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**C12
COMMUNICATION
COUNCIL – May 16, 2023
CW (2) - Report No. 23, Item 3**

May 9, 2023

VIA E-MAIL

Our File No. 132579

City of Vaughan
Committee of the Whole
City Hall, Level 100
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attn: Todd Coles
City Clerk

Dear Mr. Coles:

**Re: LCT Investments Inc.
Item 6(3), Committee of the Whole Meeting on May 9, 2023
Proposed Interim Control By-law (“ICBL”) for Kipling Avenue Corridor
Secondary Plan Area**

Aird & Berlis LLP is counsel to LCT Investment Group Ltd. (“LCT”). LCT is the owner of 8156, 8196 and 8204 Kipling Avenue in the City of Vaughan (the “LCT Site”). The LCT Site is located on the west side of Kipling Avenue, north of Woodbridge Avenue, immediately west of the current terminus of Meeting House Road.

LCT has been pursuing site-specific official plan and zoning by-law amendments for the LCT Site since 2014. Our client’s applications were appealed to the Ontario Land Tribunal in 2017 and have been pending before the Tribunal for an extended period of time. During this extended delay, our client has instructed its consultants to in good faith work with staff at the City of Vaughan to revise LCT’s development proposal to facilitate an appropriate built form and layout.

While development of the LCT Site is complicated by an existing heritage building (the Moody Darker House) and a desire to properly align the existing intersection of Meeting House Road with a future Rainbow Creek Road, our client’s consultants did ultimately arrive at an acceptable development proposal. The revised development proposal was presented to Committee of the Whole in a staff report dated February 14, 2023. A copy of this report is attached for ease of reference.

While Committee of the Whole did accept the staff recommendation to support the settlement of our client’s development proposal, this recommendation was deferred by City Council. To the best of our knowledge, there are no outstanding requirements or information needed by staff to proceed with the recommended settlement (which LCT fully supports). All that remains is for Council to endorse the staff recommendation and a 9-year development process can finally come to a conclusion.

LCT has now been made aware of a proposal for an ICBL affecting the Kipling Avenue Corridor Secondary Plan area. The LCT Site is included in this area. The proposed ICBL seeks to facilitate an evaluation of opportunities for a new Woodbridge GO Station and to “rationalize and optimize the land uses in the area.”

LCT is supportive of opportunities to extend higher-order transit to existing and new residents within the Kipling Avenue Corridor Secondary Plan. However, the overly-broad approach proposed for studying the land opportunities for a new GO Station within this Secondary Plan Area will create roadblocks for near-term development.

LCT's ask is that the Committee of the Whole consider the following when evaluating the current staff recommendation for the proposed ICBL:

- The boundaries of the ICBL's proposed area do not currently reflect actual land options/opportunities for a future GO Station. The boundaries include lands with existing industrial uses (for which there are no current *Planning Act* applications) and lands for which there is an existing *Planning Act* application for new residential development (being the LCT Site). The ICBL should either exclude or exempt these specific sites.
- The LCT Site is triangular in shape and is generally too small to accommodate a GO Station with associated parking. As well, staff have indicated (in their February 14, 2023 report) that a portion of the LCT Site is needed for the future Rainbow Creek Road. Given the position, shape and size of the LCT Site, it is not a serious candidate for a future GO Station.
- The most likely candidate for a future GO Station in this area is the Woodbridge Fairgrounds site, located south of the LCT Site on the east side of Kipling Avenue. This site is positioned adjacent to the rail corridor and has the size/shape to accommodate various configurations of a station, associated parking and potential intensification. However, the proposed boundary of the ICBL does not include the full extent of the rail corridor adjacent to the Woodbridge Fairgrounds site – more specifically, the boundary does not include the east and west sides of the rail line.

Our client's request at this key juncture is that staff be directed to re-draw the boundaries of the proposed ICBL to exclude the LCT Site and to include more of the rail corridor lands running adjacent to the Woodbridge Fairgrounds site. The exclusion of the LCT Site will facilitate a settlement of our client's ongoing OLT appeals as recommended by staff this past February. The inclusion of the additional rail corridor lands would better facilitate the stated goal of the ICBL, which is to study realistic opportunities for siting a future GO Station that will benefit the entire Kipling Avenue community.

We look forward to Committee of the Whole's debate on this important initiative and hope that these comments (as well as the comments of other affected area landowners) will be duly considered in any recommendation to Council.

May 9, 2023
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Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink that reads "Patrick Harrington". The signature is written in a cursive, flowing style.

Patrick J. Harrington

cc. G. Tseng – LCT
J. Fast – Evans Planning

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Committee of the Whole (2) Report

DATE: Tuesday, February 14, 2023 **WARD(S):** 2

TITLE: LCT INVESTMENT GROUP LTD.
OFFICIAL PLAN AMENDMENT FILE OP.14.010
ZONING BY-LAW AMENDMENT FILE Z.14.042
SITE DEVELOPMENT FILE DA.14.072
8156, 8196 AND 8204 KIPLING AVENUE
VICINITY OF KIPLING AVENUE AND WOODBRIDGE AVENUE

FROM:
Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole for Official Plan and Zoning By-law Amendment and Site Development Files OP.14.010, Z.14.042 and DA.14.072 to permit a mixed-use development consisting of a five-storey (21.5 m high) apartment building for 65 units and six (6) blocks of three-storey townhouses consisting of 33 units for a total of 98 units, and a stand-alone office use in the existing heritage building on a private road on 1.31 ha, as shown on Attachments 3 to 7.

Report Highlights

- The Owner proposes a mixed-use development consisting of a five-storey apartment building for 65 units and six (6) blocks of three-storey townhouses consisting of 33 units for a total of 98 units, and a stand-alone office use in the existing heritage building on a private road.
- Official Plan and Zoning By-law Amendment and Site Development applications are required to permit the proposed development.
- The Development Planning Department supports the development as it is consistent with and conforms to Provincial policy and the York Region Official Plan 2022, and meets the intent of Vaughan Official Plan 2010, and is considered to be compatible with the surrounding existing and planned land uses.
- The subject lands are located within the Woodbridge Heritage Conservation District ('WHCD') which is designated under the *Ontario Heritage Act (Part V)*. The Development Planning Department, Urban Design and Cultural Heritage Division is satisfied with the proposed development as it meets the intent of the Woodbridge Heritage Conservation District Study and Plan.

