

Item:



Committee of the Whole Report

DATE: Monday, September 17, 2018

WARD: 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.17.002
ZONING BY-LAW AMENDMENT FILE Z.17.003
JANE TESTON HOLDINGS INC.
VICINITY OF JANE STREET AND TESTON ROAD**

FROM:

Jason Schmidt-Shoukri, 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.17.002 and Z.17.003 (Jane Teston Holdings Inc.) which have been appealed to the Local Planning Appeal Tribunal ("LPAT") respecting the Subject Lands shown on Attachments #1 and #2.

Report Highlights

- The Owner is proposing to develop the Subject Lands with an 11-storey apartment building comprised of 176 apartment units.
- The Owner has appealed the Applications to the Local Planning Appeal Tribunal ("LPAT").
- Official Plan and Zoning By-law Amendment Files OP.17.002 and Z.17.003 are not consistent with the *Provincial Policy Statement 2014* do not conform with the *Growth Plan for the Greater Golden Horseshoe 2017* and do not conform with the policies of the York Region Official Plan and Vaughan Official Plan 2010.
- Staff seeks the endorsement from the Committee of the Whole for the Recommendation to refuse the Applications.

Recommendations

1. THAT Official Plan and Zoning By-law Amendment Files OP.17.002 and Z.17.003 (Jane Teston Holdings Inc.) to amend the policies of Vaughan Official Plan 2010 to redesignate the Subject Land from “Low-Rise Residential” to “Mid-Rise Residential”, and to rezone the Subject Lands from “A Agricultural Zone” and “R4 Residential Zone”, to “RA3 Apartment Residential Zone”, BE REFUSED.
2. THAT should the Local Planning Appeal Tribunal (“LPAT”) approve Official Plan Amendment File OP.17.002 and Z.17.003, either in whole or in part, that the LPAT withhold its final Decision/Order until such time that:
 - a) the implementing Official Plan Amendment is prepared to the satisfaction of the City;
 - b) the implementing Zoning By-law Amendment is prepared to the satisfaction of the City and shall include the Holding Symbol “(H)” provision which shall not be removed from the Subject Lands, or any portion thereof, until such time as the following conditions are addressed to the satisfaction of the City:
 - i) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Protocol assigning capacity to the subject lands for the proposed 176 apartment units;
 - ii) the City is in receipt of a Ministry of the Environment and Climate Change (“MOECC”) Record of Site Condition (“RSC”) filed on the Environmental Site Registry and Acknowledged by the MOECC;
 - iii) the Owner shall successfully obtain Site Development Approval for the Subject Lands and approval by the following City Departments and external agencies:
 - the Development Planning Department
 - the Development Engineering Department
 - the Parks Development Department
 - the Office of the City Solicitor – Real Estate Division
 - the Financial Services-Water and Wastewater Division
 - the Financial Planning and Development Finance Department
 - York Region
 - the Toronto and Region Conservation Authority

- all required utility companies (ie. Canada Post, Bell, Rogers, Alectra Utilities Corporation, and Enbridge)
 - the First Nations (having an interest in this application); and
- iv) the Owner has submitted an Archeological Report, a revised Functional Servicing Report, a revised Stormwater Management Report, a Revised Traffic Impact Study, and Environmental Impact Study to the satisfaction of the City, Toronto and Region Conservation Authority, York Region, Ministry of Natural Resources and Forestry, and other agencies.
- c) the implementing Zoning By-law shall include provisions respecting density bonusing pursuant to Section 37 of the *Planning Act* that will be implemented in the site-specific zoning by-law and through a Density Bonusing Agreement executed to the satisfaction of the City for the increased height and density on the Subject Lands.
3. THAT City of Vaughan staff and external consultants, as required, be directed to attend a future LPAT hearing in support of the Recommendations contained in this report with regard to Official Plan and Zoning By-law Amendment Files OP.17.002 and Z.17.003.

Background

The subject lands (“Subject Lands”) are located on the southeast corner of Jane Street, and Teston Road, and are municipally known as 2975, 2985, and 2993 Teston Road, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

The Owner has appealed the Official Plan and Zoning By-law Amendment Applications to the Local Planning Appeal Tribunal (“LPAT”), formerly the Ontario Municipal Board (“OMB”)

The Owner submitted Official Plan and Zoning By-law Amendment Files OP.17.002 and Z.17.003 (“Applications”) to permit a development proposal for the Subject Lands to the City of Vaughan on January 23, 2017. The City issued a Notice of Complete Application to the Owner on February 20, 2018, and to the public on March 6, 2018. The Applications propose the development of an 11-storey 176 unit apartment building with 205 parking spaces.

Vaughan Council considered the Applications at a Public Hearing on September 19, 2017. Vaughan Council at the meeting directed that a community meeting be held regarding the Applications. On October 23, 2017, the Owner held an informal open house meeting for the Development at the Vellore Village Community Centre in

Woodbridge, which was not the meeting requested by Council. To date, Council's request for a community meeting has not been held.

The Owner on October 27, 2017, appealed the Applications to the LPAT, formerly the Ontario Municipal Board ("OMB"), pursuant to Sections 22(7) and 34(11), respectively, of the *Planning Act* for Vaughan Council's failure to make a decision on the Applications within 180 days of the City deeming the Applications complete. An LPAT Prehearing Conference regarding these appeals has not been scheduled.

The Applications were circulated to City Departments, external review agencies and the First Nations for comments. Comments from the circulation have been provided to the Owner. No new information or revised plans have been provided to the City to address the comments received through the circulation and the Public Hearing process.

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

The Owner has submitted the following Applications to permit an 11-storey apartment building with a Floor Space Index ("FSI") of 3.45 times the area of the lot of, 176 apartment units and 205 parking spaces (the "Development"):

1. Official Plan Amendment File OP.17.002 to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential", subject to the "Mid-Rise Residential" policies of the Vaughan Official Plan ("VOP 2010").
2. Zoning By-law Amendment File Z.17.003 to amend Zoning By-law 1-88 to rezone the Subject Lands from "A Agricultural Zone" and "R4 Residential Zone" to "RA3 Residential Apartment Zone" with site-specific exceptions to the "RA3 Residential Apartment Zone" requirements to permit the Development in the manner shown on Attachments #5 to #7.

