

Committee of the Whole (2) Report

DATE: Tuesday, October 22, 2024

WARD(S): 2

TITLE: MY PLACE ON 7 INC.

OFFICIAL PLAN AMENDMENT FILE OP.21.015

ZONING BY-LAW AMENDMENT FILE Z.21.026

4850 HIGHWAY 7 AND 79 ARROWHEAD DRIVE

VICINITY OF HIGHWAY 7 AND ISLINGTON AVENUE

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.21.015 and Z.21.026 respecting the subject lands as shown on Attachment 1.

Report Highlights

- My Place On 7 Inc. (the 'Owner') submitted Official Plan Amendment and Zoning By-law Amendment Files OP.21.015 and Z.21.026 (the 'Applications') to permit a 12-storey (39 m) mixed-use residential-commercial building consisting of 78 units and 165 m² of commercial with a Floor Space Index ('FSI') of 6.35 times the developable area of the lot.
- The statutory Public Meeting for the Applications was held on October 5, 2021.
- On May 9, 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*.
- The OLT scheduled a seven-day hearing commencing on February 18, 2025, and ending on February 26, 2025.
- Staff seek endorsement from the Committee of the Whole to refuse the Applications.

Recommendations

That the Ontario Land Tribunal be advised that Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.21.015 (My Place on 7 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 Attachments 1 and 2.
2. THAT Zoning By-law Amendment File Z.21.026 (My Place on 7 Inc.) BE REFUSED, to amend Zoning By-law 001-2021, to rezone the subject lands from “R1B(EN) First Density Residential Zone, Established Neighbourhood” and “R2A(EN) Second Density Residential Zone, Established Neighbourhood”, to “RM2 Multiple Residential Zone” in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 2 (Attachment 9) to this report.
3. THAT if the Ontario Land Tribunal approves the Applications, in whole or in part, Legal Services shall request that the Ontario Land Tribunal withhold its final Order until the final form of the Official Plan Amendment and Zoning By-law Amendment are prepared and submitted to the Ontario Land Tribunal on the consent of all parties.
4. THAT should the Ontario Land Tribunal approve the Applications, in whole or in part, a Holding Symbol “(H)” be applied to the implementing zoning by-law(s) and shall not be removed from the Subject Lands or any portion thereof until such time that the (H) conditions listed in this report are addressed, to the satisfaction of the City.
5. THAT if the Ontario Land Tribunal approves the Applications, in whole or in part, Council authorizes the Deputy City Manager, Planning and Growth Management to finalize the draft Official Plan Amendment and Zoning By-law Amendment instruments for approval by the Ontario Land Tribunal.
6. THAT City of Vaughan staff and external consultants, as required, be directed to attend the Ontario Land Tribunal hearing in support of the recommendations contained in this report with regard to Official Plan and Zoning By-law Amendment Files OP.21.015 and Z.21.026.

Background

Location: 4850 Highway 7 and 79 Arrowhead Drive (the ‘Subject Lands’). The Subject Lands consist of two parcels, each containing a single detached dwelling. The Subject Lands and the surrounding land uses are shown on Attachment 1.

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

Original Proposal

The Owner originally submitted the Applications to permit a development on the Subject Lands consisting of a 14-storey (45 m) apartment building with 101 units and 862.74 m² of indoor amenity space. The proposed development provided for a gross floor area ('GFA') of 7,785 m² and a Floor Space Index ('FSI') of 6.35 times the developable area of the lot (1,225 m², excluding the lands required for the Highway 7 road widening), as shown on Attachment 8. This proposal was considered at the October 5, 2021 Public Meeting.

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

Revised Proposal

The Owner, on December 22, 2023, submitted a revised development proposal consisting of a 12-storey (39 m) apartment building with 78 dwelling units, 165 m² of commercial use and 678.28 m² of indoor amenity space (the 'Development'). The Development provides for a GFA of 6,116 m² and a FSI of 6.35 times the developable area of the lot (1,225 m², excluding the lands required for the Highway 7 road widening), as shown on Attachment 3.