Recommendations

1. THAT the Ontario Land Tribunal be advised that City of Vaughan Council ENDORSES the following recommendations to permit a development consisting of of a five-storey (21.5 m high) apartment building for 65 units and six (6) blocks of three storey townhouses for 33 units for a total of 98 units, and a stand-alone office use in the existing heritage building, as shown on Attachments 3 to 7:
 1. THAT Official Plan Amendment File OP.14.010 (LCT Investment Group Inc.), BE APPROVED, to amend the Kipling Avenue Corridor Secondary Plan ('KACSP') in Volume 2 of Vaughan Official Plan 2010 ('VOP 2010'), as follows:
 - a) Redesignate the Subject Lands shown on Attachment 3 from "Low-Rise Mixed-Use" on Map 11.5.A, Kipling Avenue – Land Use, to "Mid-Rise Residential" in the manner shown on Attachment 3;
 - b) Amend Policy 11.5 KACSP, VOP 2010, Volume 2 to permit:
 - i) a maximum building height of 21.5 m (5-storeys) for a mid-rise building with a maximum 7.5 m (2-storey) podium with a 45-degree angular plane and 14 m (3-storey) tower;
 - ii) a maximum building height of 9.5 m (3-storeys) for low-rise and townhouse buildings (Blocks A to F);

- iii) a minimum setback of 2 m from Kipling Avenue; whereas a minimum setback of 3 m is required
 - iv) a standalone office use may be permitted in the existing heritage building shown on Attachment 4; and
 - v) a parking area for the office use, located within an existing heritage building, may be visible from the street;
- c) Amend Map 11.5 J, Minimum Front-Yard Building Setbacks and Map 11.5.L, Heritage Conservation of Heritage Properties of the KACSP, VOP 2010, Volume 2 to make the necessary mapping changes to implement the proposed development; and,
 - d) Amend Schedule 14c of VOP 2010 to make the necessary mapping changes to implement the proposed development.
2. THAT Zoning By-law Amendment File Z.14.042 (LCT Investment Group Inc.), BE APPROVED to amend Zoning By-law 1-88, to rezone the Subject Lands from “C1 Restricted Commercial Zone” subject to site-specific zoning Exception 9(1247) as shown on Attachment 2 to “RA3 Apartment Residential Zone”, in the manner shown on Attachment 4, together with the site-specific zoning amendments identified in Table 1 of this report;
 3. THAT Site Development File DA.14.072 (LCT Investment Group Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit a five-storey apartment building for 65 units and six (6), three-storey townhouses for 33 units for a total of 98 units and a stand-alone office use in the existing heritage building as shown on Attachments 4 to 7; and
 4. 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.14.072 (LCT Investment Group Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 98 residential units (245 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

Background

The subject lands are located within the Woodbridge Heritage Conservation District

The 1.31 subject lands (the 'Subject Lands') are located on the west side of Kipling Avenue, north of Woodbridge Avenue, and are municipally known as 8156, 8196 and 8204 Kipling Avenue, as shown on Attachment 2, and contains the existing Moody Darker Heritage Building. The Subject Lands and surrounding land uses are shown on Attachment 2.

Official Plan and Zoning By-law Amendment and Site Development Applications were Previously Approved for a Mixed-Use Residential-Commercial Development

Vaughan Council, on October 9, 2007, ratified the October 1, 2007 Committee of the Whole recommendation to approve the following:

- Official Plan Amendment File OP.06.031 (Sceptre Developments Inc.) to amend Official Plan Amendment ('OPA') 240 (the Woodbridge Community Plan) to redesignate the Subject Lands from "Medium Density Residential" to "Mixed Use Commercial" to permit a mixed-use development comprised of residential live/work (office) and business and professional office townhouse units (including a heritage building) and
- Zoning By-law Amendment File Z.05.078 (Sceptre Developments Inc.) to amend By-law 1-88 to rezone the Subject Lands from, "M1 Restricted Industrial Zone", "RM2 Multiple Residential Zone" and "R3 Residential Zone" to "C1 Restricted Commercial Zone" to facilitate a mixed-use development comprised of 24 residential live/work (office) units and 42 business and professional office townhouse units.

Further, Vaughan Council, at its June 23, 2008, meeting, ratified the June 16, 2008 Committee of the Whole recommendation to approve Site Development File DA.07.092 (Sceptre Developments Inc.) to permit a mixed-use development comprised of 24 residential live/work units and 42 business and professional office units. This development was never finalized as the lands were sold and the development proposal was changed.

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

LCT Investment Group Inc. (the 'Owner') has submitted the following applications (the 'Applications') for the Subject Lands to permit the development of a five-storey (21.5 m high) apartment building for 65 units and six (6), three-storey townhouses for 33 units for a total of 98 units, and a stand-alone office use in the existing heritage building on a private road on 1.31 ha (the 'Development') shown on Attachments 3 to 7:

1. Official Plan Amendment File OP.21.001 to amend Section 11.5 - the Kipling Avenue Corridor Secondary Plan ('KACSP'), in Volume 2 of VOP 2010:

- a) redesignate the Subject Lands shown from “Low-Rise Mixed-Use” on Map 11.5.A, Kipling Avenue – Land Use, KACSP, to “Mid-Rise Residential” on Map 11.5.A, Kipling Avenue – Land Use, KACSP, in the manner shown on Attachment 3; and,
 - b) amend Policy 11.5 of the KACSP to permit:
 - i) a maximum building height of 21.5 m (5-storeys) for a mid-rise building with a maximum 7.5 m (2-storey) podium with a 45-degree angular plane and 14 m (3-storey) tower;
 - ii) a maximum building height of 9.5 m (3-storeys) for low-rise and townhouse buildings (Blocks A to F);
 - iii) a minimum setback of 2 m from Kipling Avenue; whereas a minimum setback of 3 m is required
 - iv) a standalone office use may be permitted in the existing heritage building shown on Attachment 4; and
 - v) a parking area for the office use, located within an existing heritage building, may be visible from the street;
2. Zoning By-law Amendment File Z16.018 to rezone the Subject Lands from “C1 Restricted Commercial Zone” subject to site-specific zoning Exception 9(1247) by Zoning By-law 1-88 as shown on Attachment 2 to “RA3 Apartment Residential Zone” by Zoning By-law 1-88, in the manner shown on Attachment 4, together with the site-specific zoning amendments identified in Table 1 of this report; and
 3. Site Development Application File DA.14.072, shown on Attachments 3 to 7, consisting of the following:

Block/Building	Land Use	Building Height (m)	Units	Gross Floor Area (m²)
A - F	3-Storey Townhouse	9.5	33	5,405
Mid-Rise	5-Storey Residential Building	21.5	65	6,238
Heritage	2-Storey Office	8.3	N/A	219.7
Total			98	11,862.7

Site Statistics	
Lot Area	1.31 ha
Floor Space Index ('FSI')	0.9 Times the Area of the Lot
Building Coverage	26% (3,422 m ²)
Landscaping	16% (2,181m ²)
Amenity Space	4,064 m ²

By-law 1-88 Parking	Required	Proposed
Townhouse	1.5 spaces / unit x 33 units = 50 spaces	2 spaces / unit x 33 units = 66 spaces
Apartment	1.5 spaces / unit x 65 units = 98 spaces	1.5 spaces / unit x 65 units = 98 spaces
Visitor	Visitor 0.25 spaces / unit x 98 units = 26 spaces (Rounded-up for both Townhouse and Apartment Uses)	Visitor 0.25 spaces / unit x 98 units = 26 spaces
Office	3.5 spaces / 100 m ² x 219.7 m ² = 8 spaces	3.5 spaces / 100 m ² x 219.7 m ² = 8 spaces
Total	182	198

The Official Plan and Zoning By-law Amendment Applications were appealed to the Ontario Land Tribunal

Aird and Berlis, LLP, on behalf of the Owner, in a letter dated October 30, 2017, appealed the Official Plan and Zoning By-law Amendment Applications to the Ontario Land Tribunal ('OLT') on Council's failure to make a decision on the Applications.