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

On August 18, 2017, a Notice of Public Hearing was circulated to an Expanded Notification Area beyond 150 m, shown on Attachment #1, and to the Mackenzie Ridge Ratepayers' Association. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council considered the Official Plan Amendment and Zoning By-law Amendment Applications at the September 19, 2017 Public Hearing. Deputations were received at the Public Hearing, and written submissions have been submitted to the Development Planning Department

Vaughan Council considered the Applications at a Public Hearing held on September 19, 2017. At the Public Hearing, deputations and written submissions were received from the following individuals regarding these Applications as follows:

Deputations

- M. Quarcoopome, Weston Consulting, representing the Owner
- A. Volpentesta, America Avenue, Vaughan
- M. Alidina, Giotto Crescent, Maple, with petition dated September 19, 2017
- A. Oddi, Giotto Crescent, Maple
- J. Leonardelli, Kettle Court, Maple
- L. Genga, Giotto Crescent, Maple
- R. Lorello, Treelawn Boulevard, Kleinburg
- S. Talebi, Jane Street, Maple
- R. Di Dio, Giotto Crescent, Mapl;
- D. Messina, Giotto Crescent, Maple
- R. Rodaro, Woodend Place, Woodbridge

Written Submissions

- M. Di Vona, Davies Howe, dated September 19, 2017
- A. Fiddes, Giotto Crescent, Maple, dated September 19, 2017
- S. Szewczyk, Colombo Crescent, Maple dated September 19, 2017
- P. Sivananthan, dated September 17, 2017
- J. Gardner, dated September 17, 2017
- T. Gullo, Giotto Crescent, Maple, September 18, 2017
- D. Gardner, dated September 18, 2017
- M. Picard, Nation Huronne-Wendat, dated March 14, 2017
- A. Hu, Giotto Crescent, Maple, dated September 19, 2017

Emails

- R. Mohar, dated September 21, 2017
- J. Gardner, September 17, 2017
- J. Massi, September 2, 2017
- M. Alidina, August 31, 2017
- R. DiDio, May 19, 2017
- F. Ricciardella, March 24, 2017
- M. Fava, March 27, 2017
- M. Iannizzi, March 26, 2017

- P. Bilotta, March 10, 2017
- T. Gagliardi, March 13, 2017
- J. McCutcheon, March 10, 2017
- M. Akbar Bhatti, March 12, 2017
- D. Messina, March 10, 2017
- S. Talebi, March 9, 2017

Summary of the community's comments received regarding the Development

The following is a general summary of the comments made by the public at the Public Hearing meeting on September 19, 2017, and provided in the written submissions:

- a) Site design does not respect the existing community and the community has not been included in discussions.
- b) The applicant's presentation incorrectly states the original alignment of Giotto Crescent was planned to connect to Teston Road and to Jane Street. The community understood that Giotto Crescent was designed as a crescent and will be developed as such with low rise residential detached dwellings. Each branch of Giotto Crescent currently ends abruptly with no proper terminus. Residents want the crescent completed and would like to be included in discussions regarding the road pattern options.
- c) The proposal does not conform to Vaughan Official Plan ("VOP 2010"). The VOP 2010 land use designation and policies should be adhered to since millions of taxpayer dollars were spent on developing VOP 2010.
- d) The Subject Lands are inappropriate for intensification and are not identified as an Intensification Area in VOP 2010. Intensification should be directed to Regional Road 7 or other areas recognized for intensification, where there is public transit available to support the density.
- e) The Development will increase vehicular and pedestrian traffic within the community and specifically on Giotto Crescent, resulting in more pollution, noise, and on street parking issues, since the Development proposes significantly less parking than required by the City standard. Community safety is an issue for the residents.
- f) The proposed access from the Development to Giotto Crescent via a private driveway is not appropriate or necessary. This driveway could be used by anyone to enter the community.
- g) The proposed right-in/right-out on Jane Street will result in U-turn movements since a full movement access is not proposed.

- h) The residential lots to the south of the Development will experience a loss of privacy due to the proposed building height, the location of the driveway, the location of the underground ramp, the loading areas and the lack of buffering to the residential rear yards which will directly impact their enjoyment of their property.
- i) The Development will result in adverse shadow impacts, and will overlook nine (9) adjacent residential properties on Giotto Crescent.
- j) The Development will depreciate the values of the existing houses in the area and the site will be under construction for years, resulting in dust, noise and other adverse impacts from construction.
- k) The nature of the proposed end users of the building should be clarified. The Owner suggests the building could be occupied by seniors, or an assisted living facility however, an 11-storey apartment building is not consistent with the typical built form of seniors' residences which are mostly 4-storey buildings in Vaughan.
- l) There is an aboriginal burial ground in the immediate vicinity of the Development where significant archeological resources have been identified in the past as a result of construction in the area. The Huronne-Wendat Nation fought for the protection of the archeological resources and a burial ground. An Archeological Report has not been completed for the site to address protection for archeological resources. A report should be done and be subject to the appropriate review.
- m) The ESSO station located opposite the Development has access issues and access to the proposed Development should be assessed further.
- n) The type of Development proposed is not compatible within the neighbourhood and would be precedent setting for this area. The nearest high-rise buildings are located at Jane Street and Rutherford Road.
- o) The site is considerably higher than the adjacent subdivision and it is not clear how the proposed Development would address the grade differences,
- p) There is a lack of proper public transit infrastructure in the area to support the proposed density.

The comments made by the community are addressed in the content of this report.

The Vaughan Development Planning Department on September 6, 2018, mailed a non-statutory courtesy notice of this Committee meeting to those individuals that made deputations at the Public Hearing, submitted written correspondence or requested notice of Council's further consideration of these Applications to the Committee of the Whole.

Previous Reports Authority

[September 19, 2017, Committee of the Whole \(Public Hearing\) \(Item 6, Report No. 32, Recommendation 1 to 5\)](#)

Analysis and Options

The Development Planning Department does not support the Applications based on the following planning considerations

The Existing Built Form and Surrounding Land Use Context is primarily Low-Density Residential in a Low-Rise Built Form

The Subject Lands are located at the southeast corner of Jane Street and Teston Road. Both roads are identified as major arterial roads in VOP 2010 and are identified with a Regional Planned Street Width of up to 36 m in the York Region Official Plan 2010 ("YROP"). Giotto Crescent, located immediately to the east of the site, is identified as a local road by VOP 2010 and currently terminates abruptly at the edge of the Subject Lands with a retaining wall.

The Subject Lands are located within Block 26, which is a residential community bounded by Teston Road to the north, Major Mackenzie Drive to the south, Jane Street to the west, and Keele Street on the east. The Subject Lands are located in the Mackenzie Glen subdivision which extends east to the Mackenzie Glen Open Space System (valleylands) shown on Attachment #2 which connect via a culvert, to the Greenbelt Lands on the north side of Teston Road (adjacent to the Hamlet of Teston). This community was developed with detached dwellings around 2002.

There are five detached dwellings to the immediate south of the Subject Lands. There are vacant parcels of land adjacent to Jane Street zoned "R4 Residential Zone" subject to the Holding Symbol "(H)" as shown on Attachment #2, to permit the development of four future detached residential dwellings, and one detached dwelling abutting the Subject Lands to the east. VOP 2010 designates the Subject Lands and the adjacent lands within this residential area as "Low-Rise Residential" which permits detached, semi-detached, and townhouse dwellings subject to the compatibility criteria of Section 9 of VOP 2010.

The Mackenzie Glen residential neighbourhood located to the east and south of the Subject Lands has established the existing low-rise character of this community. There are no existing or planned mid-rise buildings in this residential community.

The lands at the northeast corner of Jane Street and Teston Road are within the Hamlet of Teston area of Block 27. These lands form part of the Block 27 Secondary Plan approved by Council on June 19, 2018, which is discussed later in this report. The hamlet is currently developed with low-rise buildings (1 and 2-storeys) and the Block 27

Secondary Plan will continue to provide for low-rise development in the hamlet for the future.

