

Committee of the Whole Report

DATE: Tuesday, June 04, 2019

WARD: 2

TITLE: 1567855 ONTARIO LTD.

OFFICIAL PLAN AMENDMENT FILE OP.18.003

ZONING BY-LAW AMENDEMENT FILE Z.18.007

SITE DEVELOPMENT FILE DA.18.012

VICINITY OF KIPLING AVENUE AND WOODBRIDGE AVENUE

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment and Site Development Application Files OP.18.003, Z.18.007 and DA.18.012 for the Subject Lands shown on Attachment 1, to permit a 3-storey, purpose built residential rental apartment building containing 45 units as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes to develop the Subject Lands with a 3-storey purpose built residential rental apartment building containing 45 rental units.
- Amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88 and Site Development approval is required to permit the Development.
- The Development Planning Department supports the applications, as the development is consistent with the Provincial Policy Statement 2014, conforms to the Growth Plan and the York Region Official Plan and is compatible with the existing and planned uses in the surrounding area, subject to the Recommendations of this report.

Recommendations

1. THAT Official Plan Amendment File OP.18.003 (1567855 Ontario Ltd.) BE APPROVED to amend the policies of Vaughan Official Plan 2010, Volume 2, Section 11.5 The Kipling Avenue Corridor Secondary Plan as follows:
 - a) redesignate the Subject Lands from “Low-Rise Mixed-Use” and “Low-Rise Residential B” to “Low-Rise Residential B”;
 - b) amend Sections 11.5.2.6, 11.5.12 and 11.5.14 of Vaughan Official Plan 2010, Volume 2 to:
 - i) increase the maximum permitted Floor Space Index from minimum 0.6 to 1.94 times the area of the lot;
 - ii) increase the permitted lot coverage from 50% to 70%;
 - iii) permit a 3-storey low-rise purpose built residential rental apartment building containing 45 rental units;
 - iv) permit a minimum building setback of 2.5 m along Kipling Avenue.
 - c) that the implementing Official Plan Amendment include a policy to secure, a pedestrian connection along the rear lot line of the subject lands to be determined at the Site Plan approval stage.
2. THAT Zoning By-law Amendment File Z.18.007 (1567855 Ontario Ltd.) BE APPROVED to amend Zoning By-law 1-88, to rezone the Subject Lands from “R3 Residential Zone” to “RA2 Apartment Residential Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. That the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law, if required.
4. That Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“THAT Site Development File DA.18.012 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 45 residential rental units (99 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with

the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed to registration within a reasonable timeframe."

5. THAT Site Development File DA.18.012 (1567855 Ontario Ltd.) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS to the satisfaction of the Development Planning Department to permit the development of a 3-storey, 3,490.53 m² purpose built residential rental apartment building comprised of 45 rental units and served by 41 parking spaces, as shown on Attachments 2 to 6:

- a) That prior to the execution of a Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plans, photometric plan, landscape cost estimate and building elevations;
 - ii) the Development Engineering Department shall approve the final grading plan, servicing plan, erosion sediment control plan, photometric plan, Functional Servicing and Stormwater Management Reports, Noise and Vibration Report, Traffic Impact Study and Transportation Demand Management Plan;
 - iii) The Owner shall satisfy all requirements of the Environmental Services Department - Solid Waste Management Division;
 - iv) The Owner shall satisfy the conditions of the Heritage Vaughan Committee.
 - v) The Owner shall satisfy all requirements of York Region;
 - vi) The Owner shall register a restrictive covenant on the title of the property requiring that the building be operated as a private market rental apartment building for a minimum period of 20 years;
 - vii) The Owner shall, if required, enter into a Developer's Group Agreement with the landowners within the Rainbow Creek Neighbourhood South area to the satisfaction of the City. The agreement shall also include a provision for additional developers to participate in the Developers' Group Agreement when they wish to develop their lands;
 - viii) The Trustee for the Rainbow Creek Neighbourhood shall provide the City with a letter indicating that the Owner has fulfilled all cost

sharing and other obligations of the Rainbow Creek Neighbourhood Landowners Cost Sharing Agreement;

- ix) The Owner shall submit to the City a final, detailed environmental noise assessment and vibration report for the proposed development on the subject lands prepared in accordance with Ministry of the Environment Conservation and Parks noise assessment criteria as defined in Publication NPC-300, “Environmental Noise Guideline-Stationary and Transportation Noise Sources”, to satisfaction of the City;
 - x) The Owner shall pay the City of Vaughan, York Region and both Boards of Education applicable Development Charges;
 - xi) The Owner shall pay compensation in the amount of \$8926.00, the value for the removal of a 67 cm Horsechestnut tree from the Subject Lands;
 - xii) The Owner shall obtain a Private Property Tree Removal and Protection Permit, for any dead/hazardous trees or Emerald Ash Borer Infested Trees in accordance with By-law 052-2018 to the satisfaction of the City;
 - xiii) The Owner shall provide a Traffic Control Plan in accordance with the Ontario Traffic Manual Book 7 for all proposed lane closures, including sidewalks, to the satisfaction of the City of Vaughan;
 - xiv) The Owner shall enter into a Tree Protection Agreement in accordance with Council adopted Tree By-law 052-2018 and the City’s Tree Protection Protocol. The Agreement shall include a tree compensation plan and or cash-in-lieu payment that must be submitted to the satisfaction of the City; and
 - xv) The Owner shall enter into an Encroachment Agreement with the City to allow a portion of the stairway, access ramp, concrete platform and planters to be constructed within the Kipling Avenue right-of-way to the satisfaction of the City.
- b) That the Site Plan Agreement include the following provisions:
- i) That all offers to lease/rent shall include wording advising that 32 residential parking spaces and 9 visitor parking spaces are available for the development and that some units will not have assigned parking;

- ii) That all waste collection services for the subject lands shall be privately administered and serviced by a 9.7 m long waste collection vehicle. The Owner shall be responsible for waste collection and will acknowledge that the subject lands shall not be eligible for future municipal collection pick-up services and will remain privately administered to the satisfaction of the Solid Waste Management Division;
- iii) The Owner shall agree to provide an easement along the western lot line, when requested by the City to facilitate, if required, a future pedestrian walkway/promenade connection to the satisfaction of the City of Vaughan;
- iv) Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately;
- v) In the event that human remains are encountered during construction activities the Owner must immediately cease all construction activities and shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries and of Consumer Services;
- vi) The Owner must supply, install and maintain a centralized mailbox facility to Canada Post's specifications;
- vii) The Owner agrees that the dwellings must be constructed such that the interior noise levels meet Ministry of the Environment Conservation and Parks criteria. The noise study shall determine what impact, if any, railway noise would have on residents of the proposed development and to recommend mitigation measures if required. The railway may consider other measures recommended by the study;
- viii) That all warning clauses included in the final revised Noise Impact Study dated February 1, 2019, and prepared by HGC Engineering, shall be included in all offers to rent or lease and in the title deed or lease of each dwelling unit to the satisfaction of the Canadian Pacific Railway Company and City of Vaughan;
- ix) The Owner shall agree to grant to Bell Canada any easements that may be required, which may include a blanket easement, for

communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements;