An OLT Pre-Hearing date was held on March 16, 2018, with further pre-hearing dates postponed to allow the City and the Owner to work towards a settlement. An OLT Telephone Conference Call was held on June 12, 2020 to advise of the status. A hearing date is expected in early 2023.

Discussions between the City, the Owner and neighbouring landowners were held regarding Rainbow Creek Road

Policy 11.5.15 b) of the KACSP states "Rainbow Creek Road, which crosses the rail corridor, should function as a key northern gateway to the new Rainbow Creek neighbourhood and as a connection to Meeting House Road. It is envisioned as a two-way 20-metre right-of-way ('R.O.W.') with the same characteristics as Parkside Drive."

Rainbow Creek Road, abutting the Subject Lands to the north, and Meeting House Road on the east side of Kipling Avenue do not align as envisioned by the KACSP as shown on Attachment 3.

In 2015, the Development Engineering and Development Planning Departments met with the Owner and the neighbouring owner of Woodbridge Foam Corporation located at 8214 Kipling Avenue (Attachment 2), which owns the private road identified as the future Rainbow Creek Road, to evaluate the possibility of aligning the private driveway/road and Meeting House Road. The realignment would require relocation of the heritage house at 8204 Kipling to the north of the private driveway (future Rainbow Creek Road) and a shared access agreement between the parties. Several meetings were held with the parties and City staff; however, no progress was made to resolve the matter.

The Owner subsequently submitted a revised development proposing the relocation of the Mood Darker House to the south portion of the Subject Lands for a commercial use (Attachment 4) and modify the development from a proposed mixed-use development consisting of 518.7 m² to 550 m² of commercial gross floor area in stand-alone Building "G" (up to 785 m² if heritage building included) and 72 residential units (36 townhouse and 36 stacked townhouse units) and to maintain the existing heritage building (Moody Darker House) for either commercial or residential use (Attachment 7) to a development consisting of of a five-storey apartment building for 65 units and six (6), three-storey townhouses for 33 units for a total of 98 units and a stand-alone office use in the existing heritage building (Attachments 3 to 7).

Public Notice was provided in accordance with the Planning Act and Vaughan Council's Notification Protocol

The City on January 9, 2015, circulated a Notice of Public Hearing (the 'Notice') to all property owners within 150 m of the Subject Lands and to the West Woodbridge Homeowners' Association and the Village of Woodbridge Ratepayers' Association. A copy of the Notice was also posted on the City's website at www.vaughan.ca and a notice sign was installed on the Subject Lands along Kipling Avenue in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council, on February 17, 2015, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of February 3, 2015. The following deputations and written submission were received by the City for the Public Meeting:

Deputations

- Murray Evans, Evans Planning Inc., Keele Street, Vaughan, on behalf of the Owner
- Nick Pinto, President West Woodbridge Homeowners' Association, Mapes Avenue, Woodbridge
- Maria Verna, President Village of Woodbridge Ratepayers' Association, Woodbridge Avenue, Woodbridge

Written Submission

- John Zipay, John Zipay and Associates, Gilbert Court, Burlington, dated January 23, 2015, on behalf of Canuck Properties (8214 Kipling Avenue)

The following is a summary of, and response to, the written comments submitted at the Public Meeting of February 3, 2015:

- a) Alignment of the Future Rainbow Creek Road and Meeting House Road is necessary for the safe movement of vehicles and pedestrians
The heritage building (Moody Darker House) should be relocated to allow for the alignment of the future Rainbow Road, the private driveway/road owned by Canuck Properties and Meeting House Road in order to accommodate future residential development and the expected traffic volume increases to allow for the safe movement of vehicles and people (Attachment 8).

Response

The Owner proposes the relocation of the heritage building to the south portion of the Subject Lands to allow for the future alignment of the future Rainbow Creek Road and Meeting House Road.

Previous Reports/Authority

The following are links to previous reports regarding the Subject Lands:

[February 3, 2015 Committee of the Whole \(Public Meeting\) Report – Official Plan Amendment File OP.14.010 and Zoning By-law Amendment File Z.14.042 \(Item 4, Report 8\)](#)

[October 1, 2007 Committee of the Whole Report – Official Plan Amendment File OP.06.031 and Zoning By-law Amendment File Z.06.078 \(Item 24, Report 44\)](#)

[June 16, 2008 Committee of the Whole Report – Site Development File DA.07.092 \(Item 72, Report 36\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. The PPS recognizes the importance of the local context and character. Policies are outcome oriented, and some policies provide flexibility in their implementation provided Provincial

interests are upheld. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS.

The Development is consistent with Sections 1.1.3, 1.4.3f), 1.6.6, 1.7.1d) and 2.6 of the PPS encouraging development within Settlement Areas to make the efficient use of land and planned and existing infrastructure and services. The Development also contributes to providing for an appropriate range and mix of housing options and densities. The Development provides a range of housing options and the rehabilitation of a heritage building to support the policies of promoting intensification and redevelopment within settlement areas, optimizing the use of services, and maintaining and enhancing the vitality and viability of local centres.

The Development will support intensification on the Subject Lands, which is mostly vacant land. The commercial component will contribute to maintaining and supporting the Woodbridge Heritage Conservation District ('WHCD'). On this basis, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan') is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-up Area providing residential lands with existing and planned municipal water and wastewater systems, in accordance with Section 2.2.1 of the Growth Plan. The Subject Lands are located within a "Local Centre" in Schedule 1 - Urban Structure of VOP 2010. The Development provides a more efficient use of the Subject Lands with the development of townhouses and a mid-rise building. The residential townhouse and mid-rise buildings along with the office use proposed for the heritage building and the on-site amenity space contribute to establishing a Complete Community in accordance with Sections 2.2.1.4, and 2.2.6.2 of the Growth Plan. The location of the buildings to allow for the alignment of the future Rainbow Creek Road with Meeting House Road in accordance with Section 3.2.2 of the Growth Plan support planned vehicular, pedestrian, and active transportation. The rehabilitation of the Moody Darker House for office use contributes to conserving heritage resources within the WHCD in accordance with Section 4.2.7.1 of the Growth Plan. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2022 ('YROP')

The York Region Official Plan 2022 ('YROP 2022') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1 - Regional Structure of the YROP 2022. Section 2.4.10 of the YROP 2022 encourages "local municipalities to consider urban design standards in core historic areas that reflect the areas' heritage, character and streetscape." Section 4.4 of the YROP 2022 states "Intensification will occur in strategic locations to maximize efficiencies in infrastructure delivery, human services and transit ridership." Section 2.3.53 of YROP 2022 provides for "local municipalities to identify, protect and enhance main streets, including historic main streets, in York Region." Section 4.4.50 d) of YROP 2022 provides for development, "to revitalize and preserve cultural heritage resources within core historic areas through urban design standards which reflect local heritage, character, and streetscape.