The northwest corner of Jane Street and Teston Road is within Block 34, which is subject to the Highway 400 North Employment Lands Secondary Plan Area policies in VOP 2010, and is designated “Mixed-Use Employment Commercial”. This intersection serves as a “gateway” into the employment area and is identified in the Secondary Plan as a “Significant Interface Area”. Urban Design Guidelines will be prepared for this Secondary Plan area to ensure that development is designed in a manner which enhances the City’s image and reflects the prestige nature of the employment area. These guidelines will address the design parameters for the lands in the Employment Area, and their relationship with lands at the intersection outside the Employment Area. The permitted uses in “Significant Interface Areas” shall be those in the underlying land use designations. The entire northwest quadrant of the intersection is currently a vacant field zoned for agricultural use with no development applications proposed.

The lands at the southwest corner of Jane Street and Teston Road are within Block 33 and are designated “Mid-Rise Mixed-Use” in VOP 2010. They were developed as a gas station/car wash/drive-through restaurant in 2015. VOP 2010 defines mid-rise buildings as buildings generally over five (5) storeys in height, and up to a maximum of twelve (12) storeys in height. The VOP 2010 designation of the gas station/car wash property at 10750 Jane Street is “Mid-Rise Mixed-Use” and is discussed in more detail later in this report. The development adjacent to the gas station is designated “Low-Rise Residential” and consists of 2-storey townhouse dwellings developed 2009.

Existing Transit

York Region Transit (“YRT”) currently provides bus service on Jane Street south of Teston Road. YRT Jane Route 20 provides regular weekday service, weekend and holiday service, with connections to the subway stations at the Vaughan Metropolitan Centre (“VMC”), Highway 407, Pioneer Village, and York University.

Planned Transit Networks in the Surrounding Area

VOP 2010 identifies Major Transit Networks on Schedule 10. Jane Street is identified as a Regional Rapid Transit Corridor, south of Major Mackenzie Drive. The York Region Transportation Master Plan mapping (Map 7 Proposed 2041 Transit Network) indicates that no major improvements are planned to facilitate High Occupancy Vehicle (“HOV”) lanes for this transit network, along the section of Jane Street south of Teston Road, and along any section of Teston Road, until after 2041. The future Kirby Go Station within the Block 27 Secondary Plan is planned to be developed by Metrolinx at Keele Street and Kirby Road, in 2025.

Planned Pedestrian and Bicycle Network

The Pedestrian and Bicycle Network Plan (Exhibit 6-2) of the City of Vaughan Transportation Master Plan (2012), identifies a “Class 1 Community Multi-Use

Recreational Pathway” along the south side of Teston Road adjacent to the Subject Lands, which turns south on Giotto Crescent and connects to the Mackenzie Glen Open Space system through the Breta/H & R Park, at the end of Silmoro Court.

The Development does not represent good planning

The Development Planning Department recommends that the Applications be refused as the Development does not represent good planning, does not contribute to appropriate City building, and is not in the public interest. This recommendation is based on the following provincial policies, and YROP and VOP 2010 policies:

Land Use Policies and Planning Considerations

1. The Development does not satisfy the Requirements of the Planning Act

Section 2 of the *Planning Act* states that the Council of a municipality in carrying out their responsibilities shall have regard to, among other matters, matters of Provincial interest such as:

- the protection of ecological systems, including natural areas, features and functions;
- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;
- the adequate provision of a full range of housing;
- the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians; and
- the promotion of built form that,
 - i) is well-designed,
 - ii) encourages a sense of place, and
 - iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Section 3(5) of the *Planning Act* requires that a decision of Council of a municipality in respect of the exercise of any authority that affects a planning matter:

- shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The Applications do not satisfy the requirements of the *Planning Act*, as discussed in further detail below.

2. *The Development is not consistent with the Provincial Policy Statement (“PPS”), 2014*

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *PPS* 2014. The *PPS* provides policy direction on matters of provincial interest related to land use planning and development. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the *PPS*. The *PPS* policies state, as follows (in part):

a) Section 1.1.1 of “Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns”

Section 1.1 of the *PPS* requires that development accommodate an appropriate range of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs.

b) Section 1.1.3 - “Settlement Areas”

1.1.3.1 - “Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

1.1.3.2 - “Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 4. support active transportation; and
 - 5. are transit-supportive, where transit is planned, exists or may be developed.
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

Policy 1.1.3.3 states “Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

- c) Section 6 of the PPS defines “Intensification” and “Residential Intensification” as follows:

“Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.”

“Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, second units and rooming houses.”

- d) Section 6 of the PPS defines “Redevelopment” as follows:

“Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.”

Residential Intensification

The development and residential intensification of the Subject Lands, will facilitate 176 new apartment units at a significantly higher density (3.45 FSI) than exists in the surrounding low-density community. Policy 1.1.3.3 of the *PPS* provides direction for municipalities to identify opportunities for accommodating intensification and redevelopment within the municipality, through the implementation of municipal Official Plans. This policy inherently recognizes that intensification and redevelopment is appropriate in certain locations and that there are areas within the municipality that are intended to remain stable.

The City of Vaughan undertook a City-wide Comprehensive Official Plan review, that culminated in VOP 2010, which is the in-effect land use planning policy document for the City, that applies to the Subject Lands. VOP 2010 defines the “Urban Structure” for the City and specifically identifies areas considered stable “Community Areas”, lands for urban expansion (“New Community Areas”), and it identifies a hierarchy of areas for intensification, as shown on Attachment #3. VOP 2010 identifies the Subject Lands within a “Community Area” and designates the Subject Lands “Low-Rise Residential”, as shown on Attachment #3. The Subject Lands are not located within an identified “Intensification Area” in VOP 2010, nor were they designated “Mid-Rise Mixed-Use”. Neither Jane Street or Teston Road is identified as, or planned as a Regional or Primary Intensification Corridor; a Regional Rapid Transit Corridor; or as part of the Regional Transit Priority Network.

Stable Community Area

VOP 2010 policies seek to protect and strengthen the character of stable community areas. The neighbourhoods surrounding the Subject Lands, as described in the Land Use Context section of this report, are physically stable areas and characterized by low-rise dwellings and other forms of low-rise development (“Low-Rise Mixed-Use”). The surrounding area is not identified in VOP 2010 for the level of intensification proposed by the Applications.

The introduction of the proposed Development adjacent to an existing stable residential community, is not in the public interest, is not consistent with the policy direction established in the PPS, and does not take into account the existing and planned built form in the community. The Development represents the intensification of a parcel of land, within an existing stable community, which is not consistent with the policies of the PPS and as implemented by Council through VOP 2010. More specifically, the Subject Lands are located within a stable community which is not identified for intensification by VOP 2010.

New Community Areas

The VOP 2010 identifies and designates lands throughout the City, to achieve the policies of the PPS. This includes the currently undeveloped portion of the entire area of Block 27 directly north of the Subject Lands, and the undeveloped area of Block 34, directly northwest of the Subject Lands, for future residential and employment uses, which is discussed later in this report.