- x) Prior to the commencing of any work, the Owner must confirm to Bell Canada that sufficient wire-line communication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the City of Vaughan that sufficient alternative communication / telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for Emergency Management Services (i.e. 911 Emergency Services);
- xi) The Owner shall obtain final clearance from Alectra Utilities Corporation and from Enbridge Distribution Inc.;
- xii) The Owner shall install tree protection fencing to minimize the impact on the trees to be preserved in accordance with By-law 052-2018 and to the satisfaction of the City of Vaughan/Transportation Services, Parks and Forestry Operations;
- xiii) The Owner shall implement the recommendations of the final noise report into the design and construction of the buildings on the subject lands, and include all necessary warning statements on all agreements to rent or lease of individual units, all to the satisfaction of the City;
- xiv) The Owner shall agree in a development agreement, if required, to pay its proportionate share of the cost of any external municipal services that have been designed and oversized by others to accommodate the development;
- xv) the Owner shall dedicate land/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a 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 a rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building permit, in accordance with the *Planning Act* and the City's cash-in-lieu Policy; and

- xvi) The proposed water and sanitary servicing connection (including any decommissioning of existing/installation of proposed) to be owned by the City within the right-of-way must be completed by the City's contractor. The Owner is required to contact the Development Inspection and Lot Grading Division to coordinate the proposed works, obtain cost estimates and scheduling to their satisfaction.

Background

The subject lands (the 'Subject Lands') are located on the west side of Kipling Avenue, north of Woodbridge Avenue, and known municipally as 8010 Kipling Avenue. The surrounding land uses are shown on Attachment 1.

Official Plan and Zoning By-law Amendment and Site Development Applications are required to permit the Development

The Owner has submitted the following applications (the "Applications") to permit a 3-storey, 3,490.53 m² purpose built residential apartment building containing 45 rental units with a Floor Space Index ('FSI') of 1.94 times the area of the lot, a lot coverage of 70% and served by 41 parking spaces, as shown on Attachments 2 to 6:

1. Official Plan Amendment File OP.18.003, to redesignate the Subject Lands from "Low-Rise Mixed-Use" and "Low-Rise Residential B" to "Mid-Rise Residential" and to amend Vaughan Official Plan 2010 ("VOP 2010") policies, specifically Volume 2, Section 11.5 Kipling Avenue Corridor Secondary Plan ('KACSP') as follows:
 - a) redesignate the Subject Lands from "Low-Rise Mixed-Use" and "Low-Rise Residential B" to "Mid-Rise Residential";
 - b) amend Sections 11.5.2.6, 11.5.12 and 11.5.14 of Vaughan Official Plan 2010 Volume 2 to:
 - i) increase the maximum permitted Floor Space Index from minimum 0.6 to 1.94 times the area of the lot
 - ii) increase the permitted lot coverage from 50% to 70%
 - iii) permit a 3-storey low-rise purpose built residential rental apartment building containing 45 units

2. Zoning By-law Amendment File Z.18.007 to rezone the Subject Lands from “R3 Residential Zone” to “RA2 Apartment Residential Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. Site Development File DA.18.012 to permit the development of a 3-storey, 3,490.53 m² purpose built residential rental apartment building containing 45 rental units as shown on Attachments 2 to 6.

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

On November 9, 2018, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands and to the West Woodbridge Homeowners Association. A copy of the Notice of Public hearing was also posted on the City's website at www.vaughan.ca and Notice Sign was installed on the Subject Lands along the Kipling Avenue frontage in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) was held on December 5, 2018, to receive comments from the public, and the Committee of the Whole. Vaughan Council on December 12, 2018, ratified the Recommendation of the Committee of the Whole to receive the Public Hearing Report of December 5, 2018.

At the Public Hearing, comments were made about the building design, the location of the loading area and its relation to Kipling Avenue and the potential for storage on the balconies. The loading area is located behind the front façade of the building and staff is working with the Owner to explore other options (i.e. enclosure) to further conceal its visibility from Kipling Avenue.

The Development includes juliet balconies, which are comprised of a railing at the outer pane of a window-opening that appears like a balcony when the window is open. This style of balcony leaves very little room for the storage of goods. On May 15, 2019, the Heritage Vaughan Committee recommended that Council approve the Applications, subject to conditions including that the Owner review the front façade respecting the addition of architectural treatment. Cultural Heritage staff have also indicated that the building elevations comply with the Woodbridge Heritage Conservation District Plan, and will continue to work with the Owner to address the Heritage Vaughan Committee comments prior to finalizing the building elevations.

At the Public Hearing, a written submission was received from Humphries Planning Group Inc. ('HPGI') on behalf of Canuck Properties, owners of the land municipally known as 8214 Kipling Avenue requesting that they be provided notice of any decision

made by the Committee of the Whole or Council or of any future meetings pertaining to this Application.

*A Notice of this Committee of the Whole meeting was mailed to HPGL on **May 24, 2019.***

Previous Reports/Authority

[December 5, 2018 Committee of the Whole Public Hearing Report \(item 2, Report No. 31\)](#)

Analysis and Options

The Applications are consistent with the Provincial Policy Statement 2014 (the “PPS”)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets out the foundation for regulating the development and use of land and supports the provincial goal to enhance the quality of life, the principles of strong communities, a strong economy and a clean and healthy environment.

The PPS promotes development and density that make efficient use of land and development patterns, promote healthy and safe communities and the appropriate mix of residential, employment, institutional and recreational uses to meet long term needs. The PPS also states that within settlement areas, sufficient land shall be made available through intensification and redevelopment.

The PPS Section 1.1.3 Settlement Areas, specifically Sections 1.1.3.1 and 1.1.3.2 a) state (in part) that settlement areas shall be the focus of growth and development, and that the land use patterns shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use existing and planned infrastructure and public service facilities (support transit) and avoid the need for their unjustified and/or uneconomical expansion.

The PPS Section 1.4 Housing and specifically Section 1.4.3 states that Planning Authorities shall provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market by (in part):

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents including special

- needs requirements: and all forms of residential (including secondary units) and redevelopment in accordance with policy 1.1.3.3;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - promoting densities for new housing which efficiently uses land resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed; and
 - establishing development standards for residential intensification, redevelopment and new residential development, which minimizes the cost of housing and facilitates compact form, while maintaining appropriate levels of public health and safety.

The proposed amendments to VOP 2010 to permit the Development are consistent with policies of the PPS by promoting the efficient use of land and the provision of a housing tenure (rental), which is affordable to low and moderate income households.

The Applications conform to the Places to Grow Act, the Growth Plan for the Greater Golden Horseshoe 2019 (the “Growth Plan”)

The Growth Plan is intended to guide decision making on the development of land by encouraging a compact built-form, transit supportive communities, diverse land uses, and a range of mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and waste water systems.