The Development is located within and conforms to the WHCD Plan. The Development is located within a community with existing municipal water and sanitary services and consists of residential uses and a heritage building that is being preserved and revitalized for commercial use to support the Local Centre. The Development conforms to YROP2022.

Amendments to VOP 2010 are required to permit the Development

The Subject Lands are located within an "Intensification Area", specifically a "Local Centre", on Schedule 1 - Urban Structure of VOP 2010. Local Centres within Intensification Areas are intended to act as the focus for communities, are lower in scale and offer a more limited range of uses than other Intensification Areas.

Local Centres provide a mixed-use focus for their respective communities, in a manner compatible with the local context. They will be predominantly residential in character but will also include a mix of uses to allow residents of the Local Centre and of the surrounding community to meet daily needs in proximity to where they live or work. VOP 2010 states historic village cores such as Woodbridge will continue to be the main areas for local commercial activities and community facilities. Each village core will experience development and/or intensification to varying degrees, as befits the local context and in accordance with the Heritage District Plan (i.e., the WHCD Plan).

The Subject Lands are designated "Low-Rise Mixed-Use" on Map 11.5.A, Kipling Avenue – Land Use, KACSP, VOP 2010, Volume 2. This designation permits residential, live-work, and commercial uses within detached, semi-detached, townhouse and low-rise building forms, along with recreational and open space uses. The building height cannot be less than 8.5 m (2-storeys) and cannot exceed 11 m (3-storeys). The Official Plan provides a maximum lot coverage of 50% and a floor space index between 0.6 to 1 times the area of the lot. A minimum setback of 3 m from Kipling Avenue is required. Development within the WHCD is to meet the objectives of Policy 11.5.1.2 a) KACSP, VOP 2010, Volume 2, "To ensure that the scale and massing of new development contributes to the heritage character and attributes of the area."

The Development is not permitted by the “Low-Rise Mixed-Use” designation of the KACSP. Accordingly, an Official Plan Amendment Application (File OP.14.010) to redesignate the Subject Lands and amend the policies of the KACSP, VOP 2010, Volume 2 has been submitted to permit the following:

- a) redesignate the Subject Lands shown on Attachment 3 from “Low-Rise Mixed-Use” to “Mid-Rise Residential” in the manner shown on Attachment 3; and,
- b) amend Policy 11.5 KACSP, VOP 2010, Volume 2 to permit:

	Vaughan Official Plan 2010 (Kipling Avenue Corridor Secondary Plan) Policies for the “Mid-Rise Residential” Designation	Proposed Amendments to the VOP 2010 (Kipling Avenue Corridor Secondary Plan) Policies for the “Mid-Rise Residential” Designation
i.	Maximum building height is 13 m (4-storeys) podium with 19 m (6-storeys) maximum, stepping back on a 45-degree angular plane from the podium	Permit a maximum building height of 21.5 m (5-storeys) for a mid-rise building with a maximum 7.5 m (2-storey) podium and 14 m (3-storey) tower with a 45-degree angular plane and 9.5 m (3-storeys) for low-rise and townhouse buildings
ii.	Minimum setback of 3 m from Kipling Avenue	Permit a minimum a minimum setback of 2 m from Kipling Avenue
iii.	Office uses are only permitted as part of a mixed-use building	Permit a standalone office use in the existing heritage building
iv.	A parking area for the office use must not be visible from the street	A parking area for the office use if located within an existing heritage building may be visible from the street,

The development principles and objectives in Policy 11.5 of the KACSP state the following (in part):

“11.5.1.2 All new development shall respect Kipling’s heritage assets and contribute to its heritage character. The following are the objectives to protect heritage resources:

- a. To ensure that the scale and massing of new development contributes to the heritage character and attributes of the area

11.5.1.3 The design of the transportation network should support a range of users, including pedestrians, cyclists, public transit, and private vehicles. The following are the objectives to create a supportive transportation network:

- a. To develop a street network which is well-connected and is supported by public transit to facilitate vehicular movement which is safe and efficient and reduces traffic congestion.
- b. To ensure that new development supports investment in public transit through increased densities and efficient design.
- c. To design streets and the public realm to ensure safe relationships between pedestrians, cyclists, and vehicles.
- d. To provide a safe and well-connected pedestrian and cycling network that facilitates movement throughout the area as well as to surrounding areas in Vaughan.
- e. To mitigate areas of transportation conflict, such as at the railway crossings and along railway corridors, to facilitate improved circulation throughout the area

11.5.1.4 To provide a mix of uses. The Kipling Corridor area shall accommodate and encourage a mix of uses to support a vibrant community and healthy economy. The following are the objectives to provide a mix of uses:

- a. To establish a mixed-use environment which includes compatible residential, commercial, and institutional uses to encourage residents to live and work in the area.
- b. To ensure an appropriate transition between uses and different building types.
- c. To provide a variety of housing types to accommodate a broad demographic population, including a complimentary range of heights, unit types and sizes.”

The Development Planning Department can support the proposed amendments to the KACSP to permit the Development for the following reasons:

a) Location

The Subject Lands are located on Kipling Avenue, a major collector road, and are within a Local Centre as defined by VOP 2010. The Canadian Pacific Railway abuts the lands to the south and west. The Development complies with the 14 m setback from the railway right-of-way for habitable residential uses. The Development proposes a floor space index ('FSI') of 0.90 times the area of the lot. The Development conforms to the maximum density permitted by the "Mid-Rise Residential" designation in the KACSP, being 2.5 FSI times the area of the lot. The orientation of the proposed townhouse dwellings and heritage building facing Kipling Avenue and the future Rainbow Creek Road support an animated, pedestrian-oriented, and compact urban environment.

b) Permitted Uses

The "Mid-Rise Residential" designation in KACSP permits residential uses in townhouse, low-rise and mid-rise building house forms and one convenience retail store located at grade, with a maximum GFA of 100 m² as part of a residential building. The Development provides townhouses and a mid-rise building with an office use in the free-standing heritage building. The Development maintains the intent of KACSP by providing residential and commercial uses in keeping with the intent of the "Mid-Rise Residential" designation, in support of the Kipling Avenue Corridor.

c) Building Height/Setbacks

Policy 11.5.17.2 of the KACSP permits a maximum building height within the "Mid-Rise Residential" designation of 13 m (4-storeys) podium with 19 m (6-storeys) maximum, stepping back on a 45-degree angular plane from the podium. In addition, Policy 11.5.21.1 Height Zones in the KACSP permits a minimum of 8.5 m (2-storeys) to a maximum of 19 m (6-storeys) in the "Mid-Rise Residential" designation. The building height for the Development, as shown on Attachments 5 to 7, is as follows:

- a 21.5 m (5-storey) high mid-rise building, which is comprised of attached 7.5 m (2-storey) townhouse buildings in the podium and a 14 m (3-storey) tower located centrally on the Subject Lands and setback a minimum of 20 m from Kipling Avenue and the future Rainbow Creek Road;
- Six (6) blocks of 9.5 m (3-storey) high townhouse buildings are located on the periphery of the Subject Lands and are setback 2 m from Kipling Avenue and 2.9 m from the future Rainbow Creek Road; and
- an 8.3 m (2-storey) high heritage building for office uses at the south end of the Subject Lands that is setback 2 m from Kipling Avenue for the original portion of the building and 1 m for a proposed addition.