Intensification Areas

The VOP 2010 has planned for and focused intensification in areas served by, or planned to be served by higher order transit. The VOP 2010 hierarchy of intensification areas is comprised of a number of centres and corridors, which offer frequent transit service levels that can accommodate and are commensurate with the higher number of public transit users that live and work in these areas. Neither Jane Street or Teston

Road have this level of transit services and nor is this level of higher order public transit planned.

e) Section 1.2.1 of “Coordination”

Policy 1.2.1 of the *PPS* states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper tier municipal boundaries, including managing and/or promoting growth and development.

The City has undertaken a coordinated, integrated and comprehensive approach to managing and promoting intensification and redevelopment along identified and appropriately designated corridors, as supported by York Region. These designated corridors do not include this area of Jane Street and Teston Road. The intensification strategy for the City of Vaughan is prescribed by VOP 2010. This Development proposal, for a 0.57 ha parcel of land at Jane Street and Teston Road, at an FSI of 3.45, adjacent to an existing community of detached dwellings, is not consistent with the *PPS* in this respect since it does not represent an integrated or comprehensive approach to managing growth related to city planning matters, and it represents intensification that is not located within an identified Intensification Area. The Development represents a piecemeal approach to the planning of one property within an existing planned and developed community.

f) Section 1.4 - “Housing”

Policy 1.4.3 - “Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by (in part):

- c) 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;
- d) 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,
- e) 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.”

g) Section 1.7 - Long-Term Economic Prosperity

Policy 1.7.1 - "Long-term economic prosperity should be supported by (in part):

- d) encouraging a sense of place, by promoting a well-designed built form."

h) Section 4.0 - "Implementation and Interpretation"

Policy 4.1 - "This *Provincial Policy Statement* applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after April 30, 2014."

Policy 4.4 - "This *Provincial Policy Statement* shall be read in its entirety and all relevant policies are to be applied to each situation."

Policy 4.7 (in part) - "The Official Plan is the most important vehicle for implementation of this *Provincial Policy Statement*. Comprehensive, integrated and long-term planning is best achieved through (municipal) official plans.

(Municipal) official plans shall identify provincial interests and set out appropriate land use designations and policies.

(Municipal) official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. (Municipal) official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this *Provincial Policy Statement*. The policies of this *Provincial Policy Statement* continue to apply after adoption and approval of a municipal official plan."

The *Planning Act* states that, "the appropriate location of growth and redevelopment to be a matter of Provincial interest" and the *PPS* states that "official plans shall provide policies to protect Provincial interests". Policy 4.7 of the *PPS* identifies that the mechanism by which the Provincial interest is protected is the municipal official plan as it sets the appropriate land use designations and policies by directing development to suitable areas. VOP 2010 has established policies for land use intensification and where it is to be directed. VOP 2010 does not identify the Subject Lands for the level of intensification or redevelopment proposed by these Applications and does not identify Jane Street or Teston Road as Intensification Areas. The Development represents a piecemeal planning of one site within a community.

The Subject Lands are located within a “Community Area” which is identified as a “Stable Area” in VOP 2010. “Community Areas” are characterized by predominantly low-rise residential housing stock, with local amenities including local retail, community facilities, schools and parks, and provide access to the City’s natural heritage and open spaces. The policies of VOP 2010 intend to protect and strengthen the character of these areas, and as the City grows and matures, these Community Areas are intended to remain mostly stable. The policies of VOP 2010 also recognize that incremental change is expected as a natural part of maturing neighbourhoods, but anticipates this change will be sensitive to, and respectful of, the existing character of the area. The Subject Lands are adjacent to detached dwellings developed based on a Neighbourhood Plan for the Maple Community Plan (“OPA 350”). The Development represents a departure from the existing and planned character, density, and low-rise built form that was established by VOP 2010 for the surrounding community and is not sensitive to or respectful of the built form and character of the existing community.

Approval of the Applications will introduce a level of intensification and a built form into this community that is not consistent with the policies of the *PPS*, appropriate or compatible with the existing and planned local context, and is not directly served by existing or planned high-order public transit for this area.

Appropriate areas for intensification have been clearly identified in the VOP 2010 through the “Urban Structure”, shown on Attachment #4. The Block 27 Secondary Plan area provides planned areas for intensification, including areas for the development of mid-rise buildings. The Block 27 Secondary Plan is the result of a comprehensive review and public consultation process. The Owner’s proposal that an approved “Mid-Rise Mixed-Use” designation on the southwest corner of Jane Street and Teston Road provides support for these Applications has not considered all of the *PPS* policies and their relevance. The “Mid-Rise Mixed-Use” designation on the southwest corner of Jane Street and Teston Road does not justify or support the rationale to redesignate the Subject Lands “Mid-Rise Residential” with similar height and density permissions.

For the reasons identified above, the Applications are not consistent with the intent of the intensification and housing policies of the *PPS*, as the Subject Lands are not within a planned intensification area as identified in VOP 2010, which is the most important vehicle to implement the *PPS*.

3. *The Development does not conform to the Places to Grow: Growth Plan for the Greater Golden Horseshoe 2017, (“Growth Plan”)*

The *Growth Plan for the Greater Golden Horseshoe* (2017) (“Growth Plan”) requires that all decisions made on or after July 1, 2017, in respect of the exercise of any authority that affect a planning matter will conform to the Plan.

The Growth Plan is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, housing, transportation and infrastructure. The Growth Plan promotes intensification of existing built-up areas, with a focus on directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating intensification in these areas provides a focus for transit and infrastructure investment to support growth and for building compact, transit-supportive communities.

The Growth Plan also encourages population and employment growth to be accommodated within the built-up areas encouraging the development of complete communities with a mix of housing types with access to local amenities.

a) Section 2.2.1. - “Managing Growth”

Section 2.2.1.3 of the Growth Plan states (in part) that, “Upper-and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

- a. establish a hierarchy of settlement areas, and of areas within settlement areas, in accordance with policy 2.2.1.2;
- b. be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;
- c. provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;
- d. support the environmental and agricultural protection and conservation objectives of this Plan; and
- e. be implemented through a municipal comprehensive review and, where applicable, include direction to lower-tier municipalities.

“Settlement Areas” are defined in the Growth Plan as “Urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a. built up areas where development is concentrated and which have a mix of land uses; and,
- b. lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the *settlement area* may be no larger than the area where development is concentrated.”

Section 2.2.1.4 of the Growth Plan states (in part) that, “Applying the policies of this Plan will support the achievement of complete communities that:

- a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b. improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c. provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d. expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e. ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards; and
- f. integrate green infrastructure and low impact development.”

VOP 2010 identifies and designates lands throughout the City, and within this community, to achieve the Growth Plan policies referenced above respecting “complete communities” (i.e. mix of housing options, mix of land uses, etc.). There are properties further south on Jane Street (at Brandon Gate) designated “Low-Rise Mixed-Use” with a maximum FSI of 1.5 times the area of the lot, and contemplates a wider range of residential and commercial uses at higher densities than those permitted within the surrounding Low-Rise Residential community, to cater to the everyday needs of the immediate community.