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

- Date of Notice: September 10, 2021
- Circulation: 150 m from the Subject Lands as shown on Attachment 1 and to the Vaughanwood Ratepayers' Association and Village of Woodbridge Ratepayers' Association and to anyone on file with the Office of the City Clerk having requested notice
- Location of Notice Signs: Highway 7 and Arrowhead Drive
- Date of Public Meeting: October 5, 2021, with recommendations ratified by Council on October 20, 2021
- Community Meeting: January 12, 2023
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: October 8, 2024

Public Comments were received on the Applications.

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

Density and Built Form

- the Development is too high and dense and is not compatible with the low-rise buildings in the adjacent and surrounding areas and results in a lack of privacy for adjacent low-rise residential properties
- low-rise development such as detached or townhouse dwelling units or development not exceeding the current height and FSI policies of the Official Plan, being a maximum of 6-storeys and FSI of 2 times the area of the lot would be more appropriate for an established neighbourhood

Shadowing and Lack of Sunlight / Privacy

- the height of the building will result in shadowing and the lack of sunlight on the surrounding lands and negatively impact people's use of their property
- the height of the building and a 0 m setback is not appropriate and provides privacy concerns

Traffic, Access, and Parking / Noise

- the Development will increase traffic congestion on the local street and impact vehicle and pedestrian safety
- the Arrowhead Drive access for garbage delivery will impact vehicle and pedestrian safety, and create an increase in noise
- there is an insufficient amount of on-site vehicular parking spaces which will result in vehicles parking primarily on Arrowhead Drive; the existing local streets cannot accommodate additional parking and traffic resulting from the Development
- increased traffic results in increased noise to the local neighbourhood

Parks and Open Space

- the Development will result in an increase in the number of users for the limited park and open space lands in the community (Almont Park north of Wigwoss Drive) with the generation of increased noise

Archeological Potential

- the Development is within 1000 m of Almont Park, part of the Huron-Wendat village, and requires an Archeological Assessment to protect archaeological resources

These comments are addressed throughout this report.

The Owner appealed the Applications to the OLT.

On May 9, 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-24-000565 and OLT-24-000566) (the 'Appeals').

The first OLT Case Management Conference ('CMC') was held on August 20, 2024. The OLT scheduled a seven-day hearing commencing on February 18, 2025, and ending on February 26, 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

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

My Place on 7 Inc., Official Plan and Zoning By-law Amendment Files OP.21.015 and Z.21.026

[October 5, 2021, Committee of the Whole Public Meeting \(Item 3, Report 44\)](#)

Analysis and Options

The Development is consistent with the Provincial Planning Statement 2024 and the Provincial Policy Statement 2020 and conforms to the Growth Plan.

The Provincial Planning Statement 2024 ('PPS 2024') is a policy statement issued pursuant to section 3 of the *Planning Act* and comes into effect on October 20, 2024. All decisions made on or after October 20, 2024, in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement.

At the time of drafting this report, transition provisions to facilitate the introduction of the new PPS 2024 were being considered by the Ministry of Municipal Affairs and Housing, and not yet available. This report therefore includes discussion of, inter alia, the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the new PPS 2024.

Provincial Planning Statement, 2024 ('PPS 2024')

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. The Development is consistent with the following policies of the PPS 2024:

- Policy 2.1.6 states that planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access,

employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

- Policy 2.2.1 states that planning authorities shall provide for an appropriate range and mix of housing options and densities including promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.
- Policy 2.3.1 sets out the policies for Settlement Areas, and states that Settlement Areas shall be the focus of growth and development, and within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas (Policy 2.3.1.1). Also, that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities (Policy 2.3.1.3).
- Policy 2.4.1 states that planning authorities are encouraged to promote development and intensification within major transit station areas (Policy 2.4.1.2) and identify the appropriate type and scale of development in *strategic growth areas* and the transition of built form to adjacent areas (Policy 2.4.1.3).
- Policy 3.6.2 states that municipal sewage services and municipal water 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.

The Subject Lands are located within a Settlement Area being an urban area, specifically a built-up area where development is concentrated and provides for a mix of land uses. The Subject Lands are also located within a PMTSA along Highway 7, which connects to the broader regional transportation system. York Regional Transit VIVA Orange Rapid Transit and York Region Transit #77 Bus travel along Highway 7. The location within the PMTSA results in a transit-supportive development.

The Development provides a compact built form while contributing to a range of housing options in a location suitable for intensification and redevelopment. In addition, the Subject Lands have access municipal services and infrastructure.