Section 2.2.1 Managing Growth directs growth to built-up areas and locations with existing or planned transit to achieve complete communities that provide a diverse range and mix of housing options, including affordable housing to accommodate the needs of all household sizes and incomes, and to improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes.

- a) Section 2.2.6 Housing and specifically, Section 2.2.6.1 a) states (in part) that municipalities, the Province, and other appropriate stakeholders, will each develop a housing strategy that support housing choice through the achievement of the minimum intensification and density targets in this plan, as well as the other policies of this Plan by:

- identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and
- establishing targets for affordable ownership housing and rental housing.

Section 2.2.6.3 states to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The proposed Development conforms to the Growth Plan as it utilizes a compact building form within a built-up area, is in close proximity to existing and planned transit facilities and introduces an affordable housing option (rental) that adds to the diversity and mix of housing options and is important in achieving a complete community.

The Applications conform to the York Region Official Plan (the ‘YROP’)

The Subject Lands are designated “Urban Area” on Map 1, Regional Structure” by the YROP, which permits a range of residential, industrial, commercial and institutional uses. The YROP encourages intensification within the Urban Area and throughout York Region and encourages a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability including rental units within each community.

Section 3.0 (in part) refers to *Healthy Communities*, which contain specific Council policies 3.5.8 to 3.5.10 to:

- encourage the development of intrinsically affordable housing, which includes modest amenities, standard material, minimal details and flexibility with units;
- develop an affordable housing implementation framework in partnership with local municipalities and the development industry to achieve the targets in this Plan; and
- work with local municipalities, the private sector and other stakeholders to consider innovative financial arrangements to encourage and support the development and maintenance of non-profit and affordable housing.

Sections 3.5.20 and 3.5.21 of the YROP encourages the construction of new rental units with a full mix and range of unit sizes and requires local municipalities to adopt official plan policies that protect and prohibit rental housing from both demolition and conversion to condominium or for non-residential use.

Sections 5.0 *Building Cities and Complete Communities* states that “intensification” within the Urban Area will accommodate a significant portion of planned growth in the Region and more specifically Section 5.3 *Intensification* requires that intensification occur in strategic locations in built-up areas to maximize efficiencies in infrastructure delivery, human services provision and transit ridership in accordance with York Region’s intensification framework.

The proposed Development represents a compact built-form, which, utilizes existing services and infrastructure. The Development introduces additional density on an underutilized lot and expands the range of housing types by providing a needed housing option in the form of rental units at an overall transit supportive density for current and future residents within the community.

An amendment to Vaughan Official Plan 2010 (“VOP 2010”) is required to permit the Development

The Subject Lands are designated “Low- Rise Mixed-Use” and “Low-Rise Residential B” by Vaughan Official Plan 2010, specifically Volume 2, Section 11.5 - Kipling Avenue Corridor Secondary Plan (“KCASP”), and are located within a “Local Centre” as identified on Schedule 1 - Urban Structure of VOP 2010. The existing land use designations do not permit the development of the Subject Lands for a 3-storey purpose built residential rental apartment building with a lot coverage of 70% and FSI of 1.94 times the lot area and therefore, an Official Plan Amendment application is required.

a) Vaughan Official Plan Amendment 2010

VOP 2010, Schedule 1 - Urban Structure, identifies the planned Urban Structure of the City of Vaughan and establishes a hierarchy of Intensification Areas, including Local Centres. Intensification areas have been established to make efficient use of underutilized sites with 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.

Section 2.2.5.7 in VOP 2010 (Volume 1) states (in part) that Local Centres shall be planned to:

- a) develop with a mix of housing types and tenures, including housing suitable for seniors and families with children and affordable housing;
- b) be predominantly residential in character but include a mix of uses including retail office and community facilities intended to serve the local population and attract activity throughout the day; and
- c) develop at densities supportive of planned or potential public transit, taking into account the local urban fabric of each Local Centre.

VOP 2010 Section 7.5 Housing Options, specifically Section 7.5.1.1, (in part) encourages and supports the provision of a full range of housing options including rental housing, to meet the needs of Vaughan’s diverse population.

The Development Planning Department supports the proposed 1.94 FSI as the Subject Lands are located within a Local Centre, which is an intensification area planned to provide a mix of housing types and tenures, supports existing and planned public transit facilities and provides a different housing option/tenure in the community.

b) VOP 2010, Volume 2 – Section 11.5 - Kipling Avenue Corridor Secondary Plan (“KACSP”)

The KACSP was developed based on key principles including creating a sense of place along the Kipling Avenue corridor, the protection of heritage resources and the provision of a mix of land uses. Specifically, Section 11.5.1.4 states that the area shall accommodate and encourage a mix of uses to support a vibrant community and healthy economy, by providing a variety of housing types to accommodate a broad demographic population, including a complimentary range of heights, unit types and sizes.

The Subject Lands have a split Official Plan designation. The approximate front one-third abutting Kipling Avenue is designated “Low-Rise Mixed-Use” while the balance two-thirds of the property is designated “Low-Rise Residential B” (Attachment 7). The “Low-Rise Mixed-Use” designation permits a 3-storey, 11 m high low-rise building form with an FSI ranging from .6 to 1.0 times the area of the lot and lot coverage of 50%.

The “Low-Rise Mixed-Use” designation for Kipling Avenue is intended to provide for a low-scale, mixed-use area with a healthy residential base and allow the uses along Kipling to evolve and adapt as demand for commercial, retail and residential uses change. The goal is to animate the Kipling Avenue streetscape and provide uses that compliment and support each other.

Developing the “Low-Rise Mixed-Use” portion of the Subject Lands separately would result in a small lot area of approximately 750 m², which would be difficult to develop as a mixed-use built-form with the current permissions. The Development is proposed on the entire Subject Lands having a gross lot area of 1833 m² (Attachment 1).

The proposed Development would provide an affordable purpose built rental housing option that is not readily available in the community. The Development meets the intent of the Official Plan, by providing a residential building with presence along Kipling Avenue, with opportunities to provide other uses (e.g. retail) along the corridor. The intent of the KACSP policy is to maintain mix-uses, including a variety in housing options, such as market rental units. In addition, the Development would support the existing retail uses, the existing and planned transit facilities along Kipling Avenue, and animate the Kipling Avenue streetscape.

The “Low-Rise Residential B” designation (approximate rear two thirds) is subject to site-specific policy 11.5.2.6, the Rainbow Creek South-South East Area (“RCSSEA”),

which conceptually illustrates a townhouse development on this portion of the Subject Lands, with maximum density of 0.7 FSI times the area of the lot, and a network of pedestrian connections as shown on the concept Neighbourhood Plan Map 11.5.N (Attachment 8). The general minimum policy requirements of the RCSSEA is summarized in part as follows:

- i) The lands within the RCSSEA plan must be developed comprehensively, considering the best future development scenario for the easterly properties adjacent to Kipling Avenue and the westerly industrial properties along the river corridor. The plan must provide opportunities for increased north/south and east/west pedestrian landscaped promenade connections including a 1.5 m walkway, which is both visually and physically accessible from Woodbridge Avenue in the south and Parkside Drive in the north.
- ii) The permitted residential uses shall include block townhouse, stacked townhouse, street townhouse and semi-detached dwellings with maximum FSI of 0.70 and with a projected number of units for the area as shown on MAP 11.5.M. of the Official Plan (Projected New Unit Counts and Density). Development must also be respectful of the contributing heritage buildings including the industrial building at the end of Burton's Lane.