The Block 27 new community area, as planned through the Block 27 Secondary Plan, will be developed as a complete community in accordance with the Growth Plan policies and will provide for the daily living needs of residents by providing convenient access to an appropriate mix of jobs, local services, a full range of housing and community infrastructure including affordable housing, schools, recreation and open space for residents.

b) Section 2.2.2 - “Delineated Built-up Areas”

Section 2.2.2. of the Growth Plan states that:

- “1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area.
2. By the time the next municipal comprehensive review is approved and in effect, and each year until 2031, a minimum of 50 percent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area.”

VOP 2010 was developed following a full municipal comprehensive review of the City’s Official Plan and represents the City’s growth strategy. The growth strategy is identified through the Urban Structure and the implementation strategy is described within the intensification area policies within the VOP 2010. VOP 2010 was developed in consultation with York Region and approved by the Ontario Municipal Board. VOP 2010 encourages intensification within planned areas, and does not consider that intensification is appropriate, or should be provided for, on a site or individual sites within any area of the City.

Although the Growth Plan states that 50 percent, and ultimately 60 percent of all residential development will be accommodated in the delineated built-up area, this does not imply or state that all types/forms of residential development that represent intensification are appropriate in all locations in the municipality. Further clarification of where additional residential intensification is to be directed is provided by Sections 2.2.2.3 and 2.2.2.4 of the Growth Plan below.

Section 2.2.2.3 of the Growth Plan states, “Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply”.

Section 2.2.2.4 of the Growth Plan states that, “All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a. encourage intensification generally to achieve the desired urban structure;
- b. identify the appropriate type and scale of development and transition of built form to adjacent areas;
- c. identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;

- d. ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e. prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f. be implemented through official plan policies and designations, updated zoning and other supporting documents.”

These Growth Plan policies came into effect on July 1, 2017, and require the upper-tier municipality, in this case York Region, to undertake a municipal comprehensive review (“MCR”) in order to plan to the 2041-time horizon. The City of Vaughan is undertaking a review of VOP 2010 in conjunction with the MCR exercise through the City’s Official Plan Review (“OPR”). Until the MCR and OPR are completed, the YROP and VOP 2010 are the approved and in-effect policy documents. While it is recognized that the Development would marginally contribute to the Region’s overall intensification target, the Subject Lands were not identified for intensification during the VOP 2010 review. In addition, intensification of the Subject Lands only, is not consistent with the intent of Sections 2.2.2.3 and 2.2.2.3 to implement intensification on a planned and coordinated manner.

Policy 2.2.2.4.a. encourages intensification generally throughout the built-up area to achieve the desired urban structure, and requires that municipalities identify strategic growth areas to support and to meet the municipality’s intensification targets and recognize these areas as a key focus for development. The City’s strategic growth areas are identified in the VOP 2010 through the Urban Structure which is supported by policies which support the hierarchy of intensification areas. The Subject Lands have not been identified by VOP 2010 for redevelopment or intensification in the form and level proposed by the Applications and is not consistent with the urban structure envisaged by VOP 2010 as shown on Attachment #4.

As previously indicated, Block 27 is identified for development as a New Community and will provide a range of land uses designations, built forms, and is intended to meet the City’s growth targets as a “complete community”.

Policy 2.2.2.4.b. requires that intensification achieve an appropriate transition of built form to adjacent areas. The Subject Lands are designated “Low-Rise Residential” by VOP 2010, consistent with the predominant built form and density within the existing and planned neighbourhood context. The proposed built form of the Development, specifically the scale of the proposed 11-storey building height, and the density of 3.45 FSI, does not provide an appropriate transition to the adjacent 2-storey low-rise residential area. A total of 176 units are proposed on a 0.57 ha property, whereas there are 271 existing detached units within the entire residential Mackenzie Glen community located north of Brandon Gate, between Jane Street and the Mackenzie Glen Open Space valley lands. The intensification policy framework of the Growth Plan does not support the built form proposed for the Subject Lands.

The Development, if approved, would introduce a built form through the Applications, at a density and scale that is out of character with the existing community, does not achieve the Urban Structure identified in VOP 2010, and is not part of a strategic growth area.

The Growth Plan and the York Region's Intensification Strategy place the onus on upper-tier and lower-tier municipalities to decide where and how to accommodate growth and intensification. As directed by the Growth Plan, intensification areas and areas deemed appropriate for greater growth, are to be implemented by municipal Official Plans. The City undertook a comprehensive planning exercise which led to the approval of VOP 2010. VOP 2010 identifies and implements an intensification strategy that responds to the requirements of the Growth Plan, by directing growth to appropriate areas, and maintaining low-rise community areas as stable areas. York Region and the City are also undertaking their Municipal Comprehensive Review ("MCR") and Official Plan Review ("OPR") processes to develop a co-ordinated strategy to accommodate intensification throughout the Region and the City.

VOP 2010 promotes an intensification strategy within the identified Intensification Areas shown on Attachment #4. These include Regional Centres (i.e. Vaughan Metropolitan Centre), Primary Centres, Local Centres, Regional Intensification Corridors, and Primary Intensification Corridors. The Subject Lands and the surrounding community are not located within, or in close proximity to, any of these centres or corridors identified for intensification in VOP 2010. The closest area identified for intensification is a Primary Centre located on Major Mackenzie Drive between Highway 400 and Jane Street, which is south of the Subject Lands, and is currently under construction for the Mackenzie Vaughan Hospital campus.

The Development includes a building type, density (3.45 FSI) scale and built form (11-storeys) which is more appropriately directed to a planned intensification area. The proposed density and height is similar to, and exceeding the densities and heights planned and permitted along Regional Road 7 and within the VMC, which have the highest levels of transit infrastructure provided within the City and within the York Region. The Development is more compatible with and appropriate within Regional and Primary Centres, rather than, as proposed within a low-density, stable community. For the reasons discussed above, the Applications are not consistent with the City's approved intensification strategy, required by the Growth Plan.

c) Section 2.2.4 - "Transit Corridors and Station Areas"

Section 2.2.4.1. of the Growth Plan states (in part) that, "The priority transit corridors shown in Schedule 5 will be identified in official plans. Planning will be prioritized for major transit station areas on priority transit corridors, including zoning in a manner that implements the policies of this Plan."

Section 2.2.4.3 of the Growth Plan states that Major transit station areas on priority transit corridors or subway lines will be planned for a minimum residential and employment density target.

The Subject Lands are located within an existing built up low-rise residential community, and VOP 2010 has not identified the Subject Lands for intensification. Jane Street (north of Major Mackenzie Drive) and Teston Road are not identified as a priority transit corridor in the York Region Official Plan or VOP 2010. While there is bus transit on Jane Street, no planned or forecasted future high-order transit investments are identified in the YROP Transportation Master Plan (2016) for this section of Jane Street until 2041 and Teston Road has not been identified for such transit investments.

The Development as shown on Attachments #5 to #7 does not conform to the Growth Plan policies, for the reasons discussed above.