The location of the Subject Lands provides the opportunity for the Development to have a building height of 21.5 m (5-storeys) for the mid-rise building as it is setback 20 m from Kipling Avenue and the future Rainbow Creek Road. Three-storey townhouses surround the periphery of the Subject Lands, with minimal impact on the surrounding community with respect to shadowing. The height of mid-rise building (21.5 m) in relation to its setback from Kipling Avenue and the future Rainbow Creek Road, together with the 9.5 m (3-storey) townhouse buildings and 8.3 m (2-storey) heritage building provide a compatible land use with the surrounding land uses and building heights.

d) Parking

The parking area must not be visible from the street in accordance with VOP 2010. Five (5) parking spaces, including one (1) barrier free parking space, are located along the south side of the driveway from Kipling Avenue to primarily service the office use for the relocated heritage building. The parking area is setback a minimum of 4.7 m from Kipling Avenue, along with a utility box, and will be screened from the street with coniferous shrubs and a 1.8 m high wood privacy fence. The setback and screening reduce the impact on the street and therefore the location of the parking area be supported.

The Development Complies with the Woodbrige Heritage Conservation District ('WHCD') Plan and Guidelines

The Subject Lands are located in the WHCD and are designated under Part V of the *Ontario Heritage Act*. Therefore, all planning applications, demolitions and new constructions must be consistent with the WHCD Plan and Guidelines. Section 6.1.2 "Kipling Avenue North and South" of the WHCD Plan and Guidelines states, "that Kipling Avenue should regain and retain its heritage character. New and renovated buildings and landscapes must:

- a. conserve and enhance the tree canopy;
- b. front directly onto Kipling Avenue, and provide a landscaped front yard that contributes to the overall streetscape;
- c. contribute to the quality and connectivity of the pedestrian environment;
- d. serve to enhance the overall system of trails, pathways and pedestrian walkways;
- e. maintain the intimate scale of the street, through the building mass, the length of facades, and the detailing of architecture and landscape architecture;
- f. be no taller than 3 floors (11 m); and
- g. conserve and enhance views to the valleys east and west, as identified on Schedule 19, page 94.
- h. provide a design that is sympathetic with the character of adjacent properties."

The Urban Design and Cultural Heritage Division of the Development Planning Department ('Cultural Heritage') is satisfied with the Development as it meets and supports the policies of the WHCD guidelines by providing adequate massing and

height, including locating the 5-storey building in the center of the Subject Lands and using the 3-storey townhouses to screen the building, a combination of approved materials, and planting.

The existing building at 8204 Kipling Avenue, also known as the Moody Darker House, was constructed circa 1880 in the Gothic Revival style, and is considered a “contributing” property within the WHCD. The heritage building is to be relocated to accommodate the alignment of the future Rainbow Creek Road and Meeting House Road and will be used as an office. The Owner submitted a Cultural Heritage Impact Assessment (‘CHIA’) dated April 2021 and a Conservation Plan (‘CP’) for Heritage Resources dated October 31, 2022 both prepared by Parslow Heritage Consultancy Inc., respecting the relocation of the Moody Darker House and adaptive reuse to commercial use. The CHIA and CP were deemed to be consistent with the policies of Section 6.2.3 Relocation of Contributing Buildings in the WHCD by Cultural Heritage. The Owner shall submit Building Permit stage architectural drawings and building material specifications for the Moody Darker House as part of the approval of the Site Plan Application and all preservation work shall be undertaken by a qualified person(s) with previous experience in the preservation and adaptive reuse of heritage resources to the satisfaction of the Development Planning Department. A condition to this effect will be in Attachment 1.

The Heritage Vaughan Committee (‘HVC’), at its January 25, 2023 meeting approved the recommendation that, “Council approve the proposed relocation and renovation of an existing building and proposed new construction at 8204 Kipling Avenue in the Woodbridge Heritage Conservation District under Section 42 of the *Ontario Heritage Act*, subject to the following conditions:

- a) Any significant changes to the proposal by the Owner may require reconsideration by the Heritage Vaughan Committee, which shall be determined at the discretion of the Director of Development Planning and Manager of Urban Design and Cultural Heritage;
- b) That Heritage Vaughan Committee recommendations to Council do not constitute specific support for any Development Application under the *Ontario Planning Act* or permits currently under review or to be submitted in the future by the Owner as it relates to the subject application;
- c) That the applicant submit Building Permit stage architectural drawings and building material specifications to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.”

The recommendation of the February 25, 2023 HVC is to go to the February 22, 2023 Council Meeting for ratification.

Summary of Planning Policy

In consideration of the applicable Provincial policies and Regional and City Official Plan policies outlined in this report, the Development provides an appropriate mid-rise residential built form that is compatible, but not identical, with the surrounding community. The 21.5 m (5-storey) building height for the mid-rise building, due to its central location within the Subject Lands, setback of a minimum of 20 m from Kipling Avenue and the future Rainbow Creek Road, and townhouses along the periphery of the Subject Lands conforms to the density provisions in VOP 2010 and is an appropriate transition in built form within the surrounding land uses, thereby demonstrating compatibility between the existing and proposed building types. The Development is in keeping with the WHCD Plan and Guidelines, as it contributes positively to the overall character of the WHCD. The Development Planning Department is of the opinion that the Development is consistent with the policies of the PPS and conforms to the Growth Plan and the YROP 2022 and maintains the intent of VOP 2010 and the KNHCD Plan.

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

The Subject Lands are zoned “C1 Restricted Commercial Zone” and subject to site-specific zoning Exception 9(1247) by Zoning By-law 1-88, as shown on Attachment 2. The Owner is proposing to rezone the Subject Lands to “RA3 Apartment Residential Zone” by Zoning By-law 1-88, in the manner shown on Attachment 4, together with the following site-specific zoning amendments:

Table 1

	Zoning By-Law 1-88 Standard	“RA3 Apartment Residential Zone” Requirements	Proposed Exceptions to the “RA3 Apartment Residential Zone” Requirements
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 50 of the Planning Act, R.S.O. 1990, c. P. 13. 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.	Means, for the purpose of this By-law, the parcel of land(s) shall be deemed to be one lot and to comply with the provisions of this By-law, regardless of the creation of a new lot by way of condominium, part-lot control, consent or any easements, or other rights or registrations given or made.
b.	Definition of Front Lot Line	Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle the centre point of the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines.	Means the Kipling Avenue street line.

	Zoning By-Law 1-88 Standard	“RA3 Apartment Residential Zone” Requirements	Proposed Exceptions to the “RA3 Apartment Residential Zone” Requirements
c.	Permitted Use	<ul style="list-style-type: none"> • Apartment Dwellings • Day Nursery 	Permit the following Additional Uses: <ul style="list-style-type: none"> • Apartment Dwellings on or abutting a private road • Street Townhouse Dwellings on or abutting a private road • Business or Professional Office in the existing Heritage Building on or abutting a private road
d.	Permitted Accessory Buildings and Structures	Accessory buildings and structures shall not exceed 10% or 67 m ² and shall be located in the rear yard	No accessory buildings and structures shall be permitted
e.	Minimum Lot Frontage	30 m	5.5 m Street Townhouse Dwelling on or abutting a private road
f.	Minimum Front Yard (Kipling Avenue)	7.5 m	i. 2 m (Buildings A, B, and C) ii. 1 m (Heritage Building)
g.	Minimum Interior Side Yard	4.5 m	1.3 m to the CP Railway
h.	Minimum Exterior Yard (Future Rainbow Creek Road)	7.5 m	2 m (Buildings D, E and F)
i.	Minimum Setback from a Lot Line to an Apartment Dwelling	Not a standard in Zoning By-law 1-88	20 m

	Zoning By-Law 1-88 Standard	“RA3 Apartment Residential Zone” Requirements	Proposed Exceptions to the “RA3 Apartment Residential Zone” Requirements
j.	Minimum Separation Distance between Blocks for the Townhouse Dwellings	Not a standard in Zoning By-law 1-88	2.4 m
k.	Maximum Building Height	44 m	i. 21.5 m Apartment Dwelling ii. 9.5 m Townhouse
l.	Maximum Encroachment for an Unenclosed Porch (Covered or Uncovered) into required Exterior Side Yard and Rear Yard	i. 1.8 m into the required exterior side yard ii. 2.4 m into the required front and rear yard	i. 2.6 m from the back wall of a Townhouse Dwelling ii. The stairs for the Heritage Building may extend into the required front yard provided a 0.6 m front yard is provided for the stairs
m.	Minimum Landscaping Strip Abutting a Street	6 m	2 m and may be reduced to 0.6 m in front of the steps for the Heritage Building

The Development Planning Department supports the rezoning of the Subject Lands to “RA3 Apartment Residential Zone” and the zoning exceptions identified in Table 1 as the rezoning and exceptions implements the “Mid-Rise Residential” designation of VOP 2010, resulting in a Development that is compatible with the surrounding area and in accordance with the WHCD Plan. The Development facilitates a compact built form consistent with the policies of the PPS and conforms to the Growth Plan and YROP 2022 and maintains the intent of the VOP 2010. Accordingly, the Development Planning Department can support the rezoning and site-specific exceptions identified in Table 1.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal (‘OLT’) in respect of By-law 001-2021 was November 15, 2021.

By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate compliance with both By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 001-2021 applies.

The Applications Comply with the Transition Provisions under Section 1.6 of Zoning By-law 001-2021, as amended

The Subject Lands are zoned “CG-889 General Commercial” subject to site-specific Exception 889 by Zoning By-law 001-2021, as shown on Attachment 2. The Applications for the Subject Lands are determined to be transitioned in accordance with Subsection 1.6.3 of Zoning By-law 001-2021 and therefore the Development is subject to Zoning By-law 1-88, as amended, only.

The Development Planning Department has no objection to the Development, subject to Conditions of Approval

Site Plan and Architectural Design

The Development shown on Attachments 4 to 7 consists of a mixed-use development consisting of a five-storey (21.5 m high) apartment (‘mid-rise’) building for 65 units and six (6), three-storey townhouses for 33 units for a total of 98 units and a stand-alone office use in the existing heritage building on a private road. The mid-rise building is comprised of 15, 7.5 m (2-storey) high townhouse buildings attached to the podium with access to the interior of the mid-rise building at the first level, and a 14 m (3-storey) high component above it. The mid-rise building is located centrally on the Subject Lands and is surrounded by townhouses along the Kipling Avenue and future Rainbow Creek Road lot lines. The front of the townhouses face Kipling Avenue and future Rainbow Creek Road lot lines.

Access is from Kipling Avenue between Block A and the Heritage Building with a temporary access onto Kipling Avenue located between Blocks C and D. At-grade parking consists of 55 parking spaces for the mid-rise building, visitor, and commercial parking. An underground parking structure, accessed from the rear of the mid-rise building provides 71 parking spaces for the mid-rise building and refuse/recycling collection. The 33 townhouse dwellings have two (2) parking spaces per unit with a space in the garage attached to the house and an exterior parking space. No residential parking faces the street. Five (5) parking spaces are visible from the Kipling Avenue for the office use for the Heritage Building. The proposed parking complies with the parking requirements of Zoning By-law 1-88. Bicycle parking consists of 20 short term spaces at-grade and 28 long term spaces provided within the mid-rise and townhouse buildings and Heritage Building.

The CP Railway right-of-way is located to the rear of the Subject Lands. A 14 m setback for habitable uses is provided. At-grade on-site amenity space totalling 1,227 m² is provided around the mid-rise building with a 241 m² rooftop amenity space. Balconies are provided for the mid-rise and townhouse dwellings.

The Development has been reviewed in consideration of the policies of the WHCD Plan.

Cultural Heritage is satisfied with the Development as it meets and supports the policies of the WHCD guidelines by providing adequate massing and height, a combination of approved materials, and planting. Cultural Heritage support the Development as the design melds the village context, preserves a heritage structure, and adheres to current design philosophy within the WHCD, and connects the Development to the heritage context of the area.

Arborist Report

The Tree Inventory and Preservation Plan ('TIPP') Report prepared by Kuntz Forestry Consulting Inc. and dated March 22, 2021, and revised December 8, 2021, identifies a total of 100 trees inventoried on and within 6 m of the Subject Lands. The TIPP Report recommended the removal of 78 trees to accommodate the Development and the removal of one (1) tree due to a hazardous condition. One tree for removal is within the City's right-of way and two-trees for removal are within or partially within the Canadian Pacific Railway right-of-way. The TIPP Report identifies a total of 71 replacement trees are required as compensation for the proposed tree removals.

The Development Planning Department's Urban Design and Cultural Heritage Division ('Urban Design') and Parks, Forestry and Horticulture Operations ('Forestry') have reviewed the TIPP Report and advises that justification for the removal of the City tree must be reviewed by Forestry, along with the compensation value should the tree be removed. In accordance with the City of Vaughan's tree replacement requirements, 72 trees replacement trees are required. The Forestry Department is satisfied with the TIPP recommendation to plant 106 trees. Compensation will be required for the removal of the City-owned tree. The Owner cannot remove or damage trees on City-owned or privately-owned lands without authorization, approvals, and compensation.

Prior to final approval the City shall approve the final TIPP Report. The Owner shall not remove trees without written approval by the City. The Owner is required to enter into a Tree Protection Agreement in accordance with the Council enacted Tree By-law 52-2018, including a security for the trees to be protected and compensation planting. Conditions to this effect are included in Attachment 1 of this report.

Endangered Species Act (2007) and the Migratory Birds Convention Act

Prior to any tree removals on the Subject Lands, the Owner is required to abide by the *Endangered Species Act (2007)* and the *Migratory Birds Convention Act (1994)*. A condition to this effect is included in Attachment 1 of this report.

Sustainability Performance Metrics

The Sustainability Performance Metrics ('SPM') is applicable to development applications deemed complete after October 1, 2018. The Applications for the Subject Lands were submitted and deemed complete in 2014, prior to the implementation of the SMS requirements and therefore are not subject to the SMS.

Archaeology

The Subject Lands are located in the WHCD and are designated under Part V of the *Ontario Heritage Act*. The following standard clauses shall apply and shall be included as conditions in Attachment 1a) of this report:

- 1) Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
- 2) In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

Summary

The final site plan, building elevations, the Conservation Plan for the Moody Darker House, signage, landscape plan, landscape details, landscape cost estimate, signage details, lighting plan, Tree Inventory and Preservation Plan, and tree protection plan shall be approved to the satisfaction of the Development Planning Department. The Development Planning Department is satisfied with the Development, subject to the comments in this report and the recommendations and conditions outlined in Attachment 1 of this report.

The Development Engineering Department has no objection to the Development, subject to the comments in this report and conditions in Attachment 1

The Development Engineering ('DE') Department has reviewed the Applications and provides the following comments:

Water Servicing

A new domestic water service is proposed to be connected to the existing Kipling Avenue 400 mm diameter watermain by wet tap to minimize disruption of the existing main operation. A curb stop will be provided at the street line and a water meter shall be located within the building. A meter chamber will be provided at the street line in accordance with City Standards. Internally the watermain will loop around the roadway and each unit will be supplied with a 25 mm diameter Type 'K' copper water service connection. There will be one (1) fire hydrant provided within the Subject Lands to meet the Vaughan's Fire Department specified spacing design requirement.

Sanitary Servicing

A new sanitary sewer service will be provided with a sanitary control manhole within the northeast corner on the Subject Lands. The sewer service will connect to the proposed sanitary manhole connected to the existing sanitary sewer within Kipling Avenue. The

sanitary sewer will be extended internally to provide local service laterals to each of the units.

The existing City sanitary sewer system was analyzed based on Geographical Information Downstream Analysis Systems data and As-built Plan and Profiles obtained from the City. The sanitary sewer downstream analysis concludes that there are no servicing constraints within the Kipling Avenue Corridor and one servicing constraint within the Woodbridge Avenue Corridor downstream of Kipling Avenue. However, as indicated in the Functional Servicing and Stormwater Management Brief prepared by Masongsong Associates Engineering Limited and dated January 2022, the critical section of sewer will not be under a surcharge condition demonstrating the Development's sanitary sewage can be accommodated by the municipal sewers downstream.

Stormwater Management

The implementation of a super pipe storage, orifice pipe design system and oil-grit separator ('OGS') are proposed to satisfy all the City's stormwater management quality, quantity control design and dewatering criteria.

The Owner will be required to satisfy the following prior to the execution of the Site Plan Agreement:

1. Currently the only method of Total Suspended Solids ('TSS') Quality Control for the Subject Lands is provided through the OGS identified as SFPD0816. City of Vaughan standards indicate that an OGS(s) shall be designed for 80% TSS removal based on manufacturer's specifications, however, the Development will only receive credit for 50% TSS removal. Additional measures to help promote additional TSS removal should be considered. Please revise the Functional Servicing Report Quality Control section to speak to how the criteria will be achieved.
2. The runoff resulting from a 5 mm rainfall must be retained on site for reuse, infiltration, or evapotranspiration. Please revise the Functional Servicing and Stormwater Management Brief ('FSR') to include a section that details how the criteria will be achieved. The Servicing drawing should also be updated to include any details necessary to be consistent with the FSR.
3. Long-term dewatering is proposed for the underground parking garage; therefore, a sampling port and flow meter shall be included at the STM outlet of the underground parking garage to monitor these flows per Environmental Services Criteria.

Groundwater Discharge

The FSR indicates that long term, permanent dewatering is required for the underground parking garage. Therefore, prior to the execution of the Site Plan Agreement, the Owner shall submit an application to Public Works, Environmental

Services Department to obtain an approval for permanent ground water discharge ('Discharge Approval'), required for the Development to discharge groundwater to the City's municipal storm sewer system. A Discharge Approval Application shall ensure post-development flow rates discharged to the Vaughan's storm sewer system from the Subject Lands, including Private Groundwater Discharge ('Discharge and Related Work'), shall not exceed the allowable flow rates discharged to the Vaughan's storm sewer system as approved by the DE Department. The Site Plan Agreement will include conditions respecting the responsibility of the Owner and condominium corporation upon registration respecting the renewal of the Discharge Approval Application and the maintenance of the Discharge and Related Work to the satisfaction of the DE Department. Conditions to this effect are included in Attachment 1 of this report.

Transportation

In accordance with the approved Kipling Avenue Corridor Study (Official Plan Amendment 695) dated June 2009, "the intersection of Meeting House Road/Rainbow Creek Road is a key connecting node along Kipling Avenue and is an opportunity to celebrate existing heritage buildings as a gateway to the future Rainbow Creek residential development and to the historic route to the Humber River Valley and neighborhoods".

According to the Transportation Study prepared by MMM Group and dated September 2009 that was submitted in support of the Kipling Avenue Corridor Study, the recommended configuration for the Meeting House Road, Rainbow Creek Road and Kipling Avenue intersection is an east-west aligned and signalized intersection. However, there are geometric constraints for such a configuration. The offset intersection was recommended to be realigned to avoid the adverse impacts such as delays to traffic and poor operational service levels

In November 2014, the Owner submitted applications to develop 36 stacked townhouse units, 36 townhouse units and 519 m² retail/office components. Two accesses were proposed on Kipling Avenue. The north access was too close to the future intersection of Rainbow Creek Drive and Kipling Avenue. The Owner was advised accordingly, and the City made several efforts with the Owner to align the Meeting House Road with Rainbow Creek Drive, as two un-signalized intersections in proximity are not appropriate for safe pedestrian or vehicular movement.

In October 2016, the Owner provided a revised submission for 24 stacked townhouse units and 37 townhouse units for a total of 61 residential units and 478.48 m² retail/office components. Two accesses were proposed on Kipling Avenue. The north access was found again to be too close to the future intersection of Rainbow Creek Drive and Kipling Avenue.