The Subject Lands, due to the being located in a PMTSA are considered suitable for intensification and redevelopment at a higher density than what currently exists to capitalize on the transit investments in the area. However, the type, scale, and built form of new development within the PMTSA also needs to establish an appropriate transition between the new development and the type, scale, and built form of adjacent areas. The Subject Lands abut and are surrounded by low-rise (2-storey) buildings that are primarily for residential and institutional (a place of worship) uses.

The PPS 2024 states in:

- Policy 6.1.5 that, “Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.”

Development Planning staff are satisfied that the Development is consistent with the intensification and transit-supportable development policies of the PPS 2024. However, the Development at 12-storeys with an FSI of 6.35 times the area of the lot, does not provide an appropriate transition to the adjacent areas and is not compatible with the surrounding properties. Intensification can be supported, in accordance with the PPS 2024, but the Development must respect the local context.

Provincial Policy Statement, 2020 ('PPS 2020')

The PPS 2020 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 a Protected Major Transit Station Area 69 - Wigwoss-Helen Bus Rapid Transit Station ('PMTSA') along Highway 7, which 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.

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 conforms to the Growth Plan.

The Development does not conform to York Region Official Plan 2022.

York Region Council adopted the York Region Official Plan 2022 ('YROP 2022') on June 30, 2022. On November 4, 2022, the Minister of Municipal Affairs and Housing, issued a Notice of Decision approving YROP 2022, as modified, 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 and included amendments to the *Planning Act*. In accordance with 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, Map 1 - Regional Structure identifies the Subject Lands as "Urban Area", which is the primary location for growth and development, and "Regional Corridor", which is a primary transportation corridor to enhance the mobility of people and goods, to, from and within York Region. Map 1A - Land Use Designations of the YROP 2022, designates the Subject Lands as "Urban System - Community Area" which will support the majority of residential and service job growth and provide institutional, cultural and recreational services. Map 1B - Urban System Overlays and Appendix 2 of the YROP 2022, identify that the Subject Lands are located within the Wigwoss-Helen PMTSA, 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, commercial 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 of YROP 2022 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 policies of the YROP 2022, specifically those outlined in this Report, and the Official Plan Amendment File OP.21.015, the Development Planning Department is not satisfied that the Development conforms to the policies of the YROP 2022, specifically those requiring that an appropriate transition from new development to surrounding land uses be provided to support land use compatibility.

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 transition of built form to adjacent areas (Policy 2.3.13) in a manner that complements the existing community, as envisioned by YROP 2022.

On this basis, the Development Planning Department recommends refusal of Official Plan Amendment File OP.21.015 as the Development does not conform to the policies of YROP 2022.

The Development does not conform to or meet the general intent of Vaughan Official Plan 2010.

Vaughan Official Plan 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:

- Located within a "Regional Intensification Corridor" (Highway 7) on Schedule 1 - Urban Structure
- Located within the "PMTSA 69 - Wigwoss-Helen BRT Station" on Schedule 1C – Protected Major Transit Station Area
- Located along a "Major Arterial (Regional)" on Schedule 9 - Future Transportation Network
- Located along a "Regional Rapid Transit Corridor" on Schedule 10 - Major Transit Network
- Designated "Mid-Rise Mixed-Use" on Schedule 13 - Land Use, which permits mid-rise, mixed-use buildings with a maximum building height of 6-storeys and a maximum FSI of 2 times the lot area

Policies 2.2.1.1 and 2.2.1.2 of VOP 2010 states that Regional Intensification Corridors, including PMTSAs identified on Schedule 1C - Protected Major Transit Station Areas, 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 in accordance with the prescribed hierarchy established in VOP 2010.

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. They will be developed with a mix of uses and appropriate densities to support transit use and promote walking and cycling. The development of Intensification Areas will support the policies of this Plan related to Stable Areas as Community Areas will be maintained as indicated in Policy 2.2.3.4 that states that development immediately adjacent to Community Areas shall ensure appropriate transition in scale, intensity, and use, and shall mitigate adverse noise and traffic impacts, while fulfilling the intensification objectives for Intensification Areas, where applicable.

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, considering 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 in 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.

Policies 8.2.1.2 and 8.2.1.3 of VOP 2010 states that water and wastewater capacity, be allocated by the City in a manner that supports the policies of this Plan and with other Council approved policies with respect to servicing capacity and all development in the Urban Area shall be serviced by municipal water, sanitary sewers, storm sewers and other utilities. Intensification Areas shall be the priority when allocating servicing capacity.

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, 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 that include:

- providing for appropriate privacy and daylight/sunlight conditions for any adjacent house form buildings
- Mid-Rise Buildings shall generally be set back a minimum of 7.5 m, and
- Mid-Rise Buildings shall be contained within a 45-degree angular plane measured from the property line abutting those house form buildings.

The Owner submitted Official Plan Amendment File OP.21.015 to facilitate the Development, which 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 9.1.2.7 e Intensification Area Development Criteria	Create appropriate transitions in scale to areas of lower intensity	No transition to abutting lands
b.	Volume 1 - Policy 9.1.2.7 g Intensification Area Development Criteria	Provide for adequate light and privacy for occupants of adjacent properties	To not require adequate privacy for occupants of adjacent properties
c.	Volume 1 - Policy 9.1.2.7 h Intensification Area Development Criteria	Adequately limit shadow and/or wind impacts on neighbouring properties or public realm areas	To not adequately limit shadow and/or wind impacts on neighbouring properties or public realm areas
d.	Volume 1 – Policy 9.2.3.5 Mid-Rise Building Development Criteria	The building must be set back 7.5 m from the property line and be contained within the 45-degree angular plane from the rear property line abutting the buildings	To permit the building to be set back 6 m from the rear property line and not be contained within the 45-degree angular plane from the rear property line

	Applicable VOP 2010 Section	VOP 2010 Requirement	Proposed Exception to VOP 2010
e.	Schedule 13 - "Land Use" Maximum Building Height	6-storeys	12-storeys
f.	Schedule 13 - "Land Use" Maximum Density	2 times the area of the lot	6.35 times the area of the lot

In consideration of the policies of the VOP 2010, specifically those outlined in this Report, and Official Plan Amendment File OP.21.015, 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 located within a PMTSA, which is an Intensification Area. The VOP 2010 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. However, VOP 2010 also states that in Intensification Areas, new development will be designed to, among other things, 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.

The Development's scale and massing is not appropriate for the Subject Lands which abuts a 2-storey detached dwelling unit to the east, and is surrounded to the north, east and west by detached dwelling units, and abuts a place of worship in a low-rise building to the west. The 12-storey building contains balconies along all its facades limiting the privacy for the adjacent and surrounding properties. A sun-shadow study was submitted by the Applicant and the findings indicate that five (5) properties to the east and two (2) properties to the west experience shadowing during March/September months across. 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 and within the surrounding neighbourhood. The Development proposes a 0 m setback from the interior side yard abutting a pedestrian connection and a 1 m setback from the ultimate front yard property line once the lands for the Highway 7 road widening are taken which are not sufficient to establish an appropriate transition to the public realm or surrounding properties.

The 12-storey (39 m) building height, the 1 m setback instead of a minimum 4.5 m front yard setback, the 6 m rear yard setback instead of 7.5 m and the 0 m setback where there should be a minimum interior side yard setback of 3 m for a RM2 Multiple Unit

Residential Zone, and incorrect measurement of the 45-degree angular plane requirement which was measured from the lot line of the property on the north side of Arrowhead Drive instead of at the rear lot line of the Subject Lands in order to maintain an appropriate building and human scale results in an inappropriate built-form that does not consider the existing stable Community Area and low-rise built form. Intensification, in accordance with VOP 2010 is permitted within a PMTSA and other built form options should be explored to create appropriate transitions in scale to areas of lower intensity while fulfilling the intensification objectives of VOP 2010.

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 Official Plan Amendment File OP.21.015.

The Subject Lands are not located in a Heritage Conservation District, have no heritage resources, and are clear of any archaeological resources.

The Subject Lands are not located a Heritage Conservation District. The Ministry of Tourism, Culture and Gaming (the 'Ministry') cleared the Subject Lands of any archaeological potential, and the City is in receipt of these clearances. Furthermore, the Ministry has updated the archaeological mapping to show the clearance of any archaeological potential extends beyond the adjoining properties to the Subject Lands.

On October 20, 2021, Council adopted the new Comprehensive Zoning By-law 001-2021.

On October 20, 2021, Council adopted the new Comprehensive Zoning By-law 001-2021 ('CZBL'). The CZBL replaces Zoning By-law 1-88, with the exception of matters of transition pursuant to section 1.6 of the CZBL and areas within 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.

As the Applications were received by the City on June 15, 2021, and were deemed complete on July 19, 2021, the transition provisions under Section 1.6 of the CZBL apply and therefore the Applications were subject to a review under Zoning By-law 1-88. The Owner appealed the CZBL. At the CMC, the Owner requested that the appeal to the CZBL be consolidated with the appeal of the Applications. In the August 23, 2024 decision, the OLT granted the consolidation of the two appeals. As such, the Subject Land will be reviewed under the CZBL.

The Development Planning Department recommends refusal of Zoning By-law Amendment Application Z.21.026 that is required to permit the Development.

Zoning By-law 001-2021:

- “R1B(EN) First Density Residential Zone (Established Neighbourhood)” and “R2A(EN) Second Density Residential Zone (Established Neighbourhood)”
- These zones do not permit the Development
- The Owner proposes to rezone the Subject Lands to “RM2 Multiple Unit Residential Zone”, together with the following site-specific zoning exceptions in Table 2 (Attachment 9) to permit the Development shown on Attachments 3 to 7.

The Development Planning Department does not support the site-specific standards proposed for the Development identified in Table 2 (Attachment 9), as it does not facilitate a development that conforms to or meets the intent of the VOP 2010, for the reasons provided earlier in this report.

On this basis, the Development Planning Department recommends refusal of Zoning By-law Amendment File Z.21.026.

Should the OLT approve the Applications, a Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City.

A Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding conditions discussed throughout this report pertaining to:

- a) the approval of a Site Development application;
- b) implementation of the necessary transit improvements and servicing infrastructure upgrades, including a road widening, to facilitate the Development;
- c) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Policy;
- d) the Owner has contributed its share of the cost of infrastructure works and/or undertaken the necessary improvement work and entered into a Development Agreement (if required) with the City, for the required servicing improvements, to the satisfaction of the City; and
- e) submission of a reliance letter, prepared in accordance with the City’s reliance letter template, for the provided Phase One and Two ESA reports and any additional reports recommended by the final Phase Two ESA, if any.

The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until these conditions are addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

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 reviewed the Applications and provided the following comments:

Sanitary Servicing

The Subject Lands will be serviced via the existing sanitary service connection to the municipal sanitary sewer located along Arrowhead Drive. The Functional Servicing Report (‘FSR’) identified no capacity constraints in the downstream system in pre-development and post-development conditions from the Subject Lands. The infrastructure proposed has sufficient capacity based on the conclusions and recommendations of the completed FSR.

The DE Department requires the Owner to address any comments and conditions appended to this memorandum within a subsequent submission to support a complete approval of the proposed sanitary servicing strategy.

Storm Servicing

The Subject Lands are currently serviced by existing storm infrastructure located on Arrowhead Drive. The Stormwater Management Plan (‘SWMP’) includes employing orifice controls and an underground storm tank on the Subject Lands. The City design standards dictate that the SWMP should control the urban stormwater runoff to the target release rates established in the City’s Master Plan and provide water quality treatment and erosion control. Quality control will be provided through treatment train process and a storm filter treatment unit.

The DE Department requires the Owner to address any comments and conditions appended to this memorandum within a subsequent submission to support a complete approval of the proposed stormwater management strategy.

Lot Grading

The grading, erosion and sediment control design drawings were submitted in support of the Development for the Subject Lands. The drawings should reflect upon all the special structures and property required necessary to service the Subject Lands. The

Owner shall inform the City of any operation and maintenance obligations for future municipal or private infrastructure including retaining walls, soil stability requirements or other proposed structures necessary to facilitate the development of the Subject Lands. A detailed evaluation of the grading design and erosion and sediment control measures will be conducted when the detailed drawings are submitted for the City's review.

The DE Department requires the Owner to address any comments and conditions appended to this memorandum within a subsequent submission to support a complete approval of the proposed lot grading strategy.

Noise Impact Study

The Owner submitted a Noise Study to investigate the potential environmental noise impact on the Subject Lands from road traffic and surrounding land uses. The Study recommended that the windows would require a Sound Transmission Class ('STC') rating of STC31 in order to maintain the traffic noise at levels that are acceptable for indoor environments. The provided Noise Study is to the satisfaction of the DE Department, subject to the Owner providing the necessary warning clauses to be tied to the required units in the purchase and sale agreement for review at the detailed design stage.

The DE Department requires the Owner to address any comments and conditions appended to this memorandum within a subsequent submission to support an approval of the proposed noise mitigation strategy.

Environmental Engineering

The Owner submitted a Phase One Environmental Site Assessment ('ESA'), a Draft Phase Two ESA, and a Reliance Letter which have been reviewed by the Environmental Engineering Division. The DE Department requires that the finalized Phase Two ESA be provided prior to allowing the Development to proceed to a technical report to the Committee of the Whole. This report was not provided.

Servicing Allocation

Should the Applications be approved by the OLT, a Holding Symbol ("H") will be placed on the Zoning for the Subject Lands, and the availability of regional servicing capacity will be assessed at the Site Development Application approval stage.

Transportation Engineering

The Development proposes two vehicular accesses, including a signalized access to Highway 7 at the terminus of Bruce Street, and an all-moves access to Arrowhead Drive reserved for waste collection and emergency services. While staff anticipate that the Development will introduce an acceptable transportation impact on the surrounding road network, staff will restrict access to Highway 7 only, requiring revisions to the concept plan. In addition, the proposed supply of parking is insufficient. However, Bill 185,

Cutting Red Tape to Build More Homes Act, 2024, received Royal Assent on June 6, 2024, prohibits any official plan or zoning by-law to contain policies requiring an owner to provide or maintain parking facilities other than parking facilities for bicycles, within a PMTSA. Therefore, as this Development is located within a PMTSA, the Development is not subject to a minimum number of parking spaces for vehicles for residential or visitor users.

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

Should the OLT approve the Applications, 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 the Building Permit Stage.

Should the OLT approve the Applications, 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 Environmental Services (Waste Management), Financial Planning and Development Finance, Forestry Operations, Alectra Utilities, Canada Post, and NAV Canada have no objections to the Development, subject to their comments being addressed through a future Site Development Application, should the Applications be approved.

Parks Infrastructure Planning and Development, Policy Planning and Special Programs (Environmental Planning), Enbridge Gas, Rogers Communications, Toronto and Region Conservation Authority, and York Region District School Board have no objections to the Development.

Broader Regional Impacts/Considerations

The Applications have been circulated to York Region for the purpose of receiving comments with regard to Regional interests i.e., roads and servicing infrastructure. York Region states that increasing densities on a site-specific basis contributes to cumulative impacts to the Region's road network and water and wastewater systems. Further, upon review of the Development, operational and safety concerns have been identified regarding access onto Highway 7.

York Region objects to the approval of the Official Plan Amendment until the Regional matters are addressed to the satisfaction of York Region and include:

- The proposed driveway on Highway 7 is significantly skewed and does not align with Bruce Street which will result in significant safety and operational issues. The proposed access on Highway 7 shall be designed/located to meet all the Regional safety and design standards and shall be designed as a standard fourth leg aligning with Bruce Street to the Highway 7 intersection.
- The driveway clearance should be a minimum of two car length from the future right-of-way of Highway 7 so that the queue will not spillback onto Highway 7.
- Daylight triangles will be required at the proposed access onto Highway 7.
- Any private amenities for the Development shall be located outside of the Region planned right-of-way width of 45 m (22.5 m from the centreline of construction on Highway 7 and any additional lands required for turn lanes at intersections).

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.

Conclusion

The Development Planning Department is satisfied that the Applications are generally consistent with the PPS 2024, PPS 2020 and conforms to 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 for the reasons stated in the report. 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: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Context and Location Map
2. Schedule 13 - Land Use Vaughan Official Plan 2010
3. Proposed Zoning and Concept Plan
4. Proposed Landscape Plan
5. Elevations - Massing Model (North and West)
6. Elevations - Massing Models (North, South and East)
7. Elevations - Massing Models (South and West)
8. Proposed Zoning and Concept Plan, Original Proposal October 5, 2021 Public Meeting
9. Proposed Site-Specific Exceptions to Zoning By-law 001-2021 - Table 2

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