4. *The Development does not conform with York Region Official Plan 2010 (“YROP”)*

The York Region Official Plan 2010 (“YROP”) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” by the YROP. The YROP also identifies a Regional Transit Priority Network where municipal infrastructure is planned to support transit and identifies Regional Rapid Transit Corridors where significant municipal infrastructure is planned. The areas along these transit corridors are recognized within the YROP as Intensification Areas. The Subject Lands are not located on an existing or proposed Regional Transit Priority Network, or on a Regional Rapid Transit Corridor. Certain areas of the City are specifically identified by the YROP for additional intensification, however, the Jane Street and Teston Road area of the City is not included.

Official Plan Amendment File OP.17.002 was considered by York Region and comments were provided. The comments are discussed in the “Broader Regional Impacts/Considerations” section of this report.

The YROP states that policies for development and intensification are established through the local municipal official plan. Section 3.5.4 in the YROP requires that local municipal Official Plans and Zoning By-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community. VOP 2010 also establishes policies for urban design and built form within Community Areas. York Region staff notes that Section 9.1.2.1 of VOP 2010 states that new development will be designed to respect and reinforce the physical character of the established neighbourhood within which it is located.

In order to create high-quality, sustainable communities, Section 5.2.8 of YROP states that it is the policy of Regional Council, “To employ the highest standard of urban design, which:

- a. provides pedestrian scale, safety, comfort, accessibility and connectivity;
- b. complements the character of existing areas and fosters each community’s unique sense of place;
- c. promotes sustainable and attractive buildings that minimize energy use;
- d. promotes landscaping, public spaces and streetscapes;
- e. ensures compatibility with and transition to surrounding land uses;
- f. emphasizes walkability and accessibility through strategic building placement and orientation;
- g. follows the York Region Transit-Oriented Development Guidelines; and,
- h. creates well-defined, centrally-located urban public spaces.”

From an urban design perspective, the Development does not complement the low-rise character of the existing area. Adequate landscaping has not been provided along the street rights-of-way and the reduced setbacks do not provide opportunities to achieve pedestrian scale streetscaping or for the connectivity of planned multi-use trails in the area. The site design and the building’s orientation on the site, does not emphasize walkability. The main entrance to the building is internal to the site which does not promote connectivity to the adjacent streets. The massing of the building adjacent to the streets is not at a pedestrian scale and will result in a “street wall”. Although the building height steps down, the built height is not compatible and does not transition to the surrounding low-rise land uses as required by Policy 5.2.8 of the YROP, for the reasons discussed in this report. The Development would also terminate an existing public street and interrupt the planned connectivity from a pedestrian and vehicular perspective.

Section 5.3 of the YROP states that, “Intensification will occur in strategic locations in the built-up area to maximize efficiencies in infrastructure delivery, human services provision and transit ridership. These strategic locations are based on an intensification framework that recognizes that the highest density and scale of development will occur in the Regional Centres followed by the Regional Corridors”.

Section 5.3.3 states that it is the policy of Regional Council that local municipalities complete and adopt their own intensification strategies, developed in co-operation with the Region. The City of Vaughan has developed an intensification strategy through the approval of VOP 2010, which identifies intensification areas in the City of Vaughan, as discussed in Section 5 of this report. These areas are being developed in accordance with their role and function in the hierarchy. The Subject Lands are not located within an Intensification Area identified in VOP 2010 and if this type of development occurs in areas outside of the intensification areas identified in the hierarchy, the hierarchy is compromised and the development takes away from the planned function of the

intensification areas and can negatively impact planned intensification areas. Services, servicing infrastructure and transportation infrastructure have all been planned to support the densities of planned development within the City's intensification areas identified in this hierarchy.

In order to provide transit service that is convenient and accessible to all residents and workers of York Region, Section 7.2.24 of the YROP states that it is the policy of Regional Council:

“To provide preferential treatment for transit vehicles on Regional streets designated as Regional Transit Priority Network on Map 11, including the construction of high-occupancy vehicle lanes, dedicated transit lanes, transit signal priority and other transit priority measures within the right-of-way.”

Section 7.2.25 of the YROP states (in part) that it is the policy of Council, “To achieve higher transit usage by supporting improvements in service, convenient access and good urban design, including the following:

- a. minimizing walking distances to planned and existing transit stops through measures such as the provision of walkways, sidewalks and more direct street patterns. The Region will plan to provide transit service so that the distance to a transit stop in the Urban Area is within 500 metres of 90 percent of residents, and within 200 metres of 50 per cent of residents;
- d. directing medium- and high-density urban development to rapid transit corridors;
- j. requiring all new development applications to prepare a mobility plan and demonstrate the proposal's approach to transit”

The Development as proposed on the Subject Lands, does not constitute a comprehensive approach to achieving appropriate intensification to achieve the objectives of Sections 5.3, 5.3.3, 7.2.24 and 7.2.25 of the YROP described above.

In consideration of the above, the Applications to facilitate this Development within an “Urban Area” do not meet the intensification objectives of the YROP.

5. *The Development does not conform to the policies of Vaughan Official Plan 2010 (“VOP 2010”)*

The Subject Lands are designated “Low-Rise Residential” by VOP 2010, as identified on Schedule 13 – Land Use (Attachment #3). The “Low-Rise Residential” designation of VOP 2010 permits detached, semi-detached and townhouse dwellings in a low-rise built form, no greater than 3-storeys, subject to meeting certain criteria. The proposed 11-storey apartment building does not conform to the “Low-Rise Residential” designation policies of VOP 2010, and therefore an amendment to VOP 2010 is

required to redesignate the Subject Lands from “Low-Rise Residential” to “Mid-Rise Residential” to permit this Development.

The Subject Lands are located within a “Community Area”, identified on Schedule 1 Urban Structure of VOP 2010. Section 9.1.2.2 of VOP 2010 directs that new development in “Community Areas” be designed to respect and reinforce the physical character of the established neighbourhood in which it is located. New development in established areas shall pay particular attention to local lot patterns, sizes and configuration, surrounding heights and scale, building types of nearby residential properties, and the setback of buildings from the street. Based on these criteria for new development within established neighbourhoods, the Development does not conform to this policy of VOP 2010.

There are no existing or planned mid-rise residential developments (i.e. 6 to 12-storeys) at the density proposed, within this community, as shown on Attachment #3. The closest existing buildings that are 6 or more storeys in height are located opposite the Vaughan Mills Centre Secondary Plan Area (i.e. Rutherford Road and Jane Street), approximately 4.3 km away from the Subject Lands. These existing buildings are designated “Mid-Rise Mixed-Use” with maximum permitted building height of 17-storeys and a maximum FSI of 4.0. This section of Jane Street and this section of Rutherford Road are each identified as a Primary Intensification Corridor in the VOP 2010 and, specifically intended for development with higher densities and building heights.

Rutherford Road from Jane Street, west to Highway 400, is identified as Primary Centre within the Urban Structure, which represents the highest order within the City’s intensification hierarchy, outside of the VMC. This area is subject to the Vaughan Mills Secondary Plan, to coordinate and comprehensively plan for the development of the Secondary Plan Area as a Primary Centre and has undertaken the review of appropriate land uses, transit and servicing infrastructure to accommodate increased density and height with this area. The City has planned for and has approved development within this Secondary Plan Area which constitutes appropriate intensification within this area.