The KACSP contemplates that approximately the rear two-thirds of the Subject Lands be developed with townhouses that would front onto a pedestrian promenade. Policy 11.5.2.6 a) requires that, in order to implement this plan and built-form, the lands must develop comprehensively, however, does not provide a timeline or a phasing plan for development of the neighbourhood plan. The Owner is proposing an amendment to this policy of the Official Plan.

The Owner proposes to amend policy 11.5.2.6 and the Rainbow Creek South South-East Area ('RCSSEA') concept plan

The Owner is proposing to develop the Subject Lands in a manner that is not consistent with the concept neighbourhood plan and redesignate the entirety of Subject Lands to "Mid-Rise Residential" and amend Policies 11.5.2.6, 11.5.12 and 11.5.14, together with site-specific exceptions to the KACSP to implement the Development. The approximate rear two thirds of the Subject Land is located within the boundaries of the RCSSEA. In order to develop the lands independently the Owner has submitted applications to permit a purpose built residential rental apartment building on the Subject lands. The KACSP allows for the phasing of the Rainbow Creek Neighbourhood and states that the successful build out of this neighbourhood should happen as a phased scenario and is dependent on the collaboration of all landowners in terms of implementing the necessary infrastructure, in a form that serves to benefit the overall plan and does not

restrict future development opportunities. At this time, the Owners of the properties to the south or west are not actively pursuing development applications.

Policy 11.5.2.6 does not include a timeline for the implementation of the RCSSEA neighbourhood plan or policies for the timing for the construction of the pedestrian connections. Since the approval of the KACSP, in 2009, there has been no development activity within this neighbourhood area. The location of the pedestrian connection is conceptual at this time and the exact location would be difficult to determine. However, policies will be included in the implementing Official Plan Amendment and in the Site Plan Agreement requiring the Owner to agree to provide an easement along the western lot line if required in the future, should the applications be approved.

The Applications to amend the KACSP and policy 11.5.2.6 to develop the Subject lands independently is consistent with the Local Centre policies, which encourage a mix of housing types and tenures, including housing suitable for seniors and families with children and affordable housing at densities supportive of planned or potential public transit. The proposed building design is also respectful of the neighbouring heritage contributing buildings, provides a development that fronts onto Kipling Avenue and establishes an alternative housing option (purpose built rental) within the community.

The Owner shall enter into a Developer's Group Agreement to the satisfaction of the City

The Owner shall enter into a Developers Group Agreement which shall deal with, but not limited to, all cost sharing for the Development, for the provision of parks, cash-in-lieu of parkland, roads and municipal services within the development area. This agreement shall include a provision to permit additional developers to participate in the Developers' Group Agreement as their lands develop. A condition to this effect is included in the Recommendations of this report.

A reduced right-of-way is appropriate for this portion of Kipling Avenue as the Subject Lands are located within the Woodbridge Heritage Conservation District area

The Development Engineering Department has indicated that a 3 m road widening is required for the Subject lands to maintain a 26 m right-of way (ROW) for Kipling Avenue. The Development includes a 2 m road widening. The Subject Lands are located within the Woodbridge Heritage Conservation District Plan (WHCDP) area and there are buildings in the vicinity of the Subject Lands that the KACSP considers to have cultural heritage values as evaluated through the WHCDP, and are located in close proximity to the Kipling Avenue ROW, which makes it difficult to achieve a full 26m ROW along this stretch of Kipling Avenue.

The KACSP states (in part) that Kipling Avenue should be a picturesque heritage Avenue with significant tree canopy and buildings that front directly onto Kipling Avenue. There should be active at-grade uses and buildings should be setback, offering a landscape front yard. It should also be an area of Vaughan that displays and conserves significant heritage buildings, structures and landscapes.

The KACSP identifies Kipling Avenue as a primary street. Primary streets should function as two-way connections with ROWs ranging from 20 m to 26 m to accommodate various modes of transportation. Section 11.5.3.6 is summarized (in part) and provides the following policies as it relates to Kipling Avenue in the vicinity of the Subject lands:

- Kipling Avenue north and south should function as the main primary street within the corridor
- A 26 m ROW should be maintained and protected to provide opportunities to increase the street canopy and accommodate a double row of street trees and generous pedestrian zone
- A 3 m building setback beyond the ROW should allow for future built-form to be more in keeping with the existing heritage building setbacks and provide landscaping opportunities
- The heritage character of this street should be emphasized and enhanced with a streetscape that attracts greater pedestrian presence
- The additional landscape enhancements, such as double street tree planting, 3m building setback and the required ROW may not be feasible at pinch points where existing heritage buildings fall within the 26 m ROW.

The KACSP states that a 26 m ROW should be provided for Kipling Avenue, but the Plan also contemplates that pinch points along Kipling Avenue will exist where existing heritage buildings are located within the 26 m ROW. In addition, Map 11.5.J Minimum Front-Yard Building Setbacks identifies a 3 m setback for Kipling Avenue, but also recognizes that this cannot be achieved for the entire corridor and has also identified areas where contributing heritage buildings conditions apply. The Subject Lands are located within an area where there are heritage buildings located closer to the property line along Kipling Avenue some located right at the lot line, thereby making it difficult to provide the required setback and ROWs.

The KACSP “Low-Rise Residential B” designation requires a minimum building setback of 3.5 m, and the plan also recommends that a 3 m setback should be provided along the Kipling Avenue corridor. The Development includes a road widening of 2 m resulting in a 2.5 m building setback along Kipling Avenue instead of the 3 m recommended by the KACSP. In consideration of the above, the Development Planning Department can support the 2.5 m building setback as the general intent of the setback and road widening policies of the KACSP are being maintained.

A “Low-Rise Residential B” designation is appropriate for the proposed Development

The Development Planning Department is satisfied that the Development is appropriate for the area and provides a compact built-form that maintains a consistent streetscape along Kipling Avenue and provides for an alternative housing option within the community. The Owner proposed to designate the Subject Lands “Mid-Rise Residential” in accordance with the KACSP. The Development Planning Department is of the opinion that this designation would facilitate an over-development of the Subject Lands, and therefore recommends maintaining the “Low-Rise Residential B” designation, which applies to the majority of the site and maintains the permitted building height and the intent of the KACSP. This designation will provide a transition between the existing heritage building to the south, the proposed 3-storey building on the Subject Lands, and the 5-storey building (“Mid-Rise Residential”) on the lands to the north. The site-specific implementing Official Plan Amendment will include policies to permit a low rise residential building form and amend the existing policies as follows:

- i) increase the maximum permitted Floor Space Index from minimum 0.6 to 1.94 times the area of the lot;
- ii) increase the permitted lot coverage from 50% to 70%;
- iii) permit a 3-storey low-rise purpose built residential rental apartment building containing 45 units; and
- iv) provide minimum building setback of 2.5 m along Kipling Avenue.

The implementing Official Plan Amendment will also include a policy to secure, if required, a pedestrian connection along the rear lot line of the Subject Lands to be determined at the Site Plan approval stage.

The purpose built rental building provides a community benefit

To facilitate the Development, the Owner proposes to amend the KACSP to increase the permitted density on the Subject Lands from a minimum of 0.6 to 1.94 FSI and to amend specific policies to permit a 3-storey, 3490.53 m² purpose built residential rental apartment building containing 45 units.

The Development is appropriate for the area and provides an alternative housing option in a compact built-form that maintains the consistent streetscape along Kipling Avenue. The lands are proposed to be designated “Low-Rise Residential B” to maintain its low-rise built-form respecting height, transition and compatibility with the built-form in the immediate area.

The City's Section 37 Implementation Guidelines (the 'Guidelines') include three planning principles that all developments must comply with to determine if Section 37 can be considered. One of the three principles that directly relates to the Development is the size threshold. The Guidelines state that Section 37 density/height bonusing will generally be applied to building projects which are larger than 4000 m² in gross floor area (GFA) and where the proposed density will exceed 1000 m² in GFA that would otherwise be permitted. The Guidelines also state that while they are not intended to apply for smaller development projects there may be circumstances in lower density areas where a proposed development may not meet the minimum threshold size, but could still be a suitable candidate to provide a community benefit contribution, including smaller sites in a Local Centre.

The Development shown on Attachments 2 to 6 is for a compact purpose built residential rental building, 3-storeys in height, containing 45 units and with a GFA of 3490.53 m², which is below the size threshold included in the City's Guidelines. However, the Development provides a community benefit being a purpose built rental building that is consistent with the policies of the PPS, in conformity with the Growth Plan and the YROP and VOP 2010 policies by providing an additional housing option within the community.

The Development represents good planning as it provides a compatible built-form and expands the range of housing types by providing a needed housing option in the form of purpose built residential rental units at an overall transit supportive density for current and future residents within the community.

In consideration of the above, the Section 37 Guidelines would not apply to the Development.

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

The Subject Lands are zoned "R3 Residential Zone", subject to site-specific Exception 9(267), by Zoning By-law 1-88, which does not permit the proposed Development. The Owner is proposing to amend Zoning By-law 1-88, specifically to rezone the Subject Lands from "R3 Residential Zone" to "RA2 Apartment Residential Zone", together with the following site-specific exceptions to Zoning By-law 1-88 in Table 1:

Table 1

	Zoning By-law 1-88 Standard	RA2 Residential Zone Requirements	Proposed Exceptions to RA2 Residential Zone Requirements
a.	Minimum Rear Yard (West Property Line)	7.5 m	4.5 m
b.	Minimum Lot Frontage	30 m	25.2 m (existing)
c.	Minimum Setback (to Unexcavated Open and Unenclosed stair)	5.7 m	0 m (Kipling Avenue)
d.	Minimum Front Yard Setback to an Underground Garage	1.8 m	.5 m
e.	Minimum Lot Area/Unit	80 m ²	39 m ²
f.	Minimum Front Yard Encroachment to Stairs, access ramp and Planter	No encroachment permitted	Permit encroachment of a portion of the stairway, landscape planter and access ramp of 2.6 m
g.	Minimum Interior Side Yard Setback	4.5 m	3 m (north and south)

	Zoning By-law 1-88 Standard	RA2 Residential Zone Requirements	Proposed Exceptions to RA2 Residential Zone Requirements
h.	Minimum Amenity Area	35 units (1 Bdm @ 20m ² = 700m ² 10 units (2 Bdm @ 55m ² = 550m ² Total Amenity Area Required = 1,250 m ²	45 units @7.05m ² /unit = 318 m ²
i.	Minimum Parking Required	45 units @1.5 spaces/unit = 68 spaces + 45 units @.25 spaces/unit for visitor parking = 12 spaces Total Parking Required = 80 spaces	7 units (1 Bdm) @ 0 spaces/unit = 0 spaces + 28 units (1 Bdm + Den) @ 0.85 spaces/unit = 24 spaces + 10 units (2 Bdm) @ 0.95 spaces/unit = 10 spaces + 45 units @ 0.15 visitor parking spaces/unit = 7 spaces Total Parking Provided = 41 spaces
j.	Minimum Parking Spaces Size	2.7 m x 6 m	2.6m x 5.7 m
k.	Minimum Loading Space Size	3.5 m x 9 m	3.5 m x 7.3 m

	Zoning By-law 1-88 Standard	RA2 Residential Zone Requirements	Proposed Exceptions to RA2 Residential Zone Requirements
l.	Location of a Loading Space	A loading space shall be located between the building and the rear lot line	Permit a loading space to be located in side yard behind the building facade
m.	Minimum Landscape Strip abutting a Property Line (Kipling Avenue)	6 m	- 2.5 m Kipling Avenue - 0 m at staircase Kipling Avenue
n.	Minimum Front Yard	7.5 m	2.5 m

The Development Planning Department can support the zoning exceptions in Table 1 on the following basis:

a) Minimum Building Setbacks, Minimum Lot Frontage and Encroachment

The proposed front and rear yard setbacks to the building, are consistent with the minimum front yard building setback policies of the KACSP and the Woodbridge Heritage Conservation District Plan (WHCDP). The proposed setbacks are consistent with the front yard setbacks of the contributing heritage buildings in the KACSP and will facilitate a pedestrian friendly street with a 3-storey built-form framing the street.

There are no usable balconies or amenity areas along either interior side yards and the north side yard abuts a landscaped 6 m wide side yard for an existing 5-storey condominium building. The southern 3 m interior side yard setback abuts a heritage building, but does not impact the requirement for the setback to the existing heritage home structure, which continues to conform to the WHCDP.

The underground garage setback is required as a result of a 2 m road widening along Kipling Avenue. The minimum setback proposed for the underground garage would not be visible from the street and the City has approved similar relief for other developments. The lot frontage of 25.2 m is an existing condition and is supported by a deep lot depth that facilitates the proposed compact development form.

The encroachment is a result of the road widening along Kipling Avenue. The encroachment only applies to a portion of the staircase, planter and access ramp, and does not impede pedestrian access along the sidewalk. The Owner will be required to enter into an encroachment agreement to the satisfaction of the City.

b) Minimum Number of Parking Spaces, Parking and Loading Space Sizes, Location of Loading Area

A total of 41 parking spaces, including 2 barrier-free spaces are proposed to serve the Development. A Parking Study prepared by Nextrans, dated February 27, 2018, and an addendum letter dated February 1, 2019, submitted in support of the Development concludes that the proposed 41 parking spaces as identified in Table 1 are sufficient for the proposed purpose built rental building. The Development Engineering ("DE") Department recommends that 32 resident and 9 visitor parking spaces be provided in accordance with the City's IBI Study as discussed in this report. The size of the standard parking spaces have been approved previously for other developments. The proposed parking spaces size is also supported by the DE Department.

An Auto-Turn maneuvering plan was also provided as part of the addendum letter and demonstrated that passenger cars according to the Passenger Transportation Advisory Committee (PTAC-1999) can effectively maneuver into the proposed vehicle parking spaces. The plan also includes 9 short-term and 28 long-term bicycle spaces. The Parking Study and addendum letter have been reviewed by the DE Department, Transportation Division, and are satisfied with their conclusions.

A loading space is not required for the Development, however one is proposed at the front of the building, along the Kipling Avenue frontage (Attachments 3 and 4), and is screened from view by the building facade. The size and location of the loading area can be supported as the Development will be serviced by a smaller service collection vehicle. The loading area in this location will allow for the protection of a pedestrian connection and pathway in the rear of the Subject Lands as discussed in this report, should it be required in the future.

c) Minimum Lot Area/Unit, Minimum Amenity Area and Minimum Landscape Strip abutting a Property Line

The minimum lot area per unit is characteristic of a compact building form. Amenities for future residents of the Development are available within walking distance within the Woodbridge Core area, which provide both passive (parks), recreational and entertainment amenities. There is also a network of future proposed pedestrian and

bicycle trails for the Kipling Avenue corridor and west of the property connecting to the Rainbow Creek open space area.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-Law Amendment File Z.18.003 the Development Planning Department has included a Recommendation to permit the Owner to apply for Minor Variance application(s), if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

The Heritage Vaughan Committee recommended approval of the Development subject to conditions

The Heritage Vaughan Committee on May 15, 2019, considered the Development, which is located in the Woodbridge Heritage Conservation District Plan (WHCDP) and recommended that Council approve the proposed Development subject to the following conditions:

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

The Development Planning Department supports the Development, subject to the comments and Recommendations of this report

Site Plan

The Development includes a 3-storey apartment building with access from Kipling Avenue, as shown on Attachments 2 to 6. One level of underground parking with 41 parking spaces is proposed as shown on Attachment 6.

Building Elevations

The proposed building elevations shown on Attachments 4 and 5 consist of red brick and clear glazing as the main cladding materials. Juliet balconies, glazing and brick banding provide architectural elements to the elevations. The loading area is located in behind the front façade of the building (east elevation) screened from Kipling Avenue. Staff is working with the Owner to explore other options to further screen the loading area, which will be finalized through the approval of the plan.

The front elevation (Attachment 4) contains the main entrance to the building accessed by a staircase and access ramp. The 2nd and 3rd floors are cantilevered over the driveway to allow access to the loading area and underground parking garage. As noted above the Heritage Vaughan Committee recommended that the front elevation include additional architectural details, which will be reviewed with the Owner prior to final approval.

The final building elevations shall be approved by the Development Planning Department.

Landscape Plan

The landscape plan (Attachment 3) includes a landscape treatment along the periphery of the Subject Lands consisting of sod and a mix of coniferous and deciduous trees and shrubs. The majority of the landscape treatment is located along the Kipling Avenue frontage. A 1.8 m high wood privacy fence is proposed along the south lot line. The existing wood fence located along the north lot line will remain.

The final site plan, building elevations and landscape plan must be approved by the Development Planning Department.

All waste collection services shall be privately administered and the responsibility of the Owner

The Public Works, Solid Waste Management Division has no objection to the Development and have indicated that the Subject Lands shall be serviced by a 9.7 m waste collection vehicle, and that all waste collection services shall remain private and be the responsibility of the Owner. A condition to this effect is included in the Recommendation of this report.

The Development Engineering (“DE”) Department has no objection to the Development, subject to the Recommendations of this report

The DE Department has no objection to the Development, subject to the conditions in the Recommendations of this report. The DE Department has provided the following comments:

Municipal Servicing

A revised Functional Servicing and Stormwater Management Report (‘FSR’ and ‘SWMR’) prepared by Lithos Group Inc., revision dated February 01, 2019, was submitted in support of the Applications for the Development. Below is a summary of the proposed servicing scheme as described within the FSR and comments from the DE Department:

a) Water Servicing

The Subject Lands are located within Pressure District 4 (‘PD4’) of the York Water System. The existing watermain system consists of a 350 mm diameter cement lined ductile iron watermain on the east side of Kipling Avenue. The report states the fire hydrant test results in spring of 2018 will be provided in the form of an addendum to the FSR and will be submitted to the City accordingly. It is anticipated that an average consumption of approximately 0.39 Liters per second (L/s) (33,696 Liters per day (L/day)), a maximum daily consumption of 0.71 L/s (61,020 L/day) and a peak hourly demand of 1.18 L/s (33,696 L/hour) will be required to service this Development with domestic water. The Development will be serviced by a 200 mm diameter fire and a 100 mm diameter domestic water service. The water service will be split 1 m from the property line, and a valve and chamber will be installed at the property line. The proposed water service will be connected to the existing 350 mm diameter cement lined ductile iron watermain on the east side of Kipling Avenue. The DE Department shall approve the final Functional Servicing Report.

b) Sanitary Servicing

The Development includes a sanitary service connection to the existing 300 mm diameter sanitary sewer on Kipling Avenue through a 150 mm sanitary sewer connection at a minimum grade of 2% (or equivalent pipe design), and:

- i) The City will provide further analysis to confirm that there is sufficient residual conveyance capacity in this local 300 mm diameter sanitary sewer. Note the site lies within the Woodbridge Avenue Sanitary Sewer Improvements Area Specific Development Charge (ASDC) (By-law No. 093-2018) tributary area.
- ii) Water and Sewer Allocation: On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. An allocation resolution is included in the Recommendation section of this report.

c) Storm Sewer Network

The Development will connect to the existing storm sewer along Kipling Avenue, via a 200 mm diameter storm sewer service connection, with a minimum grade of 2%. The post-development 100-year storm will be designed to match the 5-year pre-development storm. Based on the proposed design scenario the Owner shall confirm the existing size of storm sewer on Kipling Avenue and that the existing infrastructure on Kipling Avenue will be adequate to service the Development and will not adversely affect flow conditions downstream. Flows above and beyond the 100-year storm event will be conveyed within pipes and via an existing overland flow route to the adjacent municipal right-of-way. The DE Department shall approve the final Stormwater Management Report.

d) Site Grading Design/Erosion and Sediment Control

The Subject Lands are currently occupied by one two-storey residential dwelling, one single-storey concrete block garage, one single-storey metal frame garage and is facilitated by an outdoor parking area. The Subject Lands generally drains by overland flow to Kipling Avenue. There are two emergency overflow locations provided on the site: through the north portion of the driveway runoff will be conveyed overland to Kipling Avenue; along a portion of the south property boundary stormwater will spill over the drainage spilt and be conveyed to Kipling Avenue. The DE Department shall approve the final site grading and erosion and sediment control plans, a condition to this effect is included in the Recommendation section of this report.

e) Environmental Site Assessment

The City's Environmental Engineer has provided comments and based on the review, the City is satisfied with the submitted Environmental Site Assessment documentation ('ESA') at this time and have no objections to the Applications.

f) Transportation

The Development will be accessed by a driveway on Kipling Avenue. A total of 41 parking spaces, including 2 barrier-free spaces are proposed to serve this Development. A Parking Study prepared by Nextrans, dated February 27, 2018, and

addendum letter dated February 1, 2019, were submitted in support of the proposed parking supply and for the reduced size of the parking spaces and concluded that the proposed parking supply of 41 spaces is sufficient to serve the Development.

The DE Department, Transportation Division has indicated that 32 residential parking spaces and 9 visitor parking spaces (total 41 spaces should be provided), consistent with the IBI Parking Study (2010).

The Auto-Turn maneuvering plan was also provided as part of the addendum letter in support of the underground parking layout, specifically for end spaces and demonstrated that passenger cars can effectively maneuver through the proposed vehicle parking spaces. However, it is recommended that one end parking space should be designated for small car parking for better maneuvering.

The DE Department has indicated that the ultimate design for Kipling Avenue, as dictated by the Kipling Avenue Corridor Secondary Plan (KACSP), suggests that a 26 m ROW should be maintained. However, the Subject Lands are located within the Woodbridge Heritage Conservation District Plan (WHCDP) area and there are buildings in the vicinity of the Subject Land that are located in close proximity to the Kipling Avenue ROW resulting in pinch points that are not feasible in achieving a full 26 m ROW along this stretch of the Kipling Avenue corridor.

Based on the proposed building setback (less than 3 m from the existing property boundary) the City is willing to accept a 2 m road widening in lieu of the suggested 3 metre widening. The 2 m widening will continue to accommodate the (future) enhancements of Kipling Avenue, and can support the increased traffic load anticipated from the proposed development and adhere to the minimal building setbacks to the ultimate Kipling Avenue ROW.

g) Noise Feasibility Study & Mitigation Measures

The Owner has submitted a revised Noise Impact Study prepared by HGC Engineering Ltd. dated February 1, 2019, to review the noise and vibration impacts for the Development. The Owner shall satisfy all requirements with respect to noise vibration attenuation and ensure all recommendations are implemented in accordance with this Study. Based on the review of documentation supplied the DE Department has provided the following comments in accordance with the report recommendations:

- i) The Owner shall satisfy all requirements with respect to noise attenuation and ensure all recommendations are implemented in accordance with the Noise Impact Study.

- ii) Forced air ventilation with ducts sized for the future installation of central air conditioning systems are required for all residential units.
- iii) Sound Transmission Class ('STC') - 30 windows are required for bedroom windows along the east façade of the building. For the remaining spaces, any window glazing meeting the minimum requirements of the OBC will be sufficient for the living/dining/family rooms.
- iv) The following warning clauses shall be included in the property and tenancy agreements and in the Site Plan Agreement for all units with anticipated road traffic sound levels notifying future tenants of the noise excess above MECP's noise criteria because of the road and rail noise issues and nearby commercial, institutional and retail facilities:
 - a) *Type A: Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment Conservation and Park's noise criteria.*
 - b) *Type B: This dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks.*
 - c) *Type C: This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioners. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks. (Note: The location and installation of the outdoor air conditioning device shall minimize the noise impacts and comply with criteria of MECP publication NPC-300, as applicable)*
 - d) *Type D: Purchasers are advised that due to the proximity of the adjacent institutional, retail and commercial lands, sound levels from these facilities may at time be audible.*

Note: This specific warning clause should be updated by the Owner/consultant prior to the execution of the Site Plan Agreement approval and/or registration of the site plan agreement, to reflect specific sound levels, concerns, etc. from the stationary noise sources noted.

- e) *Type E: WARNING: Canadian Pacific Railways Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assign or successors as aforesaid may expand its operations, which expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measure in the design of the development and individual dwellings. CPR will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of-way.*

The Urban Design and Cultural Heritage Division of the Development Planning Department have no objection to the Development

The Urban Design and Cultural Heritage Division of the Development Planning Department have reviewed the site plan and elevations and support the building design, siting and materials but will require the Owner to provide an enhanced landscape treatment along the north and south lot lines in order to provide additional privacy for the proposed units.

The Development complies with the Woodbridge Heritage Conservation District Plan

Cultural Staff have reviewed the Development and provide the following comments:

a) Heritage Status and Process

1. The Development is located in the Woodbridge Heritage Conservation District Plan (WHCDP) and designated under Part V of the *Ontario Heritage Act*. Therefore, all planning applications, demolitions and new constructions must be consistent with the WHCDP. Demolition and new construction will require Heritage Vaughan review and Vaughan Council approval.
2. The WHCDP is divided into Character Areas and the Subject Lands are located in the Kipling Avenue North Character Area and the policies of this section will apply as discussed in this report.
3. The existing building is identified as a non-contributing property in the WHCDP.

b) Archaeological

The Subject Lands are located in an area identified as a being of high archaeological potential in the City's database of archaeological resources. The Archaeological

Assessment (Stage 1 and 2) has been submitted and reviewed, recommending the Subject Lands has no further archaeological concern. Additionally, the letter from the Ministry of Tourism, Culture and Sport confirming that this report has been accepted has been submitted. Notwithstanding, the Owner is advised that the following standard clauses apply:

- i. *Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.*
- ii. *In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities and shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries at the of Consumer Services.*

c) Cultural Heritage Impact Assessment

The Urban Design and Cultural Heritage Division has reviewed the submitted Cultural Heritage Impact Assessment for the Subject Lands and has determined that it is complete for the purposes of documentation.

d) Review of Proposed Design

i) Heritage Character Areas

Section 6.1.2 (Kipling Avenue North and South Guideline) of the WHCDP states that: "New and renovated buildings and landscapes must front directly onto Kipling Avenue, and provide a landscaped front yard that contributes to the overall streetscape."

The Urban Design and Cultural Heritage Division has advised that the proposed design complies with Section 6.1.2 of the WHCDP as the Owner has provided a satisfactory Site Plan, Arborist Report and Landscape Plan that will contribute to the overall streetscape. The proposed 45-unit residential rental building is setback 5.67m from the contributing building (8006 Kipling Avenue) to the south, which meets the above guidelines and the Development fronts directly onto Kipling Avenue with landscaping in the form of planter boxes. This is an appropriate style to meet the above policy.

ii) Appropriate Materials

Section 6.2.8 (Appropriate Materials) of the WHCDP states "Appropriate materials lists states that door material should be wood doors and frames, panel

construction, may be glazed; transom windows and paired sidelights with real glazing bars; wood French doors for porch entrances; single-by, wood paneled garage doors.”

- The Urban Design and Cultural Heritage Division has advised that the design submission complies with Section 6.2.8 of the WHCDP as the proposed architectural materials and colours will contribute to the overall character of the WHCDP.

iii) Architectural Style

Section 6.3.3 (Architectural Guidelines) of the WHCDP states “For new buildings in this heritage district, the design should take into account the proportions of buildings in the immediate context and consider a design with proportional relationships that will make a good fit.

For new buildings in the Woodbridge Heritage District, the detailing of the work should again refer to the nature of the immediate context and the attributes of the Character Area in which it is to be placed.

In the Woodbridge Avenue Character Area, detailing can be more contemporary yet with a deference to scale, repetition, lines and levels, beam and column, solid and transparent that relates to the immediate context. In the other character areas, the detailing of new buildings should tend toward a more traditional approach. Whereas a contemporary approach is permitted, the use of moldings, brackets, architraves, entablatures, cornices and other traditional detailing is encouraged, to help ensure a good fit with the immediate context.”

- The Urban Design and Cultural Heritage Division has reviewed these policies and determines that the proposed architectural style complies with Section 6.3.3 of the WHCDP. The Owner has proposed a satisfactory materials palette that is comprised of a suitable integration of red and yellow masonry, which is reflective of the area, complementary charcoal aluminum cladding, galvanized steel and glass is complementary to the overall character of the WHCDP.

As recommended by the Heritage Vaughan Committee recommendations of May 15, 2019, the additional architectural details to the front elevations will be reviewed prior to final approval.

iv) Street Wall Setback

Section 6.4.1.1 (Street Wall Setbacks) of the WHCDP states “Except where noted, new buildings must follow the City of Vaughan Zoning By-law in regard to side yards, back yards, interior yards and exterior yards”.

- The Urban Design and Cultural Heritage Division has reviewed the proposed design submission for the property at 8010 Kipling Avenue and determined that it is consistent with this section of the WHCDP. The Owner's design includes satisfactory building setbacks that are behind the required 45-degree angular plan from the front corner of 8006 Kipling Avenue and are in keeping with the overall surrounding context and massing of the district.

v) Street Wall Height and Scale

Section 6.5 (Transition of New Buildings in Relation of Heritage Resources) of the WHCDP states "The setback requirement to adjacent contributing heritage buildings must be at least half the building height. This transition pertains to the back and side yards of a contributing building."

"When new buildings are located adjacent to be existing contributing buildings that are set back from the property or street line, new buildings should transition back to the setback line of existing contributing buildings in order to maintain open views and vantage points from the street to the contributing buildings."

- The Urban Design and Cultural Heritage Division has reviewed the Development and determined that it complies with Section 6.5 of the WHCDP as it provides a street setting which meets the above guidelines for the district.

Section 5.3.2.4 also states buildings in Woodbridge are primarily of a two to three-storey scale and height that is pedestrian friendly, and allows ample sun penetration and open views:

- *The Development is 3-storeys in height which complies with the WHCDP and respects the objectives of the Plan regarding the adjacent heritage property.*

vi) Urban Design and Landscaping

Section 6.6.3 (Tree Canopy and Vegetation) and 6.7.6 (Parking) of the WHCDP Plan states "Prior to the issuance of a Heritage Permit, Building Permit or Site Plan approval, a tree conservation plan is required to be submitted and approved by the City."

On-site parking, including structured parking should not be visible from the street or from public spaces. Parking areas should be concealed and buffered with buildings with active uses."

- The Urban Design and Cultural Heritage Division advises that the Development complies with Sections 6.6.3 and 6.7.6 of the WHCDP.

The Owner has provided a satisfactory Site Plan, Arborist Report and Landscape Plan which includes an acceptable tree replacement strategy of multi-stem trees and shrubs on the landscape buffer at the entrance; planting beds and shrubs on the north and west side of the Subject Lands.

Canada Post, Alectra Corporation, Enbridge Distribution Inc. and Bell Canada have no objection to the Development, subject to the Recommendations of this report

The above noted utilities have reviewed the Applications and have no objection to the Development, subject to the conditions in the Recommendations of this report.

The Financial Planning and Development Finance Department advises that development charges are applicable

The Financial Planning and Development Finance Department has advised that the City of Vaughan, York Region Public and Separate School Boards of Education development charges are applicable.

The Canadian Pacific (“CP”) Railway Company has no objection to the

CP has reviewed the Applications and the Noise Feasibility Study prepared by HGC Engineering and have no objection to the Development, subject to the conditions in the Recommendations of this report.

Cash-in-lieu of the dedication of Parkland is required for the Development

The Office of the City Solicitor, Real Estate Department has advised that the Owner shall dedicate land/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a 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 a rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City’s cash-in-lieu Policy. A condition to this effect is included in the Recommendations of this report.

The Transportation Services, Parks and Forestry Operations has no objection to the approval of the Applications, subject to their comments and conditions

The Transportation Services, Parks and Forestry Operations have no objection to the Applications and requires that the Owner comply with the City of Vaughan By-law 052-2018 when removing any trees and that the appropriate permits for tree protection and removal be obtained in accordance with By-law (052-2018).

There are several trees that straddle the southern property line that may be impacted by construction or require removing. The Owner must provide written authorization from the adjacent landowner in accordance with By-law 052-2018 prior to removing any trees.

The Owner is proposing to remove a Horsechestnut tree as a result of the Development, which has a compensation value of \$8925.00, payment of which is required to be paid to the satisfaction of the City. The Owner will be required to enter into a Tree Protection Agreement to the satisfaction of the City and must address the conditions outlined in the Recommendations of this report.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

York Region has exempt the Official Plan Amendment Application from Regional Approval and has no objection to the Development

York Region on July 6, 2018, issued an exemption from Regional Approval which allows the Official Plan Amendment application to be exempt from Regional approval. York Region has determined that the proposed amendment is a matter of local significance and does not adversely affect Regional Planning policies or interests. This allows the amendment to come into full force and effect following its adoption by Vaughan Council and the expiration of the required appeal period, should the Applications be approved.

The Community Planning and Development Services Division has also reviewed the related Zoning By-law Amendment and Site Development Applications and has no objection to their approval, subject to comments and Condition of Approval in the Recommendations of this report.

The Owner has applied for York Region's Rental Housing Incentive Program

On August 17, 2018, the Owner submitted an application to the Region of York Housing for the draft rental housing incentive program. At this time there has been no determination on any applicable incentives for this Development. The submission details of the application will require the Owner to maintain the building as a rental building for minimum of 20 years.

Conclusion

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment Files OP.18.003, Z.18.007 and Site Development File DA.18.012 in consideration of the Provincial Policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from the City Departments and external public agencies and the surrounding area context.

The Development Planning Department is satisfied that the Applications to permit a purpose built residential rental apartment building is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan. The Development is compact in built form, located within a built-up area, and located in close proximity to existing and planned transit facilities and introduces an affordable rental housing option that contributes to achieving a complete community. On this basis, the Development Planning Department can support the approval of the Applications, subject to the Recommendations of this report.

For more information, please contact Eugene Fera Senior Planner, Extension 8003.

Attachments

1. Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations - East and West
5. Building Elevations - North and South
6. Parking Garage Floor Plan
7. Map 11.5.A (Kipling Avenue - Land Use)
8. Map 11.5.N (The Rainbow Creek South Industrial Lands Low Density Residential Neighbourhood)

Prepared by

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