, and public meeting spaces in order to support the planned urban structure and density targets of this Plan.”*

The Applications are consistent with the Chapter 5 policies of the YROP, specifically relating to “Intensification” in the following manner:

- the OMB has approved a residential and commercial mixed-use development on the Subject Lands, which is located within the “Built-up Area” as defined by the Growth Plan, and the Development will assist York Region in achieving its target of having 40% of residential development take place within the “Built-up Area”;

- the Subject Lands are located 220 m from the Regional Road 7 “Regional Intensification Corridor” and are located within 500 m of a transit stop;
- the Regional Greenlands System will be enhanced wherein the portion of the valley feature (Rainbow Creek Valley system) will be zoned to an appropriate Open Space Category and dedicated into public ownership for its long-term protection; and
- The Development achieves an appropriate transition in built form, in that the residential towers are setback over 6 m from the front façade of the podium ensuring the Development feels pedestrian orientated at the street-level. The tallest portions of Buildings “A” and “B” are located closest to the street and step-down towards the valley creating an appropriate transition to the townhouse blocks which abut the valley. The design of the Development is discussed in greater detail later in this report.

“Regional Centres and Corridors

- 5.4.5 *That development within Regional Centres and Corridors be of an urban form and design that is compact, mixed-use, oriented to the street, pedestrian- and cyclist-friendly, and transit supportive.*
- 5.4.9 *That all new buildings shall front the major street. Reverses lotting on the street is not permitted and site design shall orient the main building entrance(s) to face the public streets(s) and provide a pedestrian friendly urban form and where appropriate, as determined by the local municipality, does not permit surface parking between the main building entrance and the major street.*
- 5.4.15 *To require local municipalities to adopt official plan policies and related zoning by-law provisions, to provide community benefits in Regional Centres and Corridors in exchange for additional height and density, consistent with the ‘Increased Density’ provision of the Planning Act. Community benefits shall include consideration of:*
- a) *transit station improvements, in addition to lands required as a condition of development approval;*
 - b) *social housing;*
 - c) *direct pedestrian connections to transit stations;*
 - d) *Regional community and health facilities;*
 - e) *Regional emergency medical services and police stations;*

- f) *additional facilities and services identified by local municipalities; and,*
- g) *appropriate provisions for pedestrian and cycling facilities.*

5.4.16 *To require, as a condition of development approval, the provision of facilities to encourage an increase in the mode share of cycling trips, such as covered bicycle storage, lockers, and shower facilities.”*

The Applications are consistent with the Chapter 5 policies of the YROP, specifically relating to “Regional Centres and Corridors” in the following manner:

- the Development is an urban form, which is compact, mixed-use, orientation to the street, and supportive of active transportation. The main building entrance is oriented to Woodstream Boulevard and the site does not include surface parking. The Development also includes 238 bicycle parking stalls, of which 118 spaces are located within a weather-protected bicycle parking room; and
- should the Applications be approved, a Recommendation is included in this report requiring community benefits pursuant to Section 37 of the *Planning Act*, Section 5.4.15 of YROP 2010, the policies of VOP 2010, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*, as bonusing for increased height and density. This is discussed in greater detail later in this report.

York Region has advised that the Applications are considered minor in nature and of local significance, accordingly York Region has advised that Official Plan Amendment File OP.11.003 may be eligible for exemption from Regional approval by the Regional Planning Committee of the Whole and Council following the LPAT issuance of its written Order which will bring the “Mid-Rise Mixed-Use” designation into full-force and effect on the Subject Lands. If granted, this exemption will allow the Official Plan Amendment to come into effect following its adoption by the City and the expiration of the required appeal period, should the Official Plan Amendment be approved.

An Official Plan Amendment is required to implement the Development

The Subject Lands are approved by the OMB for a “Mid-Rise Mixed-Use” designation with a maximum permitted building height of 10-storeys and a maximum density of 2.5 times the area of the lot by VOP 2010, Volume 1. The “Mid-Rise Mixed-Use” designation permits a broad range of uses including residential, retail, commercial, office, community and institutional uses. The Subject Lands are located approximately 220 m removed from Regional Road 7 which is a “Regional Intensification Corridor”. Regional Intensification Corridors are designed to be the major focus for intensification on lands adjacent to major transit routes, at densities and in a form supportive of higher-

order transit. Regional Intensification Corridors are one of the “Intensification Areas” designed to accommodate growth and the greatest mix of uses, heights and densities. Section 2.2.5.12 recognizes that the Intensification Areas are planned to evolve with either mixed-use or employment intensification over time to complement adjacent areas, support public transit and enhance the structure of the City.

The OMB’s Oral Decision has established a maximum building height of 10-storeys for the Subject Lands, however, Section 9.2.3.5 of VOP 2010 describes a “Mid-Rise Building” as being a building that is over 5-storeys in height but is no greater than 12-storeys. VOP 2010 further describes a Mid-Rise Building as having a pedestrian-scaled podium, between 3 and 6-storeys in height, with the tall building elements setback 3 m from the public street frontage. Mid-Rise Buildings should also provide for appropriate lighting conditions from adjacent housing by providing a 7.5 m rear yard setback and a 45-degree angular plane as measured from the property line of the abutting residential lands. Surface parking is generally not permitted between the front or side yard of the Mid-Rise Building and the public street. Any surface parking must be setback 3 m from the property line, and include substantive landscaping for screening purposes. The rooftop of a Mid-Rise Building should include landscaped green space, outdoor amenity area, or environmental features, such as solar panels.

To the east of the Subject Lands is the Rainbow Creek Valley corridor, a tributary of the Humber River Watershed, which is designated as “Natural Area” within the “Parkway Belt West Lands” by VOP 2010. Section 3.2.3.4.a) of VOP 2010 requires a minimum vegetation protection zone (“VPZ”) of 10 m from the valley corridor as measured from staked top-of-bank.

In order to permit the Development an Official Plan Amendment is required. The Owner has submitted Official Plan Amendment File OP.11.003 to redesignate the Subject Lands to “High-Rise Mixed-Use” and to increase the maximum permitted building height from 10 to 15-storeys and the maximum permitted density from 2.5 FSI to 2.61 FSI for the Subject Lands, as well as an amendment to Section 9.2.3.6, regarding High-Rise Building design criteria, and Section 3.2.3.4, regarding minimum vegetation protection zones (“VPZ”). Staff have reviewed the Official Plan Amendment application, and provide the following comments:

a) Land Use Designation

The Owner is proposing two buildings (Building “A” and “B”) which exceed the maximum permitted building height on the Subject Lands and the maximum 12-storey height limitation for a “Mid-Rise Building” identified in VOP 2010. Section 9.2.3.6 describes “High-Rise Buildings” as being buildings over 12-storeys in height, up to the maximum height permitted by Schedule 13-Land Use by VOP

2010. The Subject Lands must be redesignated to the “High-Rise Mixed-Use” designation to accurately reflect the proposed building typology.

The Development includes a mix of residential and commercial uses consistent with the approved “Mid-Rise Mixed-Use” and proposed “High-Rise Mixed-Use” designations of VOP 2010. Woodstream Boulevard is designated a “Minor Collector” by Schedule 9-Future Transportation Network of VOP 2010. Both the “Mid-Rise Mixed-Use” and “High-Rise Mixed-Use” designation of VOP 2010 permit townhouses on streets that are not arterial or major collector streets for transition purposes. The proposed townhouse units on the Subject Lands will help to serve as a transitional built form from Buildings “A” and “B” to the natural heritage feature located to the east of the Subject Lands. The proposed redesignation to “High-Rise Mixed-Use” has no impact on the proposed use, save and except for the building height and density permitted on the Subject Lands, and maintains conformity with the permitted uses of the “Mid-Rise Mixed-Use” designation and the intent of the OMB decision.

With respect to the proposed building and site design, the OMB approval permits a maximum density of 2.5 FSI, whereas the Owner is proposing a density of 2.61 FSI, an approximate 4% increase over the permitted density. The proposed density increase is nominal and will not have an adverse impact on the development of the Subject Lands. With regards to the proposed building height, the site density is being redistributed vertically as opposed to horizontally, over the Subject Lands. The Subject Lands are an irregular triangular shape and in order to create a functional pedestrian environment at grade the site density has been redistributed through an increase in the overall heights of Buildings “A” and “B”.

The impact of the additional 5-storeys for Building “A” and 3-storeys for Building “B” is minor in consideration of the surrounding context. The proposed 3-storey podium is primarily finished in glazing to promote visibility and pedestrian access into the buildings, resulting in a high degree of visual interest at grade. In addition, the approximate 9 m setback of Buildings “A” and “B” from the podium help to reduce the overall impact of the building height from the street (Woodstream Boulevard).

In consideration of the OMB decision to permit residential and commercial uses on the Subject Lands and the location of the Subject Lands in proximity to the Regional Road 7 Regional Intensification Corridor, an identified Intensification Area by VOP 2010, which is meant to be the major focus for intensification on lands in proximity to major transit routes at densities and in a form supportive of

higher-order transit, the proposed form and density of the Development are appropriate.

In addition, it is recognized that the Regional Intensification Corridor will evolve over time for both the mixed-use and employment-related intensification as outlined in the land use designations in Chapter 9 of VOP 2010, complement adjacent areas, and support public transit and enhance the structure of the City. The proposed redesignation to “High-Rise Mixed-Use” is appropriate, and maintains the overall intent of the OMB Decision.

b) Building Design Criteria

Section 9.2.3.6.b) of VOP 2010 prescribes building design criteria for High-Rise Buildings, and requires a pedestrian-scaled podium between 3 to 6-storeys in height, that creates an active pedestrian streetscape. Building elements should be setback a minimum of 3 m from the podium along the public street frontage in order to provide an appropriate pedestrian environment and mitigate wind impacts at the street level. The Development meets all the criteria of Section 9.2.3.6.b) wherein, a 3-storey, pedestrian-scaled podium has been included, and the building elements (being Buildings “A” and “B”) are setback over 9 m from the main street wall, which help to mitigate wind impacts at the street level.

Section 9.2.3.6.c) of VOP 2010 prescribes that where there are any adjacent houseform buildings (being detached dwellings, semi-detached dwellings or townhouses) a minimum setback of 7.5 m from the property line is required in order to provide appropriate privacy and daylight/sunlight conditions. In addition, the first 12-storeys shall be contained within a 45-degree angular plane measured from the property line of the abutting houseforms. The Subject Lands are located in an area which contains no surrounding houseform buildings; to the east of the Subject Lands is the Rainbow Creek Valley, employment uses are located to the north and south, and Woodstream Boulevard is located to the west. Notwithstanding that the location of the Subject Lands means Section 9.2.3.6.c) does not apply, the Development is setback greater than 7.5 m from the rear property line.

Section 9.2.3.6.d) prescribes the following design criteria oriented towards the design of slender towers, in order to provide for appropriate privacy, daylight and shadowing conditions for people living and working within the High-Rise Buildings:

- “i. the floorplate, measured as the total area contained within the exterior face of a building excluding balconies, for portions of High-Rise Buildings*

above the twelfth storey generally shall be no greater than 850 m², except for High-Rise Buildings containing office uses above the twelfth storey;

- ii. the portions of High-Rise Buildings above twelve storeys shall be setback a minimum of 15 m from any property line; and,*
- iii. where more than one High-Rise Building is located on the same lot, the distance between any portions of the High-Rise Buildings above twelve storeys should generally be at least 30 metres.”*

Buildings “A” has floor plate greater than 850 m² above the 12th storey, being 1,132 m². Buildings “A” and “B” are not setback a minimum of 15 m from the north or south side yard, and do not have a separation distance of 30 m between the two buildings above the 12th storey. The Subject Lands are an irregular triangular shape, which creates constraints in meeting these requirements, even with the OMB-approved building height of 10-storeys and density of 2.5 FSI.

The design of Buildings “A” and “B” take advantage of the triangular shape of the Subject Lands, wherein the separation distance is 25 m at its most narrow point (at the west elevation, where Buildings “A” and “B” connect with the podium), and the splay of the buildings opens to a maximum separation distance of 43 m towards the east portion of the Development. The average separation distance between Buildings “A” and “B” is 34 m, which exceeds the requirement of Section 9.2.3.6.d) iii). In addition, the sun/shadow study submitted in support of the Development demonstrates that daylighting and shadowing conditions are acceptable.

Section 9.3.2.6.e) prescribes that parking is not permitted between the front or side of a High-Rise Building and a public street, and any surface parking should be setback from any property line a minimum 3 m and screened with landscaping. The Development includes 3 surface parking spaces on the private road along the south property line to provide short-term parking to serve the commercial uses and/or visitor parking. Also included is one loading space to allow for short-term unloading uses (which includes mail delivery, package drop-offs, etc.). This surface parking area is setback greater than 3 m from the street (Woodstream Avenue) and the south property line, and will be well-screened using landscaping, which includes concrete planting walls with deciduous trees and dogwood shrubs. In addition, given the bend of the private road, the surface parking area will not be visible from the street.

Section 9.3.2.6.f) recommends that the rooftop of High-Rise Buildings include landscaped greenspace, private outdoor amenity space or environmental features such as solar panels, and the roof itself should be designed to be of architectural interest. The Development includes private amenity space and a green roof as part of the rooftop design. The roof of the podium and townhouse blocks, will also contain green roofs. The podium also contains private outdoor amenity space. In addition, openings on Floor 14 of Building “A”, and Floor 12 of Building “B” contain planters. Buildings “A” and “B” are designed with a series of vertical elements, primarily comprised of articulated wall planes and black masonry brick, which are continued to the top of Buildings “A” and “B” to screen the mechanical rooms. The Development is consistent with Section 9.3.2.6.f) of VOP 2010.

The High-Rise Building criteria of Section 9.2.3.6 is similar to the Mid-Rise Building criteria of Section 9.2.3.5 of VOP 2010. The difference between the building typologies is primarily with regard to how the building is treated above the 12th storey. The proposed 15 and 13-storey buildings exceed the 12-storey threshold established by VOP 2010 by 3 and 1-storeys respectively. The Subject Lands are an irregular triangular shape, and face constraints in meeting these requirements, even with the as-of-right permitted building height of 10-storeys and density of 2.5 FSI. However, the intent of the design criteria of Section 9.2.3.6 is maintained, wherein the Development is utilizing architectural design through the use of materiality, landscaping and site organization to achieve consistency with Section 9.2.3.6 to the greatest extent possible.

c) Vegetation Protection Zone

The Subject Lands are currently developed with a banquet hall facility approved by the City in 2000. At that time the TRCA staked the stable top-of-bank from the valley system of the Rainbow Creek Valley and a 10 m Vegetation Protection Zone (“VPZ”) was applied. There is an existing 2.1 m structural encroachment into the VPZ, being a portion of the parking structure that the TRCA considers a continued and permitted encroachment. Section 3.2.3.4 of VOP 2010 requires a 10 m VPZ staked from the new top-of-bank. The TRCA have reviewed this Development and are satisfied that the existing VPZ located along the rear yard of the Subject Lands and an additional 10 m VPZ as taken from the east property line (along the interior side yards) is appropriate. As a result, the TRCA and the City will not be requesting the Owner to apply a new 10 m VPZ from the stable top-of-bank as it exists today. Accordingly, the portion of the north-east corner of the Subject Lands which is located within the stable top-of-bank will be zoned OS1 Open Space Conservation Zone, as shown on Attachment #3, and dedicated into public ownership.

The approximately 1,105 m² VPZ located outside the stable top-of-bank will also be zoned OS1 Open Space Conservation Zone, however, given the existing and proposed encroachments into the VPZ, will not be dedicated into public ownership, but will form part of the common elements of the future condominium corporation who will be responsible for its long-term protection.

Section 3.2.3.8 of VOP 2010 states “development or site alteration on lands adjacent to Core Features shall not be permitted unless it is demonstrated through an environmental impact study that the development or site alteration will not result in a negative impact on the feature or its functions”. The Owner has submitted a Scope Environmental Impact Study (“EIS”) in support of the continuation of the historical staked top-of-bank, the application of a new 10m VPZ as taken from the east property line (along the interior side yard) and the continued encroachment into this area of the Subject Lands.

The EIS concludes that the Development will not result in a negative impact to the Rainbow Creek Valley system or woodland, as the Subject Lands are currently developed with a banquet hall, which disturbs over 90% of the site, including the proposed VPZ area as measured 10 m from the property line. The Development includes the removal of the existing landscaping which currently occupies 504 m² of the proposed VPZ. The Development does not include any buildings (being the townhouse units within Blocks “C”, “D”, and “E”) within the VPZ and will result in additional ecological gain for the proposed VPZ area, as the removal of hardscaping and additional restoration is proposed for this area of the Subject Lands.

Since the Subject Lands currently contain a staked top-of-bank and VPZ, which has been determined to be appropriate for the Development by the TRCA, and the Owner has demonstrated through an EIS that development within the VPZ will not have a negative impact on the adjacent Rainbow Creek Valley system or woodland consistent with Section 3.2.3.8 of VOP 2010, the Development Planning Department can accept the proposed amendment to Section 3.2.3.4 to permit the continuation of the existing VPZ that was established as part of Site Development File DA.00.093 (Prime Maple Development Corp.), and the application of a 10 m VPZ as taken from the east property line with encroachments for private amenity space for the townhouse units, as shown on Attachment #3.

Community benefits under Section 37 of the Planning Act are being secured in exchange for increased height and density

In order to facilitate the Development, the Owner is proposing to amend VOP 2010 as discussed above, to increase the maximum permitted building height and maximum permitted density for the Subject Lands. Pursuant to Section 37 of the *Planning Act*, the policies of VOP 2010, and the “City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*” (the “Guidelines”), Vaughan Council may authorize an increase in the permitted building height and/or density in return for the provision of community benefits. The Owner has agreed to provide community benefits pursuant to the above policies in exchange for increase building height and density for this Development.

Section 10.1.2.9 of VOP 2010 includes a framework to permit bonusing for increased building height and/or density in return for the provision of community benefits provided that the following criteria are met:

a) “Good Planning”

The Development must represent “Good Planning”, be consistent with the other objectives of VOP 2010, and be consistent with the applicable built form and neighbourhood compatibility objectives.

The proposed increase to the maximum building height and density for the Development will be achieved through the Section 37 provisions of the *Planning Act*, the policies of VOP 2010 and the Guidelines. Several design iterations of Development were undertaken since the initial Applications were submitted in 2011 to ensure that the Development is consistent with the OMB decision in order to be supported as good planning.

In Section 3 of the Guidelines, good planning includes addressing all other policies contained in VOP 2010, including urban design policies and objectives; the relationship of the Development to its context; the adjacent streets; the creation of a good public realm; improvements to the public realm adjacent to the site, and including offsite improvements and adequate infrastructure. Following a series of meetings with the Owner, a review by the City’s Design Review Panel (“DRP”), and a number of revisions to the Development, the objectives of good planning identified above have been met, and the Development shown on Attachments #3 to #8, implements the OMB decision and is considered to represent good planning. A detailed overview of the design and architecture of the Development is discussed throughout this report.

The Development is located on an irregularly shaped parcel surrounded by existing employment uses to the north and south and the Rainbow Creek Valley system to the east. The Subject Lands are approximately 220 m removed from the Regional Road 7 Regional Intensification Corridor, and less than 500 m from a transit stop.

Section 2.2.5.12 of VOP 2010 recognizes that the Intensification Areas are planned to evolve with either mixed-use or employment intensification over time to complement adjacent areas, support public transit and enhance the structure of the City. This Development is consistent with Section 2.2.5.12 as the Applications implement an OMB-approved land use for the Subject Lands. The abutting lands located to the north are designated “Mid-Rise Mixed-Use” by VOP 2010, and act as an extension of the Regional Intensification Corridor. This Development helps facilitate pedestrian and active transportation connections from the Subject Lands to the Regional Intensification Corridor located on Regional Road 7.

The Development also provides opportunities to improve the public realm by offering potential trail connections into the abutting Rainbow Creek Valley system and ensuring the protection of all naturalized areas, by providing edge management restoration and a VPZ from the adjacent valleylands, which has been approved by the TRCA.

The Development is consistent with the PPS and conforms to the Growth Plan and the YROP 2010 and represents a minor increase in the permitted building height and density as approved by the OMB for the Subject Lands. The Development represents good planning in consideration of the above and the overall context of the Subject Lands. Therefore, the proposed increase to the maximum building height and density in return for the provision of community benefits is appropriate.

b) Community Benefits

The community benefits must bear a reasonable planning relationship to the increase in building height and/or density of the Development. In accordance with Section 37 of the *Planning Act*, Vaughan Council may authorize an increase in building height and/or density of the Development in return for the provision of community benefits. VOP 2010 identifies the following, but not limited to, benefits that may qualify:

- non-profit and/or public arts, and cultural, community or institutional facilities;
- enhanced public access to natural heritage features, ravines and valleylands supported by the TRCA, involving off-site improvements/upgrades;
- enhanced below-grade and/or at-grade connections to public transit facilities; and
- upgrades to community facilities that are above the City's standard level of service.

Further discussions will be required to determine the most appropriate allocation of the Section 37 benefit with respect to the Subject Lands. The Owner has agreed to provide a cash contribution in the amount of \$210,929.59, determined in accordance with the Guidelines, towards but not limited to, upgrades to community facilities that are above the City's standard level of service, enhanced public access to natural heritage features, ravines and valleylands supported by the TRCA, involving off-site improvements/upgrades. The potential for developing playground facilities and sports facilities off-site and within the vicinity of the Subject Lands will also be reviewed. The finalization of the allocation of the Section 37 contribution will be determined to the satisfaction of the Development Planning Department.

c) Adequate Infrastructure

It is the City's intent to deliver the planned and orderly development of the Regional Road 7 'Regional Intensification Corridor' through the provision of adequate infrastructure that supports the increase in the permitted building height and density. Site Development File DA.15.072 (77 Woodstream Inc.) has been allocated servicing capacity from the York Sewage Servicing / Water Supply System for a maximum total of 393 residential units (893 persons equivalent).

The Owner's Section 37 contribution will go towards benefit(s) for the future residents of the Development and surrounding community. Should the Applications be approved, the Owner and the City shall execute a Section 37 Density Bonus Agreement to permit an increase to the maximum permitted building height from 10 to 15-storeys and the maximum density from 2.5 times to 2.61 times the area of the lot, prior to the issuance of any building permits for the Subject Lands. The Owner is also required to pay to the City the Section 37 Agreement surcharge fee, in accordance with the in-effect Tariff of Fees By-law (#018-2018) for Planning Applications. Conditions to this effect is included in the Recommendations of this report.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “EM1 Prestige Employment Area Zone” by Zoning By-law 1-88, subject to Exceptions 9(463) and 9(463A), as shown on Attachment #2, which does not permit the Development. In order to permit the Development, amendments to Zoning By-law 1-88 are required to rezone the Subject Lands to “RA3 Apartment Residential Zone”, “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment #3, together with the following site-specific zoning exceptions to the RA3 and RM2 Zones:

Table 1

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
a.	Definition of a “Lot”	Means a parcel of land fronting on a street separate from any abutting land to the extent that a consent contemplated by Section 49 of the Planning Act, R.S.O. 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	The Subject Lands are deemed to be one lot, regardless of the multiple parcels that comprise the Subject Lands, or the number of buildings constructed thereon, the creation of separate units and/or lots by way of Plan of Condominium, consent, conveyance of private or public roads, or other permissions, and any easements or registrations that are granted.
b.	Permitted Uses	<ul style="list-style-type: none">- Apartment Dwelling- Day Nursery	Permit the following additional uses: <ul style="list-style-type: none">- Office, Business or Professional- Store, Retail- Eating Establishment- Personal Service Shop
c.	Minimum Lot Area	67 m ² / unit	1.48 ha (37.7 m ² / unit)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
d.	Minimum Front Yard Setback (Woodstream Boulevard)	7.5 m	5 m
e.	Minimum Interior Side Yard Setback	North Side Yard = 24.4 m South Side Yard = 21.4 m	<p>North Side Yard –</p> <ul style="list-style-type: none"> • 2 m to the parking garage; • 10 m to the main building face of Building “A”; and • 8 m to the Podium <p>South Side Yard –</p> <ul style="list-style-type: none"> • 2 m to the exterior stair case; and • 10 m to Building “B”
f.	Maximum Building Height	44 m Exclusive of any accessory roof construction such as chimney, tower, steeple, elevator, mechanical room, or television antenna	48.7 m Exclusive of any accessory roof construction such as elevator, mechanical room, television antenna, parapet or access stairwell
g.	Permitted Stairway Encroachments	Exterior stairways exceeding one-half storey in height shall only be permitted in the rear yard	Exterior stairways providing access to the below-grade parking structure shall be permitted in the interior side yard (along the south property line), and have a maximum height of 2.9 m, and minimum interior side yard setback of 2 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
h.	Permitted Yard Encroachments	Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters and windows may project 0.5 m into a required yard	<p>A feature (signage) wall shall be permitted to project into the front yard, and have a front yard setback of 0 m</p> <p>Transformers and exhaust shafts relating to the below-grade parking structure shall be permitted to project into the front yard and interior side yard, and have a minimum front yard setback of 1 m, and an interior side yard setback (along the south property line) of 2 m</p>
i.	Minimum Landscape Strip Abutting Woodstream Boulevard	<p>6 m</p> <p>The minimum landscape strip shall be used for no purpose other than landscaping</p>	<p>3 m</p> <p>The minimum landscape strip abutting Woodstream Boulevard may include utilities, transformers, bicycle parking, pylon signage and other architectural features</p>
j.	Minimum Landscape Width Around At-grade Spaces	<p>3 m</p>	There shall be no minimum landscape strip for the 3 parallel parking spaces located at grade within the interior side yard
k.	Surface Material for Outdoor Parking Areas and Aisles	Outdoor parking areas, aisles and driveways shall be surfaced with hot-mix asphalt or concrete and shall be provided with adequate drainage	Outdoor parking areas, aisles and driveways shall be surfaced with hot-mix asphalt, concrete or precast unit pavers and shall be provided with adequate drainage

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
I.	Minimum Screening for Outdoor Parking Areas	Screening shall consist of either a landscaped earthen berm or an evergreen hedgerow, and shall have a minimum height of 1.2 m	Screening for outdoor parking areas will consist of a poured concrete planter wall
m.	Minimum Amenity Area	<p>3 bachelor units @ 15 m² amenity area / unit = 45 m² +</p> <p>228 one bedroom units @ 20 m² amenity area / unit = 4,560 m² +</p> <p>126 two bedroom units @ 55 m² amenity area / unit = 6,930 m² +</p> <p>8 three bedroom units @ 90 m² amenity area / unit = 720 m²</p> <p>Total amenity area required = 12,255 m²</p>	<p>Public Amenity Space =</p> <p>Total indoor amenity area of 801 m² (or 2.04 m² / unit) +</p> <p>Total amenity area of 2,611 m² (or 6.64 m² / unit) external to the Buildings “A” and “B”, and on the 2nd Floor Podium Terrace</p> <p>Private Amenity Space =</p> <p>Total amenity area of 7,525m² (or 20.62 m² / unit) of private balcony and terrace space</p>
n.	Parking of Commercial Vehicles	No commercial vehicle shall be parked or stored on a residential lot, unless that lot is being actively prepared for or undergoing construction for which the equipment is intended, or unless said vehicle is parked in a wholly enclosed building	Commercial vehicles shall be permitted within the surface loading and parking spaces for a period no greater than three (3) hours, unless that lot is being actively prepared for or undergoing construction for which the equipment is intended, or unless said vehicle is parked in a wholly enclosed building

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone
o.	Loading Space Dimensions (width x length x height)	3.7 m x 9 m x 4.2 m	3.6 m x 9 m x 4.2 m
p.	Parking Requirements	<p>Residential parking: 393 dwelling units @ 1.5 spaces/unit = 590 parking spaces</p> <p>+</p> <p>Visitor parking: 393 dwelling units @ 0.25 spaces/unit = 99 parking spaces</p> <p>+</p> <p>1079 m² Commercial uses @ 20 spaces/100 m² GFA = 216 spaces</p> <p>Total Required Parking = 905 parking spaces</p>	<p>231 bachelor and one bedroom units @ 0.9 spaces / unit = 208 spaces</p> <p>+</p> <p>126 two bedroom units @ 1.1 spaces / unit = 139 spaces</p> <p>+</p> <p>36 three or more bedroom units @ 1.2 spaces / unit = 44 spaces</p> <p>+</p> <p>Visitor parking 393 units @ 0.2 spaces / unit = 79 spaces</p> <p>+</p> <p>Commercial, retail, eating establishment and office uses 1079 m² @ 3 spaces / 100 m² GFA = 33 spaces</p> <p>Minimum parking requirement based on proposed ratios = 503 spaces</p> <p>Parking included on plans = 521 spaces</p>

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
a.	Definition – “Lot”	Means a parcel of land fronting on a public street.	Means a parcel of land fronting on a public street, a private common element condominium road or landscaped amenity area
b.	Definition – “Dwelling, Block Townhouse”	Means a townhouse dwelling that is part of a condominium co-operative or rental project with a private internal traffic circulation system or direct access from a public street	Means a townhouse dwelling that is part of a condominium co-operative or rental project with a private internal traffic circulation system or direct access from a public street, a private common element condominium road or landscaped amenity area
c.	Frontage on a Public Street	No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street	Permit a Block Townhouse Dwelling to front onto a public street, a private common element condominium road or landscaped amenity area
d.	Minimum Front Yard Setback	4.5 m	2.3 m
e.	Minimum Rear Yard Setback	4.5 m	Permit a 0 m setback from the RM2 Zone line to Block “C”; and a 10 m setback from the rear (north-east) property line.

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
f.	Minimum Interior Side Yard Setback	1.5 m	Permit a 0.4 m setback from the RM2 Zone line to Blocks “D” and “E”; and a 10.4 m setback from the east property line.
g.	Maximum Lot Coverage	50 %	75 %
h.	Minimum Amenity Area	<p>14 three bedroom units @ 90 m² amenity area / unit = 1,260 m² +</p> <p>14 four bedroom units @ 110 m² amenity area / unit = 1,540 m²</p> <p>Total amenity area required = 2,800 m²</p>	Total private amenity area proposed = 435 m ² (or approximately 15.5 m ² / unit)

	Zoning By-law 1-88 Standard	OS1 Open Space Conservation Zone Requirements	Proposed Exceptions to the OS1 Open Space Conservation Zone Requirements
a.	Permitted Uses and Structures	No building or structure other than for conservation or flood control projects is permitted	<p>Permit the following additional uses:</p> <ul style="list-style-type: none"> - the existing portion of the below-grade parking structure and ramp - Hard and soft landscaping relating to the private outdoor amenity space for Blocks “C”, “D” and “E”

	Zoning By-law 1-88 Standard	OS1 Open Space Conservation Zone Requirements	Proposed Exceptions to the OS1 Open Space Conservation Zone Requirements
b.	Minimum Interior Side Yard Setback for Below-Grade Structures	No requirements for below- grade structures in the OS1 Zone	Permit the existing portion of the below-grade parking structure and ramp to encroach into the OS1 Zone a maximum 1.75 m as measured from the interior side yard and rear yard

The Development Planning Department has reviewed the proposed rezoning and site-specific exceptions to Zoning By-law 1-88 identified in Table 1 and provides the following comments:

- a) The relief for permitted uses within the RA3 Residential Apartment Zone is required in order to implement the mixed-use Development. The introduction of these additional uses to the RA3 Zone is consistent with the OMB approval of the Subject Lands for a mixed-use development and the permitted uses within the “High-Rise Mixed-Use” designation of VOP 2010.
- b) The relief for permitted uses within the OS1 Open Space Conservation Zone is required to permit portions of the below-grade parking structure and ramp which are currently encroaching into this area to be maintained. In addition, relief is required to permit the hard and soft landscaping associated with private amenity space of Townhouse Blocks “C”, “D” and “E”. The relief for the below-grade parking structure and ramp within the OS1 Zone can be supported as the encroachment represents an existing condition which has been reviewed by the TRCA, and the landscaping related to the private amenity space for the Townhouse Blocks is an ecological improvement over the existing condition of this portion of the Subject Lands, which does not contain any natural heritage features.
- c) The proposed lot areas, yard setbacks and building height for the RA3 Zone are required to implement a building design that is supportive of the pedestrian realm within an intensification area. The site-specific development standards are consistent with the approval by the OMB for Subject Lands.

- d) The proposed definitions of “Lot”, “Dwelling, Block Townhouse” and “Frontage on a Public Street” are required to permit the multiple parcels that comprise the Subject Lands to be considered one lot to avoid technical variances resulting from the multiple parcels, and to permit Townhouse Block “E” to front onto a landscaped area, as opposed to the private road.
- e) The relief for lot frontage, lot area, yard setback and coverage for the RM2 Multiple Residential Zone are required to implement the Block Townhouses consistent with the approval by the OMB for Subject Lands.
- f) The proposed encroachments are required to accommodate access to and utilities for the below-grade parking structure, which cannot be relocated elsewhere on the Subject Lands. In addition, a feature wall will be permitted within the front yard to act as an entry and information feature for the Development.
- g) Relief from landscaping and screening requirements for outdoor parking areas is required to permit the three surface parking spaces located to the south of Building “B”. The Owner is providing landscaping between Building “B” and the parking area by way of concrete planters with a mix of deciduous trees and dogwood shrubs. The outdoor parking area will not be visible from Woodstream Boulevard. The private road will be finished using pre-cast unit pavers to reinforce the pedestrian focus of the Development and promote walkability throughout the Subject Lands.
- h) The proposed minimum amenity area requirements within the RA3 and RM2 Zone are required to permit the approval by the OMB for the Subject Lands. Buildings “A” and “B”, and Townhouse Blocks “C”, “D” and “E” will have joint access to the 801 m² common amenity space located within the podium, and access to the 2,696 m² common outdoor amenity spaces located throughout the Subject Lands. In addition, each apartment unit within Buildings “A” and “B” contain a private balcony and each of the townhouse units with Townhouse Blocks “C”, “D” and “E” have a private backyard. The Development will be served by both common amenity areas and private amenity areas.
- i) The Owner has submitted a Parking Justification Study by Cole Engineering, dated December 2017, in support of the proposed parking supply and parking ratios. The Transportation Section of the Development Engineering (“DE”) Department advise that they have no objection to the proposed overall parking supply of 521 spaces to serve the Development. This is discussed in greater detail later in this report.

In consideration of the above, the Development Planning Department is satisfied that the proposed rezoning and site-specific amendments to Zoning By-law 1-88 will facilitate a Development consistent with the OMB decision for the Subject Lands, and the required Official Plan amendments for additional building height and FSI for the Subject Lands.

The Planning Act enables a municipality to pass a resolution to permit an Owner to apply for future Zoning By-law Amendment or Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45(1.3) of the *Planning Act* restricts an Owner from applying for a Zoning By-law Amendment or a Minor Variance application(s) to the City and/or the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an Owner to apply for a Zoning By-law Amendment or Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

Should Council approve Zoning By-law Amendment File Z.11.009, the Development Planning Department, in recognition of the complexity of this Development, has included a Recommendation to permit the Owner to apply for a Zoning By-law Amendment or a Minor Variance application(s) to address refinements to the Development that may arise through the final design and construction process.

The Development Planning Department supports the Development, subject to the conditions set out in Recommendation section of this report

The Development Planning Department has reviewed the Development, shown on Attachments #3 to #8, and provides the following comments:

Site Plan

The Owner has submitted Site Development File DA.15.072 to permit the Development. The Subject Lands will continue to be accessible by two driveway accesses from Woodstream Boulevard, however, the location of these accesses have been slightly modified to better serve the ingress and egress of the Development. The Development also includes a 6 m wide, 2-way private road for direct access to the below-grade parking structure and surface parking and loading spaces. Access throughout the Subject Lands is intended to be pedestrian oriented and includes multiple sidewalk connections to each building and the townhouse blocks.

The Development will be served by 521 parking spaces located at grade and within a 3-storey below-grade parking structure. The below-grade parking structure will contain 519 parking spaces, of which 108 spaces will be dedicated to visitor and/or commercial

parking, and the balance (411 spaces) will be allocated for resident parking. Two surface parking spaces are located on the south portion of the private road, which will be dedicated as visitor and/or commercial parking spaces. In addition, one surface loading space is located along the private road next to the visitor and/or commercial parking, and one internal loading space is located at the rear of Building “A”.

The Plan includes 238 bicycle parking spaces throughout the Development, both at grade and within the below-grade parking structure. This includes 24 at grade spaces located at the front entrance (18 spaces) and within a central amenity area (6 spaces). An additional 214 bicycle parking spaces are located within the below-grade parking structure within dedicated bicycle parking rooms (118 spaces), and the balance of the bicycle parking spaces are mixed with the vehicular parking spaces on each parking level.

Landscape Plan

The landscape plan shown on Attachment #4 includes two at grade outdoor amenity areas. The larger of the two areas is located between Buildings “A” and “B”, east of the podium and runs through the Subject Lands to the OS1 Open Space Conservation Zone lands. This amenity space is designed for passive recreation, and includes benches, trellises, arbors, and shrub and tree plantings.

The second at grade amenity space is located along the south portion of the Subject Lands, south of the private road, and adjacent to the townhouse blocks. This amenity space is programmable and contains a children’s play structure, benches, trellises, and shrub and tree plantings.

The Owner is proposing to construct the private road using precast unit pavers to reinforce the pedestrian elements throughout the Subject Lands, and promote walkability between each building, the townhouse blocks and the amenity spaces.

A wood screen fence and buffer plantings, consisting of medium-height shrubs and shade trees are proposed along the north and south property lines abutting the employment uses located on the adjacent properties. Along the edges of the OS1 Open Space Conservation Zone lands is an existing chain-link fence, which restricts access into the woodland and valley feature.

Building Elevations

The building elevations shown on Attachments #5 to #8 utilize a contemporary building and material style. Buildings “A” and “B” include a mixed-use podium primarily comprised of glazing to promote visibility and pedestrian access into the buildings, as shown on Attachments #5 and #6. The building façades are finished in glass curtain

walls and contain a series of vertical elements primarily comprised of black articulated wall planes and black masonry brick. The building materials help to reinforce the prominence of the front façade (west elevation) of Buildings “A” and “B”. Articulation is achieved on the other façades through the use of terraced balconies finished with frosted glass. The mechanical rooms located at the top of Buildings “A” and “B” are screened using black masonry brick and appear as a continuation of the building design.

The townhouse elevations, shown on Attachments #7 and #8, are also designed in a contemporary style, meant to be reflective of Buildings “A” and “B”, and utilize black and grey masonry brick, ashlar masonry units, laminated wood panels and black aluminum roofs.

Sun and Shadow Study

The Owner has submitted a Sun and Shadow Study in support of the Development, which identifies that the shadow impacts created by the Development are minimal and have little impact on the micro-climate conditions. The most significant shadowing on the abutting lands occurs during the spring, fall, and winter months where it impacts the abutting lands to the north, more specifically, the south building elevation which is currently developed as a loading bay. The majority of the shadowing impacts the natural feature (Rainbow Creek Valley), located to the north-east of the Subject Lands, where no future development is contemplated.

Building Signage

The Owner has not provided any signage details to date for the proposed feature wall located outside the front entrance along Woodstream Boulevard. Prior to final approval, the Owner will be required to provide the feature wall signage and any additional building signage details to the Development Planning Department for approval.

The Development Planning Department is satisfied with the Development shown on Attachments #3 to #8, subject to the above comments and the conditions included in the Recommendations of this report.

The Owner has achieved a “Silver” performance level by the Sustainability Performance Metrics

The Owner has made significant modifications to the Development which have led to the achievement of a “Silver” score (47 points) by the Council approved Sustainability Performance Metrics. Sustainable building and site design initiatives being incorporated into the Development include, but are not limited to:

- a three-chute refuse sorting system on all floors of Buildings “A” and “B”; and
- green roofs for Buildings “A” and “B”, and townhouse Blocks “C”, “D” and “E”.

The Owner must submit a Draft Plan of Condominium application to establish the condominium tenure of the Development

Should Vaughan Council approve the Applications, the proposed condominium tenure for the Development will be created through a Draft Plan of Condominium application, which is subject to approval by Council. The Condominium Corporation will be responsible for all common elements in the Development including but not limited to all parking and landscape elements, and a portion of the OS1 Open Space Conservation Zone lands.

The Urban Design and Cultural Heritage Section advise that the Subject Lands are cleared of any concern for archaeological resources

The Development Planning Department, Urban Design and Cultural Heritage Division has reviewed the proposed development and advise that the Subject Lands are cleared of any concern for archaeological resources. The following standard conditions shall be included in the implementing Site Plan Agreement:

- “Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify both the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.”
- “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner, the Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services, and the Development Planning Department, Urban Design and Cultural Heritage Division.”

The Policy Planning and Environmental Sustainability Department has no objection to the Development, subject to conditions

The PPES Department has reviewed the Applications and have no objection to the approval of the Development. The PPES Department has reviewed the Scoped Environmental Impact Study (“EIS”) provided in support of the Development and agree with the conclusions of the EIS, which find that the Development will improve the current protection provided to the Rainbow Creek Valley and woodland. The Development improves the existing site condition by reducing the overall disturbed footprint, maintains the existing established vegetation at the interface of the valley, and includes an edge management treatment.

The PPES is requesting that the Owner provide bird-friendly design treatments for Buildings “A” and “B”. The PPES Department is also requesting that the Owner consider pollinator gardens for their green roof designs.

The Development Engineering Department has no objection to the Development, subject to conditions

The Development Engineering (“DE”) Department has advised they have no objection to the Development, subject to the conditions set out in the Recommendation section of this report and the following matters being addressed:

Transportation

The Transportation Section of the DE Department has reviewed the Parking Justification Study by Cole Engineering, dated December 2017, in support of the proposed parking supply and parking ratios and advise that the overall parking supply of 521 spaces is appropriate to serve the Development. The Transportation Section advises that the visitor parking ratio of 0.2 spaces per unit is consistent with the City’s minimum recommended visitor parking rate standards.

Water Supply Network

The Subject Lands are located within Pressure District 4. A hydrant flow test conducted within the vicinity of the Subject Lands confirms that available flow and pressure are adequate to support the Development.

There is an existing watermain located adjacent to the Subject Lands. As part of this Development, the Owner proposes to decommission the existing water service connection and install a new service connection to an existing watermain located within Woodstream Boulevard. The Owner shall complete a Service Connection and Decommissioning Application for the Inspection and Grading Division of the Development Engineering Department, for the installation and decommissioning of any proposed service connections with the City’s servicing contractor. The Owner also shall agree to pay all applicable fees and post securities pursuant to the in-effect Fee and Charges By-law, as amended.

Sanitary Servicing

The City’s latest Water and Wastewater Master Plan (approved in June 2014) did not consider the Subject Lands as they are located outside the boundary identified in the City’s September 2010 Official Plan Amendment update. The City is initiating a Water and Wastewater Master Plan update later this year. Accordingly, servicing for the Subject Lands must conform to its conclusions and recommendations.

The City has recently completed a sanitary sewer system optimization study (Focus Area Core Servicing Strategy) for the Highway 7 Intensification Corridor. The Subject Lands are located outside the limits of the study area, and as such, were not considered in the analysis. Although the Subject Lands are outside this boundary, its sanitary flows will directly affect downstream sanitary sewers within the limits of the Focus Area Core Area Servicing Strategy – Highway 7 Intensification Corridor.

The City is currently undertaking an updated sanitary sewer system optimization study for the Regional Road 7 Intensification Area as part of the City's Focus Area Core Servicing Strategy Study. This Study will identify any necessary upgrades required to facilitate development with the focus area. Given that the Subject Lands are located within the Study area, the Owner shall be responsible to finance and implement or contribute to required sanitary system improvements in the Regional Road 7 Intensification Corridor based on the conclusions and recommendations of the City's Water and Wastewater Master Plan Update and/or the Focus Area Core Servicing Strategy study, as appropriate, and to the satisfaction of the City of Vaughan.

The Infrastructure Planning and Corporate Asset Management ("IPCAM") Department has advised that downstream sanitary sewer system improvements shall be required in order to adequately service the proposed intensification areas along the Regional Road 7 Corridor and the subsequent extension of allowable intensification/redevelopment currently planned for the Subject Lands on Woodstream Boulevard. IPCAM will be finalizing an area specific Development Charge By-law for implementation in order to secure financial contribution from all benefiting areas. Accordingly, IPCAM requests that the following clause be included in the Site Plan Agreement:

"The Owner shall be responsible to finance and implement or contribute to necessary downstream sanitary sewer system improvements applicable to the Regional Road 7 Intensification Corridor drainage areas based on the conclusions and recommendations of the City's Water/Wastewater Master Plan Update and/or Focus Area Core Servicing Strategy Study, as appropriate and to the satisfaction of the Infrastructure Planning and Corporate Asset Management Department. An area specific Development Charge By-law will be finalized to establish estimated project costs and the appropriate cost-sharing methodology/financial contribution from all benefiting areas."

Stormwater Management Measures

The overland flow on the Subject Lands currently drains to Rainbow Creek Valley which is regulated by the TRCA. A small portion (2%) of the flow on the Subject Lands discharges into the existing storm sewer system located within Woodstream Boulevard.

The proposed post-development flow system and conditions will be similar to the existing drainage system, however, stormwater runoff will be controlled in terms of quality, quantity and water balance through the use of an underground tank, a Jellyfish system, and a green roof, landscaping and irrigation system, all designed in accordance with accepted engineering standards and Ontario Building Code requirements.

Environmental Site Assessment (“ESA”)

The Owner has submitted a Phase One and Phase Two ESA, together with a Record of Site Condition that has been filed with the Ministry of the Environment, Conservation and Park (the “MECP”), which confirms that the Subject Lands are suitable for the Development.

Noise Mitigation Measures

The Owner has submitted a Noise Feasibility Study in support of the Development, which confirms that the noise impact of the existing employment and industrial uses located adjacent to the Subject Lands complies with the MECP criteria without additional noise mitigation measures. Prior to final site plan approval, the Owner will be required to update the architectural drawings to ensure they are compatible with the recommendations of the Noise Feasibility Study.

The Owner shall further agree in the Site Plan Agreement that prior to occupancy, a noise consultant shall certify that the all plans are in accordance with the noise control features as recommended by the approved Noise Feasibility Study. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Feasibility Study, these features shall be certified by a Professional Engineer (as defined by the *Professional Engineers Act*, R.S.O. 1990, c.P.28, as amended). The Engineer’s certificate must refer to the approved Noise Feasibility Study and be submitted to the City’s Chief Building Official and the Director of Development Engineering.

Engineering Fees and Securities

Prior to final site plan approval, the Owner shall pay all applicable fees pursuant to the City’s in-effect Fees and Charges By-law, as amended, which includes but is not limited to the Development Engineering “Site Plan Complex Fee” and water consumption during construction. The Owner shall also be required to post securities, as required, for the implementation of the Development.

Agreements and Permits

The Owner agrees to make an application(s) and enter into Agreement(s) and/or obtain any permit(s) as the Development Engineering Department may consider necessary, including but not limited to the following:

- any temporary and permanent dewatering systems to discharge groundwater directly or indirectly into a municipal sewer system;
- excavation, shoring, and encroachment;
- the installation of the proposed service connections; and
- the installation and purchasing of a water meter.

Warning Clauses

The Owner shall agree in the Site Plan Agreement that prior to occupancy, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in all Offer of Purchase and Sale or Lease, and within the future Condominium Declaration.

Sewage and Water Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council.

Accordingly, servicing capacity to Site Development File DA.15.072 is available and unrestricted. Therefore, the following resolution to allocate capacity to the Development may be recommended for Council approval:

“IT IS HEREBY RESOLVED THAT Site Development File DA.15.072 (77 Woodstream Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a maximum total of 393 residential units (893 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the Development does not proceed to registration within a reasonable timeframe.”

The Parks Development Department has no objection to the Development, subject to conditions

The Parks Development Department has reviewed the Development and advise they have no objection to its approval subject to the Community Services and Facilities Impact Study submitted in support of the Development being updated to reflect the current height, density and site statistics.

The Parks Development Department acknowledges that the Owner will be entering into an Agreement pursuant to Section 37 of the *Planning Act* with respect to the increase in building height and density for the Development of the Subject Lands, in the amount of \$210,929.59, which will go towards community benefits to the satisfaction of the Development Planning Department.

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to conditions

The Environmental Services Department, Waste Management Division has reviewed the Development and advise they have no objection to its approval, subject to the following:

- that the plans submitted in support of the Development be updated to show the curb radius at the point of ingress or egress. This requires a minimum 9 m radius for a driveway width of 6 m, or a 7.56 m radius for a driveway width of 7.5 m;
- garbage chute rooms must be provided on every floor within Buildings “A” and “B”, and that this be demonstrated on the floor plans submitted in support of the Development; and
- the Owner obtain written confirmation from a certified Professional Engineer, as defined by the *Professional Engineers Act*, R.S.O. 1990, c.P.28, as amended, that the Development on the Subject Lands can support a fully loaded collection vehicle weighing 35,000 kgs.

The Fire and Rescue Services Department have no objection to the Development, subject to conditions

The Fire and Rescue Services Department have no objection to the Development, but advise that adequate provisions for fire fighting purposes must be provided in accordance with the Ontario Building Code, Division B, Subsection 3.2.5.

Development Charges apply to the Development

The Financial Planning and Development Finance Department have confirmed that the Owner shall pay all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, the York Region District School Board and the York Catholic District School Board, prior to the issuance of any Building Permit.

Cash-in-Lieu of Parkland Dedication is required

The Office of the City Solicitor, Real Estate Department has confirmed that should Council approve the Applications, for high-density residential developments, the Owner is required to pay cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the Subject Lands or a fixed unit rate per unit whichever is higher, prior to the issuance of a Building Permit, in accordance with the City's Cash-in Lieu of Parkland Policy and Section 42 of the *Planning Act*.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

The Development has been reviewed by external agencies, including York Region, the Toronto and Region Conservation Authority ("TRCA"), Canada Post, NavCanada, Bombardier and various utility companies, who advise they have no objection to the Development, subject to the conditions included in the Recommendations of this report and the below comments.

York Region has no objection to the Development, subject to conditions

York Region undertaken a review of the Development, and advise they have no objection to it's approval. York Region has advised that Official Plan Amendment File OP.11.003 is minor in nature and a matter of local significance. York Region has advised that Official Plan Amendment File OP.11.003 may be eligible for exemption from Regional approval by the Regional Planning Committee of the Whole and Council following the LPAT issuance of it's written Order which will bring the "Mid-Rise Mixed-Use" designation into full-force and effect on the Subject Lands. If granted, this exemption will allow the Official Plan Amendment to come into effect following its adoption by the City and the expiration of the required appeal period, should the Official Plan Amendment be approved.

York Region has completed a review of Site Development File DA.15.072, and have advised that they have no objection or comments on the Development.

The TRCA has no objection to the Development, subject to conditions

The TRCA have undertaken a review of the Development, and advise they have no objection to its approval, subject to conditions. The TRCA note that the rear of the Subject Lands is traversed by the valley corridor of Robinson Creek, within the Rainbow Creek Valley system and the Humber River Watershed. The staking of the stable-top-of-bank and valley feature, and the application VPZ of the valley were approved by the TRCA as part of the approval of the existing banquet hall (Site Development File DA.00.093 (Prime Maple Development Corp.)).

The TRCA note that there is an existing encroachment being the underground parking structure located within the VPZ. The TRCA recognize this existing encroachment and can accept its continued encroachment, given that the historical encroachment of the underground parking structure and the Development are greater than 10 m from the long term stable top-of-bank. The TRCA are satisfied that the reduced VPZ from the valley feature will not have any negative impacts on the valley or woodland or create any erosion hazards.

The TRCA advise that the area between the property line and the stable top-of-bank (as shown on Attachment #3) must be zoned into an appropriate Open Space Zone category and dedicated to the TRCA, free of all charges and encumbrances. This condition is included in the Recommendations of this report.

The TRCA advise that a portion of the Subject Lands is in the regulated area by Ontario Regulation 166/06 and a permit will be required from the TRCA prior to any works taking place in the regulated area. This condition is included in the Recommendation of this report.

Canada Post has no objection to the Development subject to conditions

Canada Post has no objection to the Development, subject to the Owner supplying, installing and maintaining a centralized mailbox facility to Canada Post specifications.

NavCanada and Bombardier have no objection to the Development

NavCanada and Bombardier have undertaken a review of the Development and advise they have no object to the Development, subject to the Owner providing notification to NavCanada upon the completion of its construction.

The various utilities have no objection to the Development

Bell Canada, Rogers Communications Inc., Enbridge Gas, Hydro One and Alectra Utilities Corporation have no objection to the approval of the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of site works.

Conclusion

The Development Planning Department has reviewed Official Plan Amendment File OP.11.003, Zoning By-law Amendment File Z.11.009 and Site Development File DA.15.072, in consideration of the OMB approval for the Subject Lands, the *Provincial Policy Statement 2014*, the Growth Plan 2017, the York Region Official Plan 2010 and Vaughan Official Plan 2010, the comments from City Departments, external public agencies and the public, and the surrounding area context.

The Development Planning Department is satisfied that the Official Plan Amendment application to redesignate the Subject Lands and to increase the permitted building height from 10 to 15-storeys and increase the permitted FSI from 2.5 to 2.61, is minor in nature and maintains the general intent of the OMB decision regarding the Subject Land. The Applications are considered to be consistent with the PPS and conform to the Growth Plan and the York Region Official Plan and maintains the intent of the VOP 2010 designation for the lands approved by the OMB. In addition, the Owner will be

required to enter into a Section 37 Agreement with the City for the additional height and density in exchange for community benefits as discussed in this report.

On this basis, the Development Planning Department can support the approval of the Official Plan Amendment, Zoning By-law Amendment and Site Development applications, subject to the Recommendations of this report.

For more information, please contact Diana DiGirolamo, Planner, Development Planning Department, at extension 8860.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Zoning
4. Landscape Plan
5. Elevations (West and South)
6. Elevations (East and North)
7. Townhouse Elevations
8. Building Perspectives
9. Development Proposal Considered at the June 14, 2011 Public Hearing
10. Development Proposal Considered at the May 3, 2016 Public Hearing

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