The development approvals with the Primary Centre are consistent with the City’s intensification strategy and the approved hierarchy of intensification areas throughout the City. The Development proposed on the Subject Lands constitutes intensification on an individual site basis in the absence of a review of the appropriate land uses, adequate transit and servicing infrastructure to adequately support the development, as discussed later in this report.

In addition to the above-noted policies, VOP 2010 through the Urban Structure identifies and also directs intensification, to certain areas of the City of Vaughan, while requiring that other areas remain stable. The following goals and policies of VOP 2010 apply to the Development:

a) Section 1.5 of “Goals for the Official Plan” (in part)

“Goal 1: Strong and Diverse Communities – A city’s community areas are among its most important assets. They are where people interact with one another on a daily basis. Distinct and diverse communities make a city an exciting place to live. Vaughan consists of five existing residential communities (Woodbridge, Kleinburg, Maple, Thornhill and Concord) and three developing residential communities (Vellore, Carrville and Nashville). The VOP 2010 seeks to maintain the stability of the existing residential communities, direct well designed, context-sensitive growth to strictly defined areas, and provide for a wide range of housing choices and a full range of community services and amenities within each community.”

“Goal 8: Directing Growth to Appropriate Locations – Planning for the attractive, sustainable and prosperous city envisioned by this Plan will in large part be achieved by directing growth to appropriate locations that can support it. This means a shift in emphasis from the development of new communities in greenfield areas to the promotion of intensification in areas of the City with the infrastructure capacity and existing or planned transit service to accommodate growth. This Plan provides an appropriate balance in this regard by accommodating 45% of new residential growth through intensification and the remainder within New Community Areas. Intensification areas have been limited to 3% of the overall land base to protect existing Community Areas and Natural Areas.”

b) Section 2.1.3.2 of “Defining Vaughan’s Transformation: Key Planning Objectives” (in part)

“To address the City’s main land-use planning challenges and manage future growth by:

- c. identifying Intensification Areas, consistent with the intensification objectives of this Plan and the Regional Official Plan, as the primary location for accommodating intensification.
- e. ensuring the character of established communities are maintained.”

c) Section 2.2.1 of “Vaughan’s Urban Structure” (in part)

“In keeping with the principles of Policy 2.1.3.2, future growth in Vaughan will be directed according to Schedule 1 – Urban Structure. The Urban Structure establishes a comprehensive framework for guiding growth in Vaughan. Understanding the organization of the City on a macro level is necessary to

achieving the overall objectives of directing growth to appropriate locations while protecting Stable Areas.”

d) Section 2.2.1.1 of “Vaughan’s Urban Structure” (in part)

“That Schedule 1 illustrates the planned Urban Structure of the City of Vaughan, which achieves the following objectives:

- b. maintains the stability of lands shown as Community Areas for a variety of Low-Rise Residential purposes, including related parks, community, institutional and retail uses;
- d. establishes a hierarchy of Intensification Areas that range in heights and intensity of use, as follows:
 - i. the Vaughan Metropolitan Centre will be the major focus for intensification for a wide range of residential, office, retail, cultural and civic uses. The Vaughan Metropolitan Centre will be the location of the tallest buildings and most intense concentration of development.
 - ii. Regional Intensification Corridors will be a major focus for intensification on the lands adjacent to major transit routes, at densities and in a form supportive of the adjacent higher-order transit. The Regional Intensification Corridors link the Vaughan Metropolitan Centre with other Intensification Areas in Vaughan and across York Region.
 - iii. Primary Centres will be locations for intensification accommodated in the form of predominantly mixed-use high- and mid-rise buildings, developed at an intensity supportive of transit.
 - iv. Local Centres will provide the mixed-use focus for their respective communities in a manner that is compatible with the local context.
 - v. Primary Intensification Corridors link together the various centres on transit supportive corridors and will be places to accommodate intensification in the form of mid-rise, and limited high-rise and low-rise buildings with a mix of uses.”

e) Section 2.2.1.2 of “Vaughan’s Urban Structure”

“That the areas identified on Schedule 1 as the Vaughan Metropolitan Centre, Primary Centres, Local Centres, Regional Intensification Corridors and Primary Intensification Corridors are collectively known within this Plan as Intensification Areas. Intensification Areas will be the primary locations for the accommodation of growth and the greatest mix of uses, heights and densities in accordance with the prescribed hierarchy established in this Plan. The policies related to Intensification Areas shall be consistent with the policies for such areas as contained in the *Provincial Policy Statement*, the provincial *Growth Plan for the Greater Golden Horseshoe* and the York Region Official Plan.”

f) Section 2.2.3 of “Community Areas” (in part)

“Fundamental to Vaughan’s Urban Structure is its communities. Woodbridge, Kleinburg, Maple, Thornhill, Concord, and the new communities of Vellore and Carrville contribute to a unique sense of place for the City and establish the Vaughan identity. New communities will do the same.

Vaughan’s existing Community Areas are characterized by predominantly low-rise residential housing stock, with local amenities including local retail, community facilities, schools, parks, and they provide access to the City’s natural heritage and open spaces. The policies of this Plan will protect and strengthen the character of these areas. As the City grows and matures, these Community Areas will remain mostly stable. However, incremental change is expected as a natural part of maturing neighbourhoods. This change will be sensitive to, and respectful of, the existing character of the area.”

g) Section 2.2.3.2 of “Community Areas”

“That Community Areas are considered Stable Areas and therefore, Community Areas with existing development are not intended to experience significant physical change. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of this Plan.”

h) Section 2.2.3.3 of “Community Areas”

“That limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of this Plan. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.”

i) Section 2.2.5 of “Intensification Areas” (in part)

This section identifies that the development of Intensification Areas will support the overall policy objectives of VOP 2010 by protecting primary locations for the accommodation of growth and that Community Areas will not see significant physical change as the vast majority of development within the built boundary will take place within Intensification Areas which consist of a hierarchy of mixed-use centres and corridors as follows:

- “The Vaughan Metropolitan Centre will be the City’s downtown. It will have the widest range of uses and will have buildings of various sizes, including the tallest buildings in the City.
- Regional Intensification Corridors (e.g., Regional Road 7 and Yonge Street) will link Regional centres both in Vaughan and beyond and are linear places of significant activity. They may accommodate mixed-use intensification or employment intensification.
- Primary Centres will accommodate a wide range of uses and will have tall buildings, as well as lower ones, to facilitate an appropriate transition to neighbouring areas.
- Primary Intensification Corridors (e.g., Jane Street and Major Mackenzie Drive) will link various centres and are linear places of activity in their own right. They may accommodate mixed-use intensification or employment intensification.
- Key development areas are Intensification Areas on Regional Corridors that will link and complement the planning for Primary Centres and Local Centers.
- Local Centres act as the focus for communities, are lower in scale and offer a more limited range of uses.

Intensification Areas have been established to make efficient use of underutilized sites served with a high-level of existing or planned transit. 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 that will support the policies of this Plan related to Stable Areas will be maintained. Specifically, existing Community Areas will not see significant physical change as the vast majority of residential development within the built boundary will take place within Intensification Areas.”

The proposed Development is located within an existing Community Area

The Subject Lands are located within an existing Community Area as identified in VOP 2010 and is also a Stable Area, not an identified Intensification Area, nor located along an Intensification Corridor. The Development proposes an 11-storey residential apartment building, with an FSI of 3.45, which represents a significant level of intensification that was not considered by VOP 2010 or the previous official plan, Official Plan Amendment (“OPA”) No. 350 (Maple Community Plan) for the Subject Lands.

OPA No. 350 was the community plan for the lands generally located between Teston Road and Rutherford Road and between Jane Street and the CN Rail Line. The residential neighbourhoods were planned based on sensitive land uses and providing for a mix and range of housing types which includes “Medium Density Residential” land use designations near the intersection of Jane Street and Major Mackenzie Drive, developed with townhouse dwellings. A housing mix of 70% low density and 30% medium density residential dwellings was provided on a neighbourhood basis. OPA No. 350 also planned the streets within the community with a road pattern including crescents and with a minimum of cul-de-sacs. OPA No. 350 designated the Subject Lands “Low Density Residential” which permits detached and semi-detached dwellings and other building forms which do not exceed the permitted density, institutional uses and open space. The “Low-Rise Residential” designation in VOP 2010 intended that the Subject Lands and surrounding area be maintained as a low-rise residential area.

Gas Station / Car Wash / Drive-Through located at the southwest corner of Jane Street and Teston Road

The property at 10750 Jane Street was developed following Council’s approval of a site-specific Official Plan Amendment (OPA No. 643) which re-designated an area on the north side of Teston Road, and outside the urban area from “Rural”, to “Medium Density Residential/Commercial” following the re-alignment of Teston Road. OPA No. 643 amended the previous Vaughan Official Plan (OPA No. 600), to allow the development of 29 street townhouse dwellings and the gas station/convenience store/car wash buildings at the intersection of Jane Street and Teston Road. Through the approval of VOP 2010, the previous “Medium Density Residential Commercial” designation on the site developed with townhouses became a “Low Rise Residential” designation in VOP 2010, which permits townhouses. The gas station/car wash portion of site, which was approved but not yet constructed, was designated “Mid-Rise Mixed-Use”, which is a designation in the VOP 2010 that permits gas stations. The gas station site was constructed in 2015. As it has only been operating for 3 years, it is unlikely to redevelop within the next few years.

This “Mid-Rise Mixed-Use” designation with a maximum building height of 12-storeys and a FSI of 4.0, on the southwest corner of Jane Street and Teston Road, outside of an area identified in the VOP 2010 as an Intensification Area is an anomaly. There are no other such designations within the surrounding communities. The policies of the

YROP direct the development of mid-rise buildings to Intensification Corridors. VOP 2010 also directs this development of mid-rise buildings to the City's Intensification Areas. The "Mid-Rise Mixed-Use" designation within VOP 2010 is located in areas identified for intensification along Major Mackenzie Drive, Rutherford Road, Regional Road 7 and Steeles Avenue, as shown on Attachment #3. The maximum building heights and densities identified for the "Mid-Rise Mixed-Use" designations in these intensification areas are lower than the maximum 12-storeys and 4.0 FSI permitted at 10750 Jane Street. VOP 2010 designates most gas station sites within the area "Low-Rise Mixed-Use" with a maximum height of 4-storeys and a maximum density of 1.5 FSI.

There are no applications to redevelop this site for "Mid-Rise Mixed-Use" uses. An application would be subject to the policies of the VOP 2010 which permit mid-rise buildings up to a maximum of 12-storeys and an FSI of 4.0, subject to design criteria in Section 9.2.3.5 of VOP 2010. Design criteria include, building design to incorporate a pedestrian scale podium or other architectural articulation to provide an attractive streetscape and mitigate street level wind impacts. These policies also address privacy, shadowing, and buffering of adjacent dwellings by the mid-rise buildings.

The Planning Justification Report submitted in support of these Applications presents the existing "Mid-Rise Mixed-Use" designation on the gas station site at 10750 Jane Street, on the opposite side of Jane Street, as rationale supporting the redesignation of the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential". However, the VOP 2010 policies for "Mid-Rise Mixed-Use" and "Mid-Rise Residential" differ, as these are different designations in VOP 2010. A "Mid-Rise Mixed-Use" designation permits residential units, commercial uses, and a gas station. As indicated above, the gas station was completed in 2015 and redevelopment is unlikely for several years.

The Density of the Development is commensurate with density proposed in the areas of the City identified and planned for Intensification

The density of the Development, at an FSI of 3.45 times the developable area of the Subject Lands, is commensurate with the density proposed in the outer precincts of the Vaughan Metropolitan Centre ("VMC") Secondary Plan which permits planned maximum FSI ranging between 2.5 and 4.5. The proposed FSI also exceeds the maximum planned densities in VOP 2010 within Regional Intensification Corridors along Regional Road 7, with high-order transit, through the Woodbridge Community (from Weston Road to Regional Road 27), which ranges between an FSI of 2 to 3. Similarly, the Development proposes a higher density than the FSI of 2.8 planned within the Thornhill Regional Intensification Corridor along Centre Street, where a high-order transit system is currently under construction between Dufferin Street and Bathurst Street.

VOP 2010 and the Region's Official Plan both identify Bathurst Street and Centre Street (the Thornhill City Centre) as a "Primary Centre". This area is planned for intensification and has been and will continue to be developed with taller buildings at densities ranging between 2 to 4.75 FSI. The proposed Development is commensurate with planned densities of the Thornhill Town Centre area within a "Primary Centre" as identified in the VOP 2010.

o) Section 9.1.2.1 of "Urban Design and Built Form" (in part)

"That new development will respect and reinforce the existing and planned context within which it is situated. More specifically, the built form of new developments will be designed to achieve the following general objectives:

- a. in Community Areas, new development will be designed to Respect and reinforce the physical character of the established neighbourhood within which it is located as set out in policies 9.1.2.2 and 9.1.2.3 or, where no established neighbourhood is located, it shall help establish an appropriate physical character that is compatible with its surroundings, as set out in policy 9.1.2.4"

p) Section 9.1.2.2 of "Urban Design and Built Form" (in part)

"That in Community Areas with established development, new development be designed to respect and reinforce the existing physical character and uses of the surrounding area, paying particular attention to the following elements:

- a. the local pattern of lots, streets and blocks;
- b. the size and configuration of lots;
- c. the building type of nearby residential properties;
- d. the heights and scale of nearby residential properties;
- e. the setback of buildings from the street;
- f. the pattern of rear and side-yard setbacks; and
- h. the above elements are not meant to discourage the incorporation of features that can increase energy efficiency (e.g. solar configuration, solar panels) or environmental sustainability (e.g. natural lands, rain-barrels)."

The intent of Urban Design and Built Form policies 9.1.2.1 and 9.1.2.2 of VOP 2010 are consistent with goals of the previous official plan policies for this area, implemented through OPA No. 350 (Maple Community Plan), with respect to maintaining and enhancