

# Committee of the Whole (1) Report

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**DATE:** Tuesday, March 5, 2024

**WARD:** 2

**TITLE:** 5012526 ONTARIO INC.: OFFICIAL PLAN AMENDMENT FILE  
OP.20.010 AND ZONING BY-LAW AMENDMENT FILE Z.20.031  
– PART OF LOTS 7 AND 8, CONCESSION 8, VICINITY OF  
WOODBIDGE AVENUE AND KIPLING AVENUE

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek endorsement from the Committee of the Whole on Official Plan and Zoning By-law amendment applications which have been appealed to the Ontario Land Tribunal ('OLT'), to redesignate and rezone the subject lands, to permit a modified development consisting of a 7-storey mixed-use rental apartment building (Building 1) and a 3-storey residential rental apartment building (Building 2) with a total Floor Space Index ('FSI') of 1.75 times the area of the lot, as shown on Attachment 8, for the subject lands shown on Attachment 1.

**Report Highlights**

- A 7-storey (Building 1) and 5-storey (Building 2) residential rental apartment buildings are proposed on the subject lands, with a total of 238 dwelling units and an FSI of 2.22 times the area of the lot.
- The applications were appealed to the OLT on August 3, 2023.
- A first Case Management Conference was held on January 9, 2024, at the OLT.
- The OLT scheduled a second Case Management Conference for April 4, 2024.
- The Development Planning Department supports the development, subject to modifications and conditions as outlined in this report.

**Recommendations**

THAT the Ontario Land Tribunal be advised that City of Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.20.010 (5012526 Ontario Inc.) BE APPROVED, to amend Vaughan Official Plan 2010, specifically Volume 2, Section 11.5 - Kipling Avenue Corridor Secondary Plan to permit the development of two rental apartment buildings, together with the site-specific amendments and recommended modifications identified in Table 1 (Attachment 9) and the recommended modifications shown on Attachment 8 as follows:
  - a) amend the policies of the “Mid-Rise Mixed-Use” designation to permit a maximum building height of 7 storeys stepping down to 5-storeys at the rear of the building, with a 4-storey podium and a maximum FSI of 3.0, as shown on Attachment 12, whereas a maximum building height 6-storeys and FSI of 3.0 is permitted;
  - b) redesignate the portion of the subject lands designated “Low-Rise Residential B” (with a maximum building height - 2-storeys and FSI - 0.7) to “Low-Rise Residential C” with a maximum building height of 3-storeys and a maximum FSI of 0.9, as shown on Attachment 12.
2. THAT prior to the implementation of Official Plan Amendment File OP.20.010 (5012526 Ontario Inc.), the Owner shall provide a revised Air Quality Study with additional information to justify the decreased separation distances from industrial facilities, to the satisfaction of the City.
3. THAT Zoning By-law Amendment File Z.20.031 (5012526 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from the “M2 General Industrial Zone” and “M3 Transportation Industrial Zone”, to “RA2 Apartment Residential Zone” with a Holding Symbol “(H)”, as shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 2 (Attachment 10) of this report, and subject to the following modifications, consistent with Attachment 8:
  - a) Non-residential uses, except restaurants, shall be permitted at grade in Building 1, fronting onto Woodbridge Avenue, as shown on Attachment 8;
  - b) The interior side yard shall be a minimum of 4.5 m, with the exception of where the stairwell abuts the lot line and where the building abuts Burton’s Lane the interior side yard shall be 1.5 m;
  - c) The parking requirements shall be revised as follows:
    - i. 3.5 spaces per 100 m<sup>2</sup> for the non-residential space.
4. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the conditions as listed in Attachment 11, are addressed to the satisfaction of the City.
5. THAT City of Vaughan staff be directed to attend the Ontario Land Tribunal (“OLT”) in support of the recommendations contained in this report for Official Plan and Zoning By-law Amendment Files OP.20.010 and Z.20.031.

## **Background**

**Location:** The subject lands (the 'Subject Lands') do not have a municipal address, but are legally described as Part of Lots 7 and 8, Concession 8, Vaughan, designated as Parts 3, 4 and 5 and 6 of Plan 65R-32167. The Subject Lands and the surrounding land uses are shown on Attachment 1.

### ***Official Plan and Zoning By-law Amendment Applications have been submitted to permit the proposed development***

501256 Ontario Inc. ('the Owner'), submitted the following applications ('the Applications'), to permit two residential rental apartment buildings, 7-storeys and 5-storeys respectively, with a total of 238 units and an FSI of 2.22 times the area of the lot ('the Development'), as shown on Attachment 3:

1. Official Plan Amendment ('OPA') File OP.20.010 to amend Vaughan Official Plan ('VOP 2010'), specifically Volume 2, Section 11.5 - Kipling Avenue Corridor Secondary Plan ('KACSP'), to redesignate the Subject Lands from "Mid-Rise Mixed-Use" and "Low-Rise Residential B" to "Mid-Rise Residential" with a maximum building height of 7 storeys and a maximum FSI of 2.22 times the area of the lot, together with site-specific amendments as identified in Table 1 (Attachment 9) of this report.
2. Zoning By-law Amendment ('ZBA') File Z.20.031 to rezone the Subject Lands from "M2 General Industrial Zone" and "M3 Transportation Industrial Zone", to "RA2 Apartment Residential Zone" in Zoning By-law 1-88, as shown on Attachment 3, together with the site-specific exceptions as identified in Table 2 (Attachment 10) of this report.

### ***The Owner has appealed the Applications to the Ontario Land Tribunal***

The Owner appealed the Applications to the OLT on August 3, 2023, citing the City's failure to make a decision on the applications within the timeline prescribed by the *Planning Act*. A Case Management Conference ('CMC') regarding the appeals took place on January 9, 2024. D'Aversani Holdings Inc. and Canuck Properties Ltd. were granted party status to the appeals. A second CMC is scheduled for April 4, 2024, at which point a decision on the Applications is expected to be made by the City.

### ***An Interim Control By-law was approved by Council for the surrounding area***

On May 9, 2023, the Committee of the Whole (2) considered a report for introducing an Interim Control By-law in the vicinity of Kipling Avenue and the Woodbridge Centre, to suspend development until a study has been completed to confirm the location for a new GO station in the area. On May 16, 2023, the recommendations of the report were ratified and Interim Control By-law 060-2023 was approved by Council. The Subject Lands are located outside of the Interim By-law Control Area, as shown on Attachment 1.

***The Development Planning Department recommends modifications to the Development***

The Development Planning ('DP') Department recommends modifications to the Development ('Modified Development'), as identified on Attachment 8 and in the Recommendations of this report. The rationale for these modifications is provided throughout this report.

***Should the Applications be approved, a Site Development Application is required***

A Site Development Application is required to be approved for the Development. In accordance with Bill 109 and By-law 141-2022, the approval of Site Development Applications is delegated to the Deputy City Manager of Planning and Growth for approval. The Site Development Application will review building elevations and associated architectural materials, landscaping, and site plan details to ensure City standards are met.

Policy 11.5.2.5 of the KACSP requires that the Subject Lands incorporate historic recognition and significance of the contributing heritage property (located on lands municipally known as 3 Burton's Lane), and the Canadian Pacific Railway ('CPR') line as part of the public space fronting Woodbridge Avenue. This will be evaluated during the Site Development stage of the Applications, if approved by the OLT.

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

- The City of Vaughan circulated a Notice of Public Meeting (the "Notice") on November 11, 2022 for the Applications, to an expanded polling area of 300 m, as shown on Attachment 1, the West Woodbridge Homeowners Association, the Village of Woodbridge Ratepayers Association, and to anyone on file with the City Clerk having requested notice.
- On December 13, 2022, Vaughan Council ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of December 6, 2022.
- A courtesy notice was sent to members of the public who provided written comments on the applications on February 27, 2024.

***A Community Meeting was held to address resident concerns***

- At the time of the Public Meeting on December 6, 2022, the Committee of the Whole recommended, "that a working group be established with the applicant, residents, ratepayers and local and regional councillors, to continue negotiations regarding the issue".
- A Community Meeting was held on May 25, 2023, at the Father E. Bulfon Community Centre. The comments of the Community Meeting have been summarized in the section below.
- On May 30, 2023, a Members Resolution was brought forward to the Committee of the Whole (2) recommending, "that a further meeting be organized by the Local Councillor, ensuring that the requested staff members attend this meeting". As the Applications were appealed on August 3, 2023, a second community meeting cannot be held for the Subject Lands.

## **Public Comments on the Applications were received**

The following is a summary of comments provided and received to date regarding the Applications. The comments are organized by theme as follows:

### **Compatibility and Built Form**

- The Development is not compatible with the surrounding context; only 2-storey townhouses should be permitted
- The density, lot coverage, and number of units are too high; the second building proposed at the rear should be eliminated to address this
- The Subject Lands should be a park
- Sufficient buffering is required between the existing employment uses and the Subject Lands

### **Parking, Access and Traffic**

- The proposed private driveway from Woodbridge Avenue will be in close proximity to three additional access points and located off a sharp bend
- A shared access/easement to the private condominium road will cause traffic infiltration from Woodbridge Avenue and Kipling Avenue. This access should only serve as a service entrance or exit
- The Development does not provide enough visitor parking spaces
- The existing entrance of the private laneway of 8026 Kipling Avenue has sightline issues for oncoming traffic travelling south along Kipling Avenue
- The Development may impact neighbouring parking facilities, access, and garbage collection

### **Heritage**

- The Development is located adjacent to the former Toronto Grey and Bruce Railroad station which should be preserved and restored as a historical landmark
- The Development should integrate heritage character into its design

### **Environmental Considerations**

- The Development will cause negative environmental impacts to the nearby ravine and animal habitat, in terms of contributing to the garbage and litter that ends up in the ravine, and more pollution (noise, light and car emissions)

### **Other**

- The Development will put additional strain on municipal infrastructure
- A petition signed by more than 88 residents of the existing condominium building at 8026 Kipling Avenue was submitted to the City, together with an additional 25 ratepayers in the surrounding area, objecting to the Development
- The Owner is requesting significant amendments to the zoning requirements
- Concerned that the rental nature of the building will lead to unwelcomed trespassing, loitering, vandalism and unauthorized parking at 8026/ 8032 Kipling Avenue
- This area of the City already has enough rental and subsidized housing
- The building height will negatively impact privacy for existing residents on abutting

properties.

These comments are addressed throughout this report.

### **Previous Reports/Authority**

Previous reports related to the Applications can be found at the following links:

[December 6, 2022, Committee of the Whole Public Meeting \(Item 2, Report No. 44\)](#)

[May 9, 2023, Committee of the Whole – Interim Control By-law \(Item No. 3, Report No. 23\)](#)

[May 30, 2023, Committee of the Whole – Community Meeting including staff and Regional Councillors \(Item No. 14, Report No. 25\)](#)

### **Analysis and Options**

#### ***There are no existing transit services along Woodbridge Avenue or Kipling Avenue in the vicinity of the Subject Lands***

The York Region Transit System map dated January 7, 2024, identifies no existing transit routes along Woodbridge Avenue or Kipling Avenue in proximity to the Subject Lands. A bus stop for the Highway 7 transit route is located at the intersection of Highway 7 and Kipling Avenue (approximately 600 m walking distance from the Subject Lands).

As shown on Schedule 10 – Major Transit Network of VOP 2010, a GO station is planned north of the Subject Lands within the Kipling Avenue and Woodbridge Avenue area, but the exact location has not been determined to date. An Interim Control By-law was passed by Council for this area to conduct studies to determine the appropriate location for the future GO station.

#### ***The Modified Development is consistent with the Growth Plan, YROP and is more in conformity with VOP 2010***

##### **Provincial Policy Statement, 2020 ('PPS')**

The Subject Lands are located within a Settlement Area and the Delineated Built-Up Area of York Region and partially located within a “Local Centre” as identified on Schedule 1 - Urban Structure of VOP 2010. In accordance with Sections 1.1.1 c), 1.2.6.1, 1.2.6.2, and 1.4.3.f) and 3.0 of the PPS, sensitive land uses (i.e. residential uses and amenity areas) shall be planned and developed to avoid human-made hazards, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants that pose risk to public health and safety.

To address the above policies, the Owner submitted an Air Quality Study which includes land use compatibility information in consideration of the D1 to D6 guidelines provided by the Ministry of Environment, Conservation and Parks ('MECP'). The Subject Lands currently abut Class I, II and III industrial facilities. As such, City staff requires that the

Owner provide additional information in an updated Air Quality Study prior to the implementation of the OPA, to ensure public safety.

Subject to the Owner meeting the above requirement, the Modified Development is consistent with the PPS because it utilizes land efficiently by providing a compact built form that is transit supportive and provides additional housing options by way of rental apartment units of various sizes within a community with existing infrastructure and services such as schools, parks, and shopping along Woodbridge Avenue.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Development directs growth to the Built-Up Area, where new development and growth is directed. The Modified Development conforms to the Growth Plan as it contributes to the achievement of a complete community by supporting a range and mix of housing types and unit sizes, and by providing a compact built form that utilizes the Subject Lands more efficiently and at a density that meets the needs of future and current residents, where transit services are planned, and available infrastructure and public services exist. Accordingly, the Development conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 replaces the York Region Official Plan 2010. In accordance with Transition Policy 7.4.13, applications that were deemed complete prior to the approval of YROP 2022, the York Region Official Plan 2010 continues to be the in-force Regional Official Plan against which conformity of the Applications are measured.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2010 guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area", which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are also located within the Historic Woodbridge Village Local Centre.

Intensification is directed to the "Urban Areas" within the Region of York (Policy 5.0) and a mix and range of housing types is encouraged to meet the needs of existing and future residents (Policy 3.5). "Local Centres" serve as important neighbourhood focal points and main streets provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community (Policy 5.5). Planning and implementation of "Local Centres" shall be consistent with the intensification policies (Policy 5.3) of the YROP 2010 which states, "intensification is encouraged within the built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use. Intensification areas are to be planned and designated to achieve an appropriate transition of built form to adjacent areas."

The Modified Development is consistent with YROP 2010 policies as it provides intensification within a Local Centre, additional rental housing opportunities for the area within a compact built form which is transit supportive and achieves an appropriate transition to abutting low-rise uses. York Region has determined Official Plan Amendment File OP.20.010 is a matter of local significance and does not adversely affect regional planning policies or interest.

#### Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Local Centre" on Schedule 1 – Urban Structure
- "Historic Woodbridge Village Local Centre" on Figure 6 – Intensification Areas
- "Proposed Go Station" shown north of the Subject Lands on Schedule 10 – Major Transit Network
- Designated "Mid-Rise Mixed-Use" with a maximum building height of 6 storeys and a maximum FSI of 3.0 and "Low-Rise Residential B" with a maximum FSI of 0.7 and maximum building height of 2 storeys;
- The "Low-Rise Residential B" designation does not permit the proposed apartment built-form and the "Mid-Rise Mixed-Use" designation does not permit standalone residential uses or a building height of 7 storeys, therefore an Official Plan Amendment is required.
- The Owner proposes to redesignate the Subject Lands to "Mid-Rise Residential", with site specific amendments as identified in Table 1 (Attachment 9), to permit the Development.

#### ***The DP Department supports the Development, subject to modifications***

The following modifications are recommended for the Development, as shown on Attachments 8, 9 and 12:

1. Maintain the "Mid-Rise Mixed-Use" designation for the Subject Lands with a maximum FSI of 3.0 to permit at-grade non-residential uses and redesignate the remainder of the Subject Lands to "Low-Rise Residential C" with a maximum FSI of 0.9 and a maximum building height of 3 storeys;
2. Building 1 shall be revised from a 7-storey building without a podium to a 7-storey building with a 4-storey podium, stepping down to 5-storeys at the rear;
3. Building 2 shall be revised from a 5-storey building to a 3-storey building;
4. Redesign the driveway to accommodate an "S-turn" and impose a public easement over the driveway;
5. Provide a "woonerf" driveway design (a shared space for pedestrians and vehicles with low-speed limits and includes traffic calming measures to ensure safety) and to accommodate a multi-use path;
6. Relocation and incorporation of the underground parking garage ramp into Building 2;
7. Relocation and incorporation of the loading space into Building 1;
8. Reduction of at-grade parking spaces and replacement with a private common amenity area;



9. Introduction of a pedestrian mews along the western boundary of the Subject Lands, which is envisioned to be accessible to the public;
10. Relocation and size modifications to the proposed walkways/multi-use path accommodated on the Subject Lands

The rationale for these modifications is explained throughout this report. Table 1 (Attachment 9) includes a “Recommended Modifications” column demonstrating the recommended modifications. The DP Department provides the following conformity analysis of VOP 2010, based on the Modified Development:

#### Land Use Compatibility

The MECP provides guidance for development in proximity to nearby industrial facilities, known as the D1 to D6 Guidelines. The guidelines focus on land uses that are incompatible with each other and provides separation distances (D6-3 guidelines) to ensure public safety. An industrial use is considered an incompatible use to nearby residential development. The D6-1 guidelines identify that industrial facilities are organized by classes based on their operations, intensity, and impact on surrounding land uses, with Class I facilities having the least impact and Class III facilities having the highest impact on surrounding land uses.

Policy 11.5.2.8.d) of the KACSP identifies (in part) that, “any development application within the Rainbow Creek industrial lands should adhere to the Ministry of Environment (‘MOE’), now MECP, guidelines pertaining to land use separation distance requirements. The approval of development applications within the Rainbow Creek area is conditional upon achieving land use separation distances that are satisfactory to the City of Vaughan”.

Class I, II and Class III facilities are identified abutting the Subject Lands including: 7960 Kipling Avenue (Nino D’Aversa Bakery), 350 Woodbridge Avenue (existing automotive repair facilities), and 8214 Kipling Avenue (Canuck Properties Ltd., otherwise known as Woodbridge Foam). The D6-3 guidelines recommend minimum separation distances between industrial facilities and sensitive uses, as follows:

- 20 m separation distance is recommended for Class I facilities,
- 70 m separation distance is recommended for Class II facilities, and
- 300 m separation distance is recommended for Class III facilities.

The separation distances are measured from the Official Plan designation boundary, zone boundary or property lines of the closest proposed sensitive land use and the industrial use. The Development does not comply with the above separation distance guidelines, as required by VOP 2010 and does not currently demonstrate conformity with the public safety policies of the PPS. As such, City staff recommend that prior to implementation of the OPA, the Owner shall provide additional information in the Air Quality Study to the satisfaction of the City.

### Local Centres

“Local Centres” are identified by VOP 2010 as mixed-use cores of their respective communities that are predominantly residential in character but include a mix of uses to meet the daily needs of residents.

The Modified Development is consistent with the “Local Centres” policies (Policy 2.2.5.7) of VOP 2010 because it:

- provides additional housing opportunities for the area in the form of rental apartments;
- is predominantly residential in character but with the recommended modifications will provide non-residential uses at grade;
- is compact and proposes a density that is supportive of planned public transit (i.e. GO station);
- accommodates vehicular and pedestrian connections to existing infrastructure and facilities through a pedestrian mews and a multi-use path that will be accessible to the public;
- provides private amenity areas; and
- with the modifications, is appropriately scaled given the existing and planned uses in the surrounding area.

Should the Applications be approved, the DP Department recommends a restrictive covenant be placed on title of the property to require that the building be operated as a residential rental apartment building for a minimum of 20 years. A Holding condition to this effect is included in this report.

### Mixed-Use Requirement

The “Mid-Rise Mixed-Use” designation permits residential units, small scale retail, service commercial and office uses, public, institutional and community uses, as part of a mixed-use building, with all uses at grade. Policies 11.5.16.8 to 11.5.16.10 of the KACSP identify that stand-alone single use (i.e. residential only) buildings are not permitted. The Owner proposes to redesignate the entirety of the lands to “Mid-Rise Residential” in order to remove the mixed-use requirement and permit a stand-alone residential building fronting Woodbridge Avenue.

A Market Study Analysis was submitted in support of the Applications to justify the removal of the mixed-use requirement from the Subject Lands. The Market Study Analysis argued that because there is an existing commercial core located along Woodbridge Avenue, east of Kipling Avenue, that an at-grade non-residential component was not necessary for the Development, despite being located over 0.4 km away from the Subject Lands. The Economic Development Department was not satisfied with the rationale provided in the Market Study Analysis, and concluded that the Development should accommodate a mix of uses fronting Woodbridge Avenue, as the Development and the surrounding area would benefit from having non-residential uses at grade. Protecting for a mix of uses along Woodbridge Avenue is consistent with the policies for “Local Centres” and the KACSP, and would support future transit investment that is planned for the surrounding area. As such, the “Mid-Rise Mixed-Use”

designation should be maintained on the Subject Lands per the Recommended Modifications identified in Attachments 8, 9 and 12 of this report.

#### Kipling Avenue Corridor Secondary Plan ('KACSP')

The Subject Lands are located within the “Rainbow Creek Neighbourhood South Precinct”, as shown on Map 11.5.B and Map 11.5.N provides a concept plan for the Subject Lands that contemplates 3 townhouse blocks, a mixed-use, mid-rise building fronting Woodbridge Avenue, and a central north/south landscaped pedestrian promenade with east and west connections.

Policy 11.5.2.6 of the KACSP provides minimum policy requirements for the Subject Lands, as identified in Table 1 (Attachment 9). The proposed concept plan submitted by the Owner (Attachment 3), does not accommodate the townhouse built-form or the central pedestrian promenade as identified in the KACSP; however the Modified Development as shown on Attachment 8, meets the general intent of Policy 11.5.2.6 by:

- Providing a private driveway with a “woonerf” design that accommodates a multi-use path and a pedestrian mews that will be accessible to the public, along with walkways to connect to the “Rainbow Creek Neighbourhood North Precinct” area north of the Subject Lands;
- Respecting the contributing heritage building by providing appropriate setbacks from the contributing building (municipally known as 3 Burton’s Lane) on all sides, and generally maintains the 45-degree angular plane as identified in the Woodbridge Heritage Conservation District (‘WHCD’) guidelines;
- Providing common amenity areas at grade and providing public frontage to a future public parkette that is proposed on the adjacent lands to the west, as shown on Attachment 8, and;
- Providing a 5 m clearance over the proposed access driveway from Woodbridge Avenue to increase sightlines to the contributing heritage building

#### Phasing

Policy 11.5.2.7 and 11.5.28.2 of the KACSP identifies that development applications within the new Rainbow Creek residential area shall provide a phasing plan. To date, a phasing plan has not been provided by the Owner. Policy 11.5.28.1 of the KACSP permits phasing plans to be a Holding condition attached to a ZBA application. As such, the DP Department recommends a Holding condition to ensure that a phasing plan is provided to the satisfaction of the City.

#### Land Use, Built Form, Transition, Scale, Height, Density, Coverage and Setbacks

The DP Department recommends that the rear of the Subject Lands be designated “Low-Rise Residential C” rather than “Low-Rise Residential B”, as the “Low-Rise Residential C” designation accommodates the apartment built form, however the DP Department recommends a maximum building height of 3 storeys and a maximum FSI of 0.9 within the “Low-Rise Residential C” designation to provide an appropriate transition in building scale and height towards the existing lower scale residences on Kipling Avenue.

Policy 11.5.2.5 of the KACSP identifies that the Rainbow Creek Neighbourhood South Precinct provides a transition in building scale and height towards the lower scale residences on Woodbridge Avenue and Kipling Avenue. The recommended reductions to building height as identified on Attachment 8, ensures appropriate scale, massing and built form that is sensitive to the existing local context, achieves a pedestrian oriented environment and appropriate separation distances between habitable windows.

The Owner proposes a total FSI of 2.22 for the Development. The KACSP identifies that the Subject Lands are split designated, each with their own associated densities. As the DP Department recommends to maintain the “Mid-Rise Mixed-Use” designation on the Subject Lands, density for the Development shall be calculated based on the policies of the KACSP. The recommended building height reductions result in a change in FSI for the Modified Development, resulting in a FSI of 2.9, whereas a maximum of 3.0 FSI is permitted for the “Mid-Rise Mixed Use” designation and an FSI of 0.87, whereas a maximum of 2.0 FSI is permitted for the “Low-Rise Residential C” designation. The proposed density for the Modified Development meets the policies of the KACSP and is more appropriate for the development of the lands.

The “Mid-Rise Mixed-Use” and “Low-Rise Residential” designations in the KACSP permit a maximum lot coverage of 60% and the “Low-Rise Residential C” designation permits a maximum lot coverage of 80%. The proposed maximum coverage for the Modified Development based on the land use designations recommended by staff is as follows: “Mid-Rise Mixed-Use” - 50% and “Low-Rise Residential C” - 30%. The lot coverage for the Modified Development meets the policies of the KACSP.

Policy 11.5.16.5 of the KACSP requires a 0 m or a 3 m setback for additional public realm in the “Mid-Rise Mixed-Use” designation. The Owner proposes a 1.9 m setback to Woodbridge Avenue to achieve a pedestrian oriented development and the DP Department has no objection to this proposed amendment.

#### Heritage Conservation

The Subject Lands abut the WHCD and contributing heritage buildings and properties in the district. The KACSP and WHCD Plan provides policy guidance with respect to development abutting contributing heritage buildings. The WHCD is comprised of 7 different “Character Areas” which provide distinct identities and contribute to the overall village of Woodbridge as a whole. Schedule 14 of the WHCD identifies that the Subject Lands abut the Kipling Avenue North and Woodbridge Avenue South “Character Areas”.

Policy 11.5.22.1 of the KACSP identifies “properties beyond the boundary of the WHCD, must be sympathetic to the heritage character and attributes described in the WHCD Plan and provide an appropriate transition to the district”, and Policy 11.5.23.5 of the KACSP provides direction for new development abutting contributing heritage buildings.

In accordance with the above policy, Cultural Heritage staff strongly recommends the submission of a scoped Cultural Heritage Impact Assessment ('CHIA') or a Heritage District Conformity Report ('HDCR') to ensure that the Development conforms to the heritage conservation policies of VOP 2010 and the guidelines of the WHCD, which the Owner has not provided to date. Cultural Heritage staff have deferred the CHIA/HDCR to the site plan stage of the Applications; however the Owner is advised that should the conclusions of the report identify that the Development is at odds with VOP 2010 policies and the guidelines of the WHCD, the Owner must agree to make the necessary revisions and modifications to the Development, to bring it into conformity with the guidelines and policies of the WHCD Plan.

The Modified Development conforms to Policy 11.5.23.5 and the guidelines of the WHCD Plan applicable to the contributing heritage building at 3 Burton's Lane by providing: a 5 m vertical clearance over the proposed access driveway from Woodbridge Avenue to provide visibility, appropriate setbacks to the building and tiered building heights to provide an appropriate transition and maintain the 45-degree angular plane.

#### Developers' Group Agreement

Policy 11.5.2.7. d) and Policy 11.5.29 of the KACSP requires landowners within the new Rainbow Creek neighbourhood to enter into a Developers Group Agreement to ensure cost-sharing for the provision of parks or cash-in-lieu of parkland, roads and municipal services within the development area. The Developers Group Agreement and associated cost-sharing obligations are required to be fulfilled prior to the approval of any Draft Plans of Subdivision, Draft Plan of Condominium or Site Development applications in the new Rainbow Creek Area. To ensure that the Owner enters into a Developer's Group Agreement, a Holding condition to this effect is identified in the Attachment 11 of this report.

Minor modifications to the VOP 2010 amendments identified in Table 1 may be made prior to the enactment of the implementing OPA to the satisfaction of the DP Department as required, should the Applications be approved by the OLT.

#### Design Review Panel ('DRP')

The Subject Lands are located within a "Local Centre", which is identified as an "Intensification Area", on Figure 6 in VOP 2010 and are located in a Secondary Plan area, which qualifies the Subject Lands for review by the DRP; however, due to the OLT appeal, DRP cannot be held for the Development at this stage. The DP Department recommends that DRP be held for the Development at the Site Development Application stage of the Applications.

#### Additional Rationale for Recommended Modifications as shown on Attachment 8

The DP Department recommends that the underground parking garage be integrated into a building of the Development, in accordance with Policy 9.1.2.9 of VOP 2010, which requires underground parking garages and loading spaces to be integrated into

buildings to ensure noise and view impacts are mitigated (City-Wide Urban Design Guidelines ('UDG'), Performance Standard 5.2.4.c and 5.2.6.b).

The DP Department also recommends that at-grade parking spaces be reduced to provide additional at-grade private amenity for residents which can be programmed to provide multiple functions and uses for all ages, all year round, in accordance with the City-Wide UDG, Performance Standard 6.2.b.

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

As the Applications were received by the City on October 1, 2020 (OP.20.010) and November 10, 2020 (Z.20.031), and deemed complete on October 30, 2020 and November 13, 2020 respectively, the Applications are transitioned under Zoning By-law 001-2021, and therefore the Applications are not subject to Zoning By-law 001-2021.

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

- "M2 General Industrial Zone" and "M3 Transportation Industrial Zone" in Zoning By-law 1-88, which permits industrial and outside storage uses
- These zones do not permit the Development

The Owner proposes to rezone the Subject Lands to "RA2 Apartment Residential Zone", as shown on Attachment 3, together with the following site-specific zoning exceptions identified in Table 2 (Attachment 10), to permit the Development.

Recommendation 3 of this report identifies modifications to the exceptions of Zoning By-law Amendment File Z.20.031, to recognize the Modified Development. The DP Department can support the additional site-specific zoning exceptions identified in Table 2 (Attachment 10) on the basis that the proposed zoning standards will facilitate a compact built form and pedestrian realm relationship that supports an Intensification Area with access to planned transit (i.e. GO station). Minor modifications may be made to the zoning exceptions identified in Table 2 prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved by the OLT.

***A Holding Symbol "(H)" is recommended for the Subject Lands to satisfy the conditions of the City.***

A Holding Symbol "(H)" is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issues discussed throughout this report and shall not be removed from the Subject Lands, or any portion thereof, until the conditions as listed in Attachment 11 of this report, have been satisfied.

**Financial Impact**

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

## **Operational Impact**

### ***The Development Engineering Department supports the Development, subject to Holding conditions***

The Development Engineering ('DE') Department provided the following comments:

#### **Water Distribution**

The Subject Lands are situated within Pressure District 4 ('PD4') of the York Water Supply System. Two existing local watermains on Woodbridge Avenue and Kipling Avenue are connected to the PD4 system. A portion of the existing local watermain on Woodbridge Avenue encroaches within the Subject Lands which will require relocation to support the Development. Furthermore, the Subject Lands are proposed to be serviced through a proposed connection to the City's watermain within Woodbridge Avenue in conjunction with the required watermain relocation. An agreement with the City may be required to secure the relocation.

#### **Wastewater Servicing**

The Subject Lands are proposed to be serviced via a sanitary service connection to the existing municipal sanitary sewer within Woodbridge Avenue. Should the Applications be approved, the Owner shall contribute to the existing Area Specific Development Charge ('ASDC') which will be charged at the time of building permit issuance.

#### **Stormwater Management**

The Subject Lands are proposed to be serviced via a proposed stormwater service connection to the existing municipal stormwater sewer within Woodbridge Avenue, ultimately conveying flows downstream to the Humber River.

The DE Department reviewed the Functional Servicing and Stormwater Management Report and requires the Owner to address all outstanding technical engineering comments to the satisfaction of the DE Department to support a complete approval of the servicing strategy. The Owner shall meet the City's design standards established in the City's Master Plan.

#### **Sewage and Water Allocation**

Vaughan Council must adopt a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning servicing capacity to the Subject Lands.

#### **Environmental Site Assessment ('ESA')**

A Phase One ESA Update Report and Phase Two ESA Report were prepared and identified as part of a MECP Record of Site Condition ('RSC') that was filed on March 16, 2023 (RSC#236491). While these reports have not yet been submitted for review, the Phase Two Conceptual Site Model ('CSM') was available through the Environmental Site Registry and was reviewed by the DE Department in place of the above-noted reports. As outlined by this CSM, surficial soil contamination was identified and subsequently remediated, following which the RSC filing was completed with no remaining soil or groundwater contamination identified.

### Air Quality Study

The Owner submitted an Air Quality Study in support of the Applications. The DE Department has reviewed the Air Quality Study and is satisfied with its findings; however, an updated Air Quality Study should be provided at the Site Development stage of the Applications, to confirm that the detailed design still conforms with the findings of the Air Quality Study and the recommended warning clauses and mitigation measures remain applicable.

### Noise Study

The Owner submitted a Noise Study in support of the Applications. The Owner's consultant provided scenarios for both Class 1 and Class 4 designations; however, they have not provided a recommendation as to which designation should apply for the Development.

Given the conclusions of the Noise Study, the DE Department anticipates that a Class 4 designation will need to be applied to the Subject Lands as the mitigation measures required to meet Class 1 include the Owner completing upgrades to surrounding properties to mitigate noise impacts, which may not be feasible without the cooperation of off-site property owners. Therefore, the DE Department recommends that a revised Noise Study be submitted to identify the appropriate acoustical class and confirm the feasibility of the mitigation measures, to the satisfaction of the City.

Should it be determined that a Class 4 designation would be appropriate for the Subject Lands, the Noise Study will be required to be peer reviewed. A designation by-law will also be required, and the Owner shall pay the applicable fees for the peer review and by-law to the satisfaction of the City.

### Traffic Impact Study ('TIS') and Access

The Owner submitted a TIS in support of the Applications. The DE Department reviewed the TIS and requires additional information to be submitted by the Owner for the proposed accesses, maneuvering of service vehicles, and Transportation Demand Management ('TDM') measures.

The Owner proposes a full moves access from Woodbridge Avenue and Burton's Lane from a private driveway that connects to Kipling Avenue via an existing private condominium road which is shared between lands municipally known as 8026 and 8032 Kipling Avenue, as shown on Attachment 3. A ramp to the underground parking garage is proposed at the rear of the Subject Lands and a loading area is proposed between the buildings, as shown on Attachment 3. As identified earlier in this report, the DP Department recommends relocation and integration of the underground parking ramp and loading area into the buildings to improve site circulation and achieve programmable at-grade amenity space.



The DE Department has reviewed the proposed accesses and are satisfied that there is sufficient separation distance from the accesses of neighbouring properties. Additional analysis on the function of the accesses (i.e. full moves, right in, right out, shared with the lands to the east, etc.) will be required at the time of the Site Development Application, if the Applications are approved. The DE Department has reviewed the proposed connection to Burton's Lane and are concerned that it may be too close to Woodbridge Avenue. Accordingly, the DE Department recommends placing removeable bollards where Burton's Lane meets the proposed driveway as Burton's Lane is envisioned to only be used by service vehicles such as garbage and loading trucks, but this can be further studied at the Site Development Application stage of the Development, if the Applications are approved.

The Owner has provided a parcel abstract for the Subject Lands which identifies an easement in favour of the Owner over the existing private condominium road shared between 8026 and 8032 Kipling Avenue. The proposed shared access conforms with the KACSP, specifically Maps 11.5.D and 11.5.N which shows a laneway connecting the existing private driveway shared between 8032 and 8026 Kipling Avenue. Policy 11.5.3.24 of the KACSP also identifies that public laneways should function primarily as vehicular connections but should also be considered as opportunities for pedestrian linkages to Kipling Avenue and to new areas of development. The Owner shall provide a letter from their lawyer to the City confirming their legal right to access.

Canuck Properties Ltd. (i.e. Woodbridge Foam) submitted a request to the City and Owner to provide a vehicular easement to their lands as shown on Attachment 2, to facilitate redevelopment in the future. The City requests that Canuck Properties Ltd. also provide the City and the Owner with a letter from their lawyer to confirm that they have legal right to connect to the existing private condominium road. The ultimate function and design of the private driveways and easements will be evaluated further at the Site Development stage of the Applications, should they be approved.

The DE Department recommends Holding conditions respecting the complete servicing strategy, noise study, TIS and access related matters as included in Attachment 11 of this report.

### Parking

The Owner proposes one level of underground parking with a total of 212 parking spaces, 65 parking spaces of which are located at-grade. The Owner proposes a reduced residential parking rate of 0.7 spaces per unit and 0.2 spaces per unit for visitors. Given that the Development proposes the same parking rate as an existing similar development located nearby at 8010 Kipling Avenue, the DE Department can accept a reduced residential parking rate of 0.7 spaces per unit provided that sufficient TDM measures are provided to the satisfaction of the DE Department as part of a revised TIS.

The Owner proposes 238 residential units, resulting in a total of 215 parking spaces being required for the Development, given the proposed rate. As the Owner only provides a total of 212 parking spaces, architectural drawings will have to be revised to reflect the appropriate amount of parking spaces.

The DP Department recommends at-grade non-residential uses with frontage on Woodbridge Avenue. Therefore, the Owner will be required to provide 3.5 spaces per 100 m<sup>2</sup> of non-residential gross floor area to accommodate non-residential uses at grade. The Owner may need to provide an additional level of underground parking to meet the non-residential parking rate.

***The Emergency Planning Program of the Vaughan Fire and Rescue Services has reviewed the Development and provides the following comment***

The Emergency Planning Program of the Vaughan Fire and Rescue Services Department reviewed the Air Quality Study with Land Use Compatibility Assessment and requested additional information to be included within the report to demonstrate conformity with the public safety policies of the PPS. Prior to the implementation of Official Plan Amendment File OP.20.010, the Owner shall provide the revised Air Quality Study to the satisfaction of City staff.

Once the Owner provides a revised Air Quality Study addressing the outstanding comments of the Emergency Planning Program of the Vaughan Fire and Rescue Services, the appropriate warning clauses alerting purchasers of nearby odour, dust or disruption of air quality due to existing nearby industrial facilities will be included in the site plan agreement and in the offers of purchase, sale, or lease for this Development.

Vaughan Fire and Rescue Services reviewed the Applications, and identified that all fire safety matters will be reviewed during the Site Development Application stage of the Development, should the Applications be approved by the OLT.

***The Subject Lands are cleared of archaeological concern***

The Owner submitted a Stage 1 and 2 Archaeological Assessment which confirms there is no further archaeological concern on the Subject Lands. The Owner submitted the assessment to the Ministry of Tourism, Culture and Sport, which was accepted by the Ministry, in their letter dated August 6, 2015, however the standard archaeological clauses shall be inputted into the Site Plan Agreement, should the Applications be approved by the OLT.

***The Real Estate Department has reviewed the Applications and has no objection to their approval, provided that cash-in-lieu of parkland is satisfied***

The Real Estate Department reviewed the Applications and have no concerns, provided cash-in-lieu of parkland is satisfied prior to the issuance of the building permit.

***The Parks Infrastructure Planning and Development Department have reviewed the Applications and has no objection to their approval, subject to conditions***

The Parks Infrastructure Planning and Development Department ('PIPD') have reviewed the Modified Development and is satisfied that it meets the intent of the park and pedestrian circulation policies in the KACSP. PIPD staff also request for cash-in-lieu of parkland to be satisfied prior to the issuance of a building permit, should the Applications be approved by the OLT.

In accordance with Maps 11.5.E and 11.5.g of the KACSP, a proposed open space trail and proposed pedestrian and bicycle trail traverses the Subject Lands in a north-south direction, with connections north of the Subject Lands, to Kipling Avenue and east of the Subject Lands. Map 11.5.F of the KACSP identifies a "Parkette" located abutting the western boundary of the Subject Lands, as shown on Attachment 8.

The Modified Development accommodates an "S-turn" driveway design with a public easement to allow public frontage to the future parkette. PIPD staff also recommend a continuous multi-use path to connect the Subject Lands to the future abutting Parkette to the west and the future Public Square to the southeast. The City standard for multi-use paths is typically 3 m wide; however due to site constraints, PIPD can accept a non-conventional width for the multi-use path since it will be integrated into the recommended "woonerf", as shown on Attachment 8. The Modified Development provides a multi-use path within the woonerf design and a pedestrian mews to permit future public access to the parkette. PIPD also recommends registering a public easement on title over the private driveway, the pedestrian mews, and the walkway along the western boundary of the Subject Lands, to ensure public access as shown on Attachment 8 and identified in Attachment 11 of this report.

***A Community Benefits Charge ('CBC') is applicable and will be collected at Building Permit Stage should the Applications be approved by the OLT***

The Development meets the criteria for CBC because it is 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits.

***Departmental and Agency Comments***

The following City Departments and external agencies have responded with no concerns: Canada Post, Financial Planning and Development Finance, Environmental Planning Division of the Policy Planning and Special Programs Department, York Region District School Board, York Catholic District School Board, Hydro One, Canadian Pacific Railway, Rogers, Enbridge Gas, and Alectra Utilities.

**Broader Regional Impacts/Considerations**

York Region determined that Official Plan Amendment File OP.20.010 is a matter of local significance and does not adversely affect regional planning policies or interest. York Region, on November 19, 2020, exempted the Official Plan Amendment Application OP.20.010 from approval, and confirmed via email on July 5, 2022, that regional exemption continues to apply for the revised development proposal.

## **Conclusion**

The Owner is required to provide an updated Air Quality Study to demonstrate consistency with the PPS, however the DP Department is satisfied that the Applications conform to the Growth Plan and YROP 2010, and the proposed amendments to VOP 2010, and Zoning By-law 1-88 together with the Recommended Modifications, are appropriate considering existing and planned surrounding land uses. The Modified Development utilizes an intensified compact built form, is compatible with the surrounding area and provides additional housing options in proximity to existing and planned public transit facilities. Accordingly, the DP Department can recommend approval of the Applications, subject to the Recommendations of this report.

**For more information**, please contact Rebecca Roach, Senior Planner, at extension 8626.

## **Attachments**

1. Context Map
2. Location Map
3. Conceptual Site Plan and Proposed Zoning
4. Conceptual Landscape Plan
5. Building 1 Elevations
6. Building 2 Elevations
7. Building Rendering
8. Conceptual Site Plan with Recommended Modifications
9. Table 1 – Proposed Amendments to VOP 2010
10. Table 2 – Proposed Amendments to Zoning By-law 1-88
11. Holding Conditions
12. Recommended Land Use Designations

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## **Reviewed by**



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Nick Spensieri, City Manager