

Committee of the Whole (1) Report

DATE: Tuesday, September 10, 2024

WARD: 2

**TITLE: WIGWOSS INVESTMENTS INC. AND 2561658 ONTARIO INC.
OFFICIAL PLAN AMENDMENT FILE OP.22.016
ZONING BY-LAW AMENDMENT FILE Z.22.036
10, 20 AND 24 WIGWOSS DRIVE
VICINITY OF WIGWOSS DRIVE AND HIGHWAY 7**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole of the Recommendations contained in this Report to REFUSE Official Plan and Zoning By-law Amendment Files OP.22.016 and Z.22.036 respecting the subject lands as shown on Attachment 1.

Report Highlights

- Wigwoss Investments Inc. and 2561658 Ontario Inc. (collectively, the “Owner”) submitted Official Plan Amendment (OP.22.016) and Zoning By-law Amendment (Z.22.036) Applications (the “Applications”) to permit a 12-storey residential apartment building containing 106 units and a Floor Space Index (“FSI”) of 3.9 times the area of the lot.
- The statutory Public Meeting for the Applications was held on February 7, 2023.
- On March 7, 2024, the Owner appealed the Applications to the Ontario Land Tribunal (“OLT”) citing Council’s failure to make a decision on the Applications within the timeframe prescribed by the *Planning Act*.
- A first OLT Case Management Conference (“CMC”) was held on July 24, 2024.
- The OLT scheduled a 10-day hearing for May 26, 2025, to June 6, 2025.
- Staff seek endorsement from the Committee of the Whole to refuse the Applications.

Recommendations

That the OLT be advised that Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.22.016 (Wigwoss Investments Inc. and 2561658 Ontario Inc.) BE REFUSED, to amend Vaughan Official Plan 2010, Volume 1 as identified in Table 1 of this report for the subject lands, as shown on Attachment 1;
2. THAT Zoning By-law Amendment File Z.22.036 (Wigwoss Investments Inc. and 2561658 Ontario Inc.) BE REFUSED, to amend Zoning By-law 1-88 to rezone the subject lands from “R2 Residential Zone”, subject to site-specific Exception (23), to “RM2 Multiple Residential Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 2 of this report;
3. THAT Zoning By-law Amendment File Z.22.036 (Wigwoss Investments Inc. and 2561658 Ontario Inc.) BE REFUSED, to amend Zoning By-law 001-2021, to rezone the subject lands shown on Attachment 1, from “R2A(EN) Second Density Residential Zone”, subject to site-specific Exception 14.41, to “RM2 Multiple Residential Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 3 of this report;
4. THAT the City, in accordance with Bylaw 144-2018, attend the Ontario Land Tribunal hearing based on the recommendations contained in this report with regard to Official Plan and Zoning By-law Amendment Files OP.22.016 and Z.22.036;
5. THAT if the OLT approves the applications, Legal Services shall request the OLT to withhold its final Order until the final form of the Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) are prepared and submitted to the OLT on the consent of all parties; and
6. THAT if the OLT approves the applications, Council authorize the Deputy City Manager, Planning and Growth Management to finalize the draft OPA and ZBA instruments for approval by the OLT.

Background

Location: 10, 20 and 24 Wigwoss Avenue (the “Subject Lands”). The Subject Lands are located on the north side of Highway 7, west of Pine Valley Drive, and are currently developed with one single detached dwelling located on each lot. The Subject Lands and surrounding land uses are shown on Attachment 1.

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

The Owner has submitted the Applications for the Subject Lands to permit a 12-storey residential apartment building containing 106 units, with a total gross floor area of 9,780 m², and an FSI of 3.9 times the area of the lot, as shown on Attachments 2 to 6 (the “Development”).

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

- Date of Notice (Circulated 500 m from Subject Lands as shown on Attachment 1): January 13, 2023.
- Location of Notice Signs: Highway 7 and Wigwoss Drive
- Date of Public Meeting: February 7, 2023, with recommendations ratified by Council on February 22, 2023
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: September 3, 2024

Public Comments were received

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

Access, Traffic and Parking

- The Development will further increase existing traffic congestion in the area and further impact vehicle and pedestrian safety
- The Development will increase use of on-street parking, and/or result in illegal parking on neighbourhood streets
- Local roads are already subject to traffic cutting to avoid Highway 7. The Development will contribute to this issue

Archeological Potential

- The Owner should submit an Archeological Assessment for the Subject Lands according to the Mackenzie Woodland Village Report and ROPA 6.