The Owner submitted the current Development for a mixed-use development consisting of a five-storey apartment building for 65 units and six (6), three-storey townhouses for 33 units for a total of 98 units and a stand-alone office use in the existing heritage building. One access is proposed from Kipling Avenue at the south end of the Subject

Lands with a temporary emergency access from Kipling Avenue proposed at the north end of the Subject Lands. The Owner is required to provide temporary bollards for the proposed secondary/emergency access on Kipling Avenue. A warning clause will be required in all Offers of Purchase and Sale, or Lease for all lots/blocks to advise that an emergency/secondary access route, which may not be the primary means of ingress and egress for the Subject Lands is to be used only by emergency services in the event of an emergency and is not intended for regular use by residents. A condition to this effect is included in Attachment 1. The Subject Lands are designed to provide an access at the west end of the Subject Lands onto the future Rainbow Creek Road (Attachment 4).

The Owner must address the following outstanding items prior to the execution of the Site Plan Agreement:

1. Provide temporary bollard for the proposed secondary/emergency access on Kipling Avenue.
2. Provide a 9 m radius at the proposed secondary/emergency access.
3. Provide a 10 m radius where the future Rainbow Creek Road intersects with Kipling Avenue.

Travel Demand Management Plan

In principle, the DE Department concurs with the overall assessment in the Traffic Demand Management Plan Update prepared by Mark Engineering and dated June 2021 ('TDM Plan'). However, the report did not provide information regarding traffic signal requirement at the intersection of Meeting House/Rainbow Creek Drive/Kipling Avenue as requested. Prior to the execution of the Site Plan Agreement, the Owner must submit a revised TDM Plan to the satisfaction of the DE Department. A condition to this effect is included in Attachment 1.

Active Transportation

Prior to the execution of the Site Plan Agreement, the Owner is required to address the following:

1. Remove the ladder or zebra pavement markings at the site access to Kipling Avenue. The sidewalk is to continue across the access to the Subject Lands.
2. Indicate whether the long-term bicycle parking spaces are horizontal, vertical, or stacked spaces. This information is not indicated on the drawings for the underground parking level.
3. Revise the access door to the bike room which can only be reached from the vehicular ramp.

4. Ensure that the tactile plates provided on both sides of pedestrian crossings are *Accessibility for Ontarians with Disabilities Act* ('AODA') compliant, e.g., tactile plates should setback from the curb edge a minimum of 15 cm.

Environmental Site Assessment

The DE Department has no objection to the Phase 1 Environmental Site Assessment Update dated December 29, 2020 and prepared by Bruce A Brown Associates Limited and the related environmental certification submitted in support of the Applications.

The DE Department has no objections to the Development subject to their comments in the report and conditions in Attachment 1 of this report.

Servicing Allocation is available for the Draft Plan

Vaughan Council, on December 10, 2021, endorsed its Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy.

Accordingly, servicing capacity to Site Development File DA.14.072 is available and unrestricted. Therefore, the following resolution to allocate servicing capacity to Site Development File DA.14.072 may be recommended for Council approval:

"IT IS HEREBY RESOLVED THAT Site Development File DA.14.072 (LCT Investment Group Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 98 residential units (245 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months."

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

The Environmental Services Department, Waste Management Division has no objection to the Development subject to their condition in Attachment 1 for the following:

1. Provide a letter from a certified Engineer stating the supported structure on the Subject Lands can support a fully loaded collection vehicle weighing 35,000kgs.
2. Submit the Waste Collection Design Standards ('WCDS') form for each (apartment building and townhouse units).
3. Provide truck movements throughout the Subject Lands.

The Financial Planning and Development Finance Department has no objection to the Development

The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. A clause for the payment

of Development Charges is included as a standard condition in the Site Plan Agreement.

The Real Estate Department has no objection to the Draft Plan, subject to the conditions in Attachment 1

The Real Estate Department has no objection to the approval of the Development. The Owner shall pay cash-in-lieu of the dedication of parkland for high-density residential development at the rate of 1 ha per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act and shall conform to the City's Cash-in-Lieu of Parkland Policy. A condition to this effect is included in Attachment 1 of this report.

The Parks Infrastructure Planning and Development Department has no objection to the approval of the Development

The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the Development subject to the cash-in-lieu of the dedication of parkland as required by the Real Estate Department.

The various utilities have no objection to the Development, subject to their conditions in Attachment 1

Alectra Utilities Corporation, Enbridge Gas Inc., Bell Canada, and Rogers Communications have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates prior to the commencement of any site works subject to their conditions in Attachment 1 of this report.

Canadian Pacific Railway has no conditions

Canadian Pacific Railway ('CP') advises that the safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24 hours a day and seven (7) days a week and the schedules and volumes are subject to change. CP directs Owners to develop in accordance with the recommended Guidelines for New Development in Proximity to Railway Operations developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities and dated May 2013. CP has no conditions of approval for the Development.

Canada Post has no objection to the Development, subject to the condition in Attachment 1

Canada Post Corporation has no objection to the Development, subject to their condition included in Attachment 1.

The School Boards have no objection to the Development

The York Region District School Board and York Catholic District School Board have no objection to the Development. No comments were received from the Conseil Scolaire de District Catholique Centre-Sud.

Financial Impact

There are no new requirements for funding associated with this report

Broader Regional Impacts/Considerations

The Subject Lands are designated “Urban Area” by the YROP 2022, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located along Kipling Avenue which is not a regional road. The Owner submitted a request for exemption of their Official Plan Amendment (‘OPA’) File OP.14.010 from York Region approval. York Region has reviewed this request and finds the proposed OPA to be a routine matter of local significance and in accordance with Regional Official Plan Policy 8.3.8. The proposed OPA does not adversely affect Regional planning policies or interests and the OPA is exempt from Regional approval.

Conclusion

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment and Site Development Files OP.14.010, Z.14.042 and DA.14.072, to permit a five-storey (21.5 m high) apartment building for 65 units and six (6), three-storey townhouses for 33 units for a total of 98 units and a stand-alone office use in the existing heritage building on a private road as shown on Attachments 4 to 7, together with the site-specific amendments to the Official Plan and Zoning By-law.

The Development Planning Department is of the opinion that the Applications are consistent with the PPS, conform to the Growth Plan and the YROP 2022 and maintain the intent of VOP 2010, and are compatible with the surrounding area context. The Development is consistent with the WHCD Plan and Guidelines. Accordingly, the Development Planning Department supports the approval of the Applications. Should Council approve the Applications, conditions of approval are included in the Recommendation section of this report and Attachment 1.

For more information, please contact: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Conditions of Approval
2. Context and Location Map
3. Proposed Official Plan Designation to the Kipling Avenue Corridor Secondary Plan
4. Proposed Zoning and Site Plan
5. Building Elevations - Mid-Rise Building
6. Building Elevations - Townhouse Buildings Typical - Block A
7. Building Elevations - Existing Heritage Building
8. February 3, 2015 Public Meeting - Proposed Zoning and Site Plan

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