Density, Built Form, and Building Design

- The Development is too tall, too large, and is not compatible with the surrounding context consisting of a low-rise built form and an established neighbourhood
- The proposed height will block the views of existing residents
- The area and existing infrastructure cannot accommodate the proposed intensification of the Subject Lands
- There are already several condo/apartment redevelopment proposals in the area
- The Subject Lands should remain as detached dwellings, or should only be permitted to redevelop up to a maximum of 6-storeys, as permitted by VOP 2010

Lack of Commercial Uses

- There is a lack of commercial uses within the existing area to support existing and new residents

Lack of Public Consultation

- The Owner did not consult with the surrounding community and Ratepayers Association as recommended by Staff in the Pre-Application Consultation

Ongoing Construction

- The general area has been subject to ongoing construction for many years, and the Development will prolong this issue

Litter, Noise, Privacy, Air and Light Pollution, and Shadow

- The building height will cause shadow and privacy impact
- The proposed development will cause light pollution
- The proposed development will cause air pollution due to increased traffic
- The additional population will increase noise in existing quiet neighbourhood streets
- The additional population will utilize the surrounding neighbourhood streets and sidewalks
- The additional population will contribute to litter on the streets

The Owner has appealed the Applications to the OLT for non-decision on March 7, 2024.

On March 7, 2024, the Owner appealed the Applications to the OLT pursuant to subsections 22(7) and 34(11) of the *Planning Act*, citing Council's failure to make a decision on the Applications within the prescribed timelines of the *Planning Act* (OLT Case Nos. OLT-24-000404 and OLT-24-000405) (the "Appeals").

A first OLT CMC regarding the Appeals was held on July 24, 2024. The OLT scheduled 10-day hearing for May 26 to June 6, 2025 (the "Hearing").

Site Development and Draft Plan of Condominium Applications will be required if the Applications are approved by the OLT.

If the Applications are approved by the OLT, the Owner will be required to submit a Site Development Application and Draft Plan of Condominium Application to implement the Development and establish the standard condominium tenure for the Development.

Previous Reports/Authority

A previous report related to the application can be found at the following links:

Wigwoss Investments Inc. and 2561658 Ontario Inc., Public Meeting Report [February 7, 2023 Committee of the Whole \(Public Meeting\) \(Item 2, Report 8\)](#)

Analysis and Options

The Development is consistent with the Intensification Policies of the Provincial Policy Statement, 2020 (“PPS”)

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety. The Development is consistent with the following policies of the PPS:

- Policy 1.1.3 of the PPS sets out the policies for Settlement Areas, and states that Settlement Areas shall be the focus of growth and development (Policy 1.1.3.1). Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment.
- Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities by: permitting and facilitating all housing options, all types of residential intensification including redevelopment; directing development to locations where appropriate infrastructure and public service facilities are available; promoting densities for new housing which efficiently use lands and resources and support the use of active transportation and transit in areas where it exists; and requiring transit-supportive development and prioritizing intensification in proximity to transit.
- Policy 1.6.6 of the PPS states that forecasted growth shall be accommodated in a manner that promotes the efficient use and optimization of existing municipal water and sewer services. Municipal water and sewer services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.
- Policy 1.6.7 of the PPS states that efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, and that a land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

The Subject Lands are located within a Settlement Area and the Delineated Built-Up Area. The Subject Lands have access to regional transit services, and municipal services and infrastructure. The Subject Lands are located within the Wigwoss-Helen Protected Major Transit Station Area (“PMTSA”) and front the York Region Bus Rapid Transit (“BRT”) Station that connects to the broader regional transportation system.

The Subject Lands are considered suitable for intensification and redevelopment at a higher density than what currently exists to capitalize on the transit investments in the area. The Development is transit-supportive and will support active transportation through intensification and compact development in proximity to transit services. The Development provides a compact built form while contributing to a range of housing options in a location suitable for intensification and redevelopment.

While Development Planning staff are satisfied that the Development is consistent with the intensification policies of the PPS, Policy 4.6 of the PPS identifies the Official Plan as “the most important vehicle for implementation of the PPS” and is the tool responsible to implement provincial interests, while balancing specific land use designations and policies that respond to the local context. In this regard, the Development does not conform to the York Region Official Plan (“YROP”) 2022 and does not conform or meet the general intent of Vaughan Official Plan (“VOP”) 2010, as described in this Report below.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. The Development conforms to the following policies of the Growth Plan:

- Policy 2.2.1.2 of the Growth Plan states that the vast majority of growth will be directed to Settlement Areas that have a delineated Built Boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. This policy further states that within Settlement Areas, growth will be focused in delineated Built-up Areas, Strategic Growth Areas, locations with existing or planned transit with a priority on higher order transit, and areas with existing or planned public service facilities.
- Policy 2.2.1.4 states that applying the policies of the Growth Plan will support the achievement of complete communities that: feature a diverse mix of land uses, improve social equity and overall quality of life, provide a diverse range and mix of housing options, expand convenient access to a range of transportation options, and provide for a more compact built form and a vibrant public realm.
- Policy 2.2.4 sets out the policies for Major Transit Station Areas (“MTSAs”). This policy states that all MTSAs will be planned and designed to be transit supportive (Policy 2.2.4.8), and that within all MTSAs, development will be supported, where appropriate, by planning for a diverse mix of uses, and prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities (Policy 2.2.4.9).

The Subject Lands are within the delineated Built-up Area, a Strategic Growth Area (“SGA”) and PMTSA which are areas where growth will be focused. The Development contributes to the provision of a diverse range of housing options within the area in a compact built form with direct access to higher order transit. The Subject Lands are suitable for intensification and redevelopment at a density that is transit-supportive and will optimize the investments made in both transit services and municipal infrastructure. On this basis, the Development shown on Attachments 2 to 6 conforms to the Growth Plan.

The Development does not conform to YROP 2022

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The YROP 2022 designates the Subject Lands “Urban Area”, which permits a wide range of residential, commercial, industrial, and institutional uses, and “Community Areas” where residential, population-related employment and community services are directed. The Subject Lands are located within the Wigwoss-Helen PMTSA, and along a Regional Intensification Corridor which are the focus of York Region’s most intensive development connected by transit-supportive intensification.

Policy 2.3 of YROP 2022 states that communities shall be planned and designed as sustainable, healthy, vibrant complete communities walkable to most local amenities, and planned in a comprehensive and coordinated manner using land efficiently and optimizing infrastructure with a compact, mixed-use, pedestrian friendly and transit-supportive built form (Policies 2.3.1 and 2.3.2).

Policy 2.3.11 of YROP 2022 states that retail, and other uses, be designed in a compact form including multi-storey, mixed use buildings, where appropriate and be pedestrian oriented and transit-supportive. Policy 2.3.13 further states that communities be designed to the highest urban design and green development standards and support walkable neighbourhoods which, among other matters: complement the character of the existing community, ensure appropriate transition to surrounding land uses to support land use compatibility, and apply best practices and guidelines to implement transit-supportive development.

Policy 4.4 of YROP 2022 sets out the policies for Intensification. Intensification is directed to utilize land efficiently and sustainably that is commensurate with available hard and soft services and existing infrastructure while having regard for the local context (Policy 4.4.1). Strategic Growth Areas are the primary locations for concentrations of high density and mixed-use development (Policy 4.4.3) including street-related commercial (Policy 4.4.9), and that intensification shall include a variety of medium and high-density dwelling unit types and sizes to provide housing choice (Policy 4.4.8).

The Intensification policies of the YROP 2022 state that development within Strategic Growth Areas shall be prioritized along existing rapid transit corridors and in locations with existing water and wastewater capacity (Policy 4.4.13) and that rapid transit corridors be planned to support higher density development (Policy 4.4.14).

The YROP 2022 states that development within Strategic Growth Areas will be of an urban form and design that is compact, accessible, mixed-use, oriented to the street, pedestrian and cyclist friendly and transit-supportive (Policy 4.4.17), a wide range of uses will be provided including residential and commercial (Policy 4.4.18), and that they will be planned and designed to achieve appropriate transition of built form to adjacent areas (Policy 4.4.19).

Policy 6.3.16 of YROP 2022 states that it is the policy of its Council to achieve higher transit usage by supporting improvements in service, convenient access, connectivity and urban design including, among other matters, directing medium- and high-density development to major transit corridors.

In consideration of the polices of the YROP 2022, specifically those outlined in this Report, and the Official Plan Amendment Application File OP.22.016, the Development Planning Department is not satisfied that the Development conforms with the policies of the YROP 2022.

The Subject Lands are suitable for redevelopment and intensification given their location within a Strategic Growth Area and PMTSA and can support transit service and municipal infrastructure investments. The Development Planning Department, however, is not satisfied that the Development provides for an appropriate mix of uses as directed by the YROP 2022 to these areas (Policy 2.3) and does not provide for an appropriate transition of built form to adjacent areas (Policy 2.3.11) in a manner that complements the existing community, as envisioned by VOP 2010.

On this basis, the Development does not conform to the YROP 2022, and the Development Planning Department recommends refusal of Official Plan Amendment Application File OP.22.016.

The Development does not conform to or meet the general intent of VOP 2010

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

- "Regional Intensification Corridor" on Schedule 1 – "Urban Structure" of VOP 2010
- PMTSA 69 on Schedule 1c – "Protected Major Transit Station Areas" with a minimum density of 160 persons and jobs per ha and a gross minimum Floor Space Index of 0.9
- "Mid-Rise Mixed Use" on Schedule 13 – "Land Use" of VOP 2010
- This designation permits a range of built forms, including mid-rise, mixed-use buildings up to 6-stories in height, and an FSI of 2.5 on the Subject Lands.

Policy 2.2.1.1 of VOP 2010 states that Regional Intensification Corridors will be a major focus for intensification on the lands adjacent to major transit routes, at densities and in a form supportive of the adjacent higher-order transit. Policy 2.2.5 further states that Intensification Areas have been established to make efficient use of underutilized sites served with a high-level of existing or planned transit and will be developed with a mix of uses and appropriate densities to support transit use and promote walking and cycling.

Policy 4.1.1.4 of VOP 2010 states that Intensification Areas are priorities for transit investments and that land-use planning decisions within Intensification Areas should maximize the use of existing and planned transit infrastructure, taking into account the existing and planned level of transit service and potential impacts on nearby neighbourhoods.

Policy 5.1.1.3 of VOP 2010 states that the long-term economic diversification of the City will be supported by supporting the growth of retail activities within Intensification Areas and mixed-use designations. Policy 5.2.3 states that the City supports the continued development of a diverse retail sector that provides: a broad range of shopping opportunities; a range of opportunities for employment and entrepreneurship; and transit-oriented and walkable retail environments within Intensification Areas. It also requires that new retail be designed to be walkable, transit-supportive, and integrated into communities and pedestrian and cycling networks (Policy 5.2.3.2).

Policy 5.2.3.4 of VOP 2010 states that the primary location for new retail uses is planned to be Intensification Areas where they will benefit from transit service and help build mixed-use communities, and that retail developments within Intensification Areas will support the general objectives and policies for these areas through: being provided as part of an overall mixed-use development; and sited and oriented to support walking, cycling and transit use.

Policies 7.1.1.3 and 7.5.1.1 of VOP 2010 state that the City supports and encourages the provision of a full range of housing options across the City and plans for a balanced supply of housing that includes diversity in housing type, tenure and affordability.

Policy 9.1.2.1 of the VOP 2010 states that new development will respect and reinforce the existing and planned context within which it is situated, and more specifically in Intensification Areas, new development will be located and organized to frame and support the surrounding public realm and massed to fit harmoniously into its surrounding environment, including appropriate transition to areas of lower intensity development.

Policy 9.1.2.7 of VOP 2010 states that in Intensification Areas, new development will be designed to, among other things: provide active ground floor uses and avoid blank facades, create appropriate transitions in scale to areas of lower intensity while fulfilling the intensification objectives, and provide adequate light and privacy for occupants, including occupants of adjacent properties along with limiting shadow and/or wind impacts on neighbouring properties.

Policy 9.2.2.4 of VOP 2010 states that the Mid-Rise Mixed-Use Designation will provide for a mix of residential, retail, community and institutional uses that will be carefully designed and well integrated with adjacent areas. The ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street.

Finally, Policy 9.2.3.5 of VOP 2010 provides development criteria for Mid-rise Buildings including that in order to provide appropriate privacy and daylight/sunlight conditions for any adjacent houseform buildings, buildings shall generally be setback a minimum of 7.5 m and shall be contained within a 45-degree angular plane measured from the property line abutting those houseform buildings.

The Owner submitted an Official Plan Amendment Application File OP.22.016 to facilitate the Development. The Application proposes the following site-specific amendments to VOP 2010:

Table 1:

	Applicable VOP 2010 Section	VOP 2010 Requirement	Proposed Exception to VOP 2010
a.	Volume 1 – Policy 9.2.2.4 Mid-Rise Mixed-Use Land Use Designation Policies	That the ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street	To not require the provision of ground floor retail or other active uses
b.	Volume 1 – Policy 9.2.3.5 Mid-Rise Building Development Criteria	The building must comply with a 45-degree angular plane from the rear property line	To permit the building to not comply with the 45-degree angular plane

	Applicable VOP 2010 Section	VOP 2010 Requirement	Proposed Exception to VOP 2010
c.	Schedule 13 – “Land Use” Maximum Building Height	6 storeys	12 storeys
d.	Schedule 13 – “Land Use” Maximum Density	2.5 times the area of the lot	3.9 times the area of the lot

In consideration of the polices of the VOP 2010, specifically those outlined in this Report, and the Official Plan Amendment Application File OP.22.016, the Development Planning Department is not satisfied that the Development provides for an appropriate scale of intensification or form of redevelopment in consideration of the existing and planned land uses of the surrounding area.

The Subject Lands are identified as being underutilized and are suitable for intensification and redevelopment in a manner that is transit-supportive. However, the Development as proposed is considered inappropriate with respect to scale and massing within the surrounding community. The Development introduces a building height that exceeds the maximum building heights within the surrounding area and does not provide an adequate transition to the low-rise built form immediately abutting the Subject Lands to the north and within the surrounding community.

The Development does not provide for a mix of uses or active uses at grade within a PMTSA and does not meet the intent of the “mixed-use” land use designation in VOP 2010 provided for the Subject Lands. Stand-alone residential uses on the Subject Lands do not meet the City’s objectives of providing for a mix of uses within Intensification Areas, specifically PMTSAs, where new retail uses are directed to foster a walkable environment that is transit-supportive.

The increased building height and non-compliance of the 45-degree angular plane as part of the Development does not provide for an appropriate built-form that takes the stable Community Area and low-rise built form into consideration. In addition, the lack of at-grade retail does not meet the City’s objectives for the provision of new retail uses and the development of complete and mixed-use communities within Intensification Areas.

On this basis, the Development does not conform to or meet the general intent of VOP 2010, and the Development Planning Department recommends refusal of the Official Plan Amendment Application File OP.22.016.

On October 20, 2021, Council adopted the new CZBL. The OLT ordered the CZBL into force by its order on December 28, 2022, and as corrected on March 28, 2023, with exceptions

On October 20, 2021, Council adopted the new CZBL, which affects all properties within the City of Vaughan, with the exception of lands in the vicinity of Young Street and Steeles Avenue West. The CZBL replaces Zoning By-law 1-88 with the exception of matters of transition pursuant to section 1.6 of the CZBL and the Yonge-Steeles Corridor Secondary Plan area.

The CZBL has been appealed to the Ontario Land Tribunal (“OLT”) by a number of appellants. The OLT issued an order on December 28, 2022, which was subsequently corrected on March 28, 2023, bringing into effect sections of the CZBL that have not been appealed.

The Subject Lands are not located within an area for which the CZBL remains under appeal.

As the Applications were received by the City on October 31, 2022, and were deemed complete on December 22, 2022, the transition provisions under Section 1.6 of the CZBL do not apply and therefore the Applications were subject to a dual review under both the CZBL and Zoning By-law 1-88, as the Applications were processed prior to the OLT issuing its Order on December 28, 2022, as corrected on March 28, 2023.

The Development Planning Department recommends refusal of Zoning By-law Amendment Application Z.22.036 that is required to permit the Development Zoning (By-law 1-88):

- “R2 Residential Zone” (“R2 Zone”) by Zoning By-law 1-88, subject to site-specific exception 9(93)
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to the “RM2 Multiple Residential Zone” together with the following site-specific zoning exceptions to permit the Development, as shown in Attachments 2 to 6:

Table 2:

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone Requirement
a.	Definition of “Amenity Area”	Means space outside a dwelling unit within or outside the building designed for the passive enjoyment or active recreational needs of the residents.	Means an indoor or outdoor communal space designed and maintained for active recreational uses or passive recreational uses for residents of a dwelling or building with residential uses.

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone Requirement
b.	Definition of "Gross Floor Area"	Means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure.	Means the aggregate of the floor areas of all storeys of a building measured from the outside of the exterior walls, but excluding any basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle, and bicycle parking areas, loading areas located above or below grade.
c.	Definition of a "Storey"	Means the portion of a building other than the cellar, basement, or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 m.	Means a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine, but shall not include a basement or attic. Any portion of a building partially below grade shall be deemed a storey where its ceiling is at least 1.8 m above the established grade.
d.	Minimum Lot Area	230 m ² / unit	21 m ² / unit
e.	Minimum Yards	4.5 m (front) 4.5 (exterior)	3 m (front) 3.5 m (exterior)
f.	Maximum Building Height	11 m	44 m
g.	Maximum Lot Coverage	50%	63%
h.	Permitted Encroachments (canopies)	0.5 m into a required yard	2 m into the front yard

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirement	Proposed Exceptions to the RM2 Multiple Residential Zone Requirement
i.	Minimum Amenity Area	13 One Bedroom Units x 20 m ² /unit = 260 m ² 81 Two Bedroom Units x 55 m ² /unit = 4,455 m ² 12 Three Bedroom Units x 90 m ² = 1,080 m ² Total required amenity area = 5,795 m ²	8 m ² / unit for the first eight dwelling units = 64 m ² 5 m ² / for every additional unit (98 units) = 490 m ² and Sections 4.1.6 b) and c) do not apply
j.	Minimum Length of a Parking Space (including an accessible parking space)	6 m	5.7 m
k.	Minimum Width of a Parallel Parking Space	2.7 m	2.5 m

Zoning (By-law 001-2021):

- “R2A(EN) Second Density Residential Zone” (“R2A Zone”) by Zoning By-law 001-2021, subject to site-specific Exception 14.41
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to the “RM2 Multiple Unit Residential Zone” (“RM2 Zone”) together with the following site-specific zoning exceptions to permit the Development, as shown in Attachments 2 to 6:

Table 3:

	Zoning By-law 001-2021 Standard	RM2 Zone Requirement	Proposed Exceptions to the RM2 Zone Requirement
a.	Minimum Lot Area	80 m ² / unit	21 m ² / unit
b.	Minimum Yards	4.5 m (front) 4.5 m (exterior)	3 m (front) 3.5 m (exterior)
c.	Minimum Tower Step-back	3 m	0 m
d.	Maximum Tower Floor Plate	850 m ²	1,100 m ²

	Zoning By-law 001-2021 Standard	RM2 Zone Requirement	Proposed Exceptions to the RM2 Zone Requirement
e.	45 Degree Angular Plane	The building must comply with a 45-degree angular plan from the rear property line	To permit the building to not comply with the 45-degree angular plane
f.	Minimum Landscape Strip on Interior Side or Rear Lot Line abutting a Residential Zone	3 m (width)	2.4 m (width)
g.	Permitted Encroachments	0.6 m into any required yard (canopies)	2 m into the front yard (canopies)
h.	Below-grade Parking Structures Setbacks	1.8 m from a street line	0.7 m from a street line
i.	Parallel Parking Space Dimensions	2.5 m x 7.3 m	2.5 m x 6.6 m
j.	Long-term Bicycle Parking	A required long-term bicycle parking space shall have direct access from the exterior of a building, and that access shall be located on the ground floor.	A required long-term bicycle parking space is not required to have direct access from the exterior of a building.

The Development Planning Department does not support the site-specific standards proposed for the Development, as it does not facilitate a development that conforms to or meets the intent of the VOP 2010, for the reasons provided above.

In addition to the requested and identified amendments in Tables 2 and 3, sufficient information has not been provided to confirm all of the required amendments to facilitate the Development and evaluate the cumulative impact of the amendments for the development of the Subject Lands.

On this basis, the Development Planning Department recommends refusal of the Zoning By-law Application File Z.22.036.

The Development achieves a Gold Sustainability Threshold Score

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 77 (gold level). This score meets minimum threshold requirements.

Financial Impact

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

Operational Impact

The Policy Planning and Special Programs (“PPSP”) Department has no objections to the Development

The PPSP Department has advised that there are no natural heritage features on the Subject Lands and therefore have no comments on the Applications. However, all applications regardless of their location are required to abide by the *Endangered Species Act* and *Migratory Birds Convention Act* with respect to tree removals, and Species at Risk.

The Development Engineering (“DE”) Department requires outstanding comments and conditions be addressed to support the Development

The DE Department has provided the following comments:

Lot Grading and Drainage

The Subject Lands are approximately 0.25 hectares in size and are currently developed with three existing residential homes and asphalt driveways, with the majority of the Subject Lands being of treed and landscaped area. The land is relatively flat in topography.

Municipal Servicing

The City recently completed a Servicing Master Plan update (Integrated Urban Water Master Plan EA), and requires that site servicing to facilitate the Development conform to the conclusions and recommendations of the Integrated Urban Water Master Plan EA.

Municipal Servicing – Water

The Subject Lands are currently serviced from the existing Wigwoss Drive watermain with water service connections for domestic use. The Development will be serviced by the existing 300mm diameter watermain located on Wigwoss Drive. The proposed 200mm diameter watermain connection will be constructed for fire service connection and the 100mm diameter water service connection will be constructed for domestic use.

DE requires the Owner to address any outstanding comments and conditions and submit an updated Functional Servicing Report, including a Hydrant Flow and Pressure Test, to support a complete approval of the proposed water servicing strategy.

Municipal Servicing – Sanitary

The Subject Lands are currently serviced with an existing sanitary service connection to the existing Wigwoss Drive sanitary sewer. The Development will be serviced with the existing 250mm diameter sanitary sewer on Wigwoss Drive. The Owner proposes a sanitary manhole and 200mm diameter sanitary connection to facilitate the Development. The City’s sanitary model has identified capacity constraints in a segment of the downstream system, and as a result sanitary sewer upgrades may be required to facilitate the Development.

DE requires the Owner to address any outstanding comments and conditions and submit an updated Functional Servicing Report, including a downstream sanitary sewer analysis, to support a complete approval of the proposed sanitary servicing strategy.

Municipal Servicing - Stormwater

The Subject Lands are located within the Toronto and Region Conservation Authority's ("TRCA") East Humber sub watershed and are proposed to be serviced via a new 300mm diameter storm connection and will outlet to the existing 600mm diameter storm sewer on the southwest side of Wigwoss Drive.

A private site storm sewer system will collect runoff from the driveways, parking lots, landscaped areas and roof top and discharge to the proposed storm service connection.

DE requires the Owner to address any outstanding comments and conditions and submit an updated Functional Servicing Report to support a complete approval of the proposed stormwater management strategy.

Noise Attenuation

The Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. and dated September 14, 2022 (the "Noise Study"), demonstrates the sound levels generated by Highway 7 and Wigwoss Drive will have a moderate acoustical impact on the Development. Noise control measures such as mandatory air conditioning in all units, upgraded exterior walls meeting Sound Transmission Class ("STC") 54 and windows with ratings up to STC 36, high sound barrier for the ground level outdoor amenity area, along with warning clauses have been recommended to address the transportation noise issues.

Given the distance between the Subject Lands and the railway corridor right-of-way, vibration from the railway does not need to be considered. Based on an assessment of rooftop mechanical equipment on neighbouring buildings, the applicable stationary noise source guideline limits are expected to be met at the Subject Lands without additional mitigation measures. There are no other nearby sources of stationary noise that would need to be considered for potential impact on the Subject Lands.

DE requires that the Owner provide a certification from an acoustical consultant confirming that the recommendations provided in the Noise Study have been implemented, should the Applications be approved.

Environmental Engineering

The Owner has submitted Phase One and Two Environmental Site Assessment ("ESA") Reports which have been reviewed to the satisfaction of the Environmental Engineering Division. The ESA reports indicate that the Development meets the applicable Ministry of Environment, Conservation and Parks Standards and is suitable for residential/ICI uses.

DE requires the Owner's Environmental consultant to provide a reliance letter for the ESA Reports noted above in conformance with the City's template.

Sewage and Water Allocation

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

Transportation Engineering ("TE")

A Transportation Impact Study prepared by CGE Transportation Consulting and dated September 23, 2022 (the "TIS"), has been provided in support of the Development. TE requires that the Owner provide an updated TIS that addresses all comments provided.

The Development proposes one (1) vehicular access point to Wigwoss Drive, at the northwest limits of the Subject Lands, and pedestrian connections to Wigwoss Drive that connect to Highway 7. TE is not satisfied with the proposed access design and requires that the proposed access be updated according to City standards.

Three (3) levels of underground parking are proposed including 106 vehicular parking spaces for residents and 22 vehicular visitor parking spaces. TE has no concerns with respect to parking supply. Should the Applications be approved by the OLT, TE will review the underground parking layout as a part of the Site Development Application.

TE requires the Owner to address any outstanding comments and conditions to support a complete approval of the proposed transportation strategy.

Cash-in-Lieu of the dedication of parkland is required

The Owner shall convey land 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, at Vaughan's discretion, prior to the issuance of a building permit, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law.

Community Benefits Charge ("CBC") is applicable and will be collected at Building Permit Stage

The Development meets the criteria for CBC being 5 or more storeys and 10 or more units. The City passed CBC By-law 201-2022 on September 14, 2022, which is therefore the applicable mechanism used to collect community benefit charges.

City Departments, external agencies and various utilities provided comments or have no objections to the Development

The Development Finance Department, Forestry division, Alectra, Canada Post, and NAV Canada have no objections to the Development, subject to comments being addressed through a future Site Development Application.

The By-law & Compliance, Licensing & Permit Services Department, Financial Services, Fire & Rescue Services, Parks Infrastructure Planning and Development, Bell Canada, Enbridge, Rogers, York Catholic District School Board, and York Region District School Board have no objections to the Development.

Broader Regional Impacts/Considerations

Regional Municipality of York ('York Region') encourages revisions to the Development

York Region has stated that the issue of compatibility and the appropriate site-specific height and density for the Official Plan Amendment Application is best determined by the local planning authority (i.e. Vaughan). However, York Region further stated that appropriately scaled intensification that conforms with the Regional urban structure and planned intensification hierarchy is a Regional interest and encouraged the Owner to revise the Development to better conform with VOP 2010 and YROP 2022.

York Region indicated that they do not have any comments on the Zoning By-law Amendment Application.

Should the Applications be approved by the OLT, York Region will review the required Site Development Application with respect to matters of regional interest.

The TRCA considers the Applications to be premature

The TRCA has identified that a portion of the Subject Lands is regulated by the TRCA due to a regional storm flood plain associated with a tributary of the Humber River located on lands to the east of the Subject Lands. A permit pursuant to Ontario Regulation 166/06 is required prior to any development, including change of use, or site alteration within the regulated area.

The TRCA indicated that a formal recommendation on the Applications is premature until such time as comments with respect to stormwater management are addressed.

Conclusion

The Development Planning Department is satisfied that the Applications are generally consistent with the PPS and conform with the Growth Plan.

Notwithstanding, the Development Planning Department is not satisfied that the Applications conform to YROP 2022 or conform to and meet the general intent of VOP 2010. The Development Planning Department does not consider the Development to be compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department recommends refusal of the Applications.

For more information, please contact Mark Antoine, Senior Manager of Development Planning, at extension 8212.

Attachments

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Conceptual Landscape Plan
4. West and East Building Elevations
5. North and South Building Elevations
6. Rendered Perspectives

Prepared by

Mark Antoine, Senior Manager of Development Planning, ext. 8212.
Nancy Tuckett, Director of Development Planning, ext. 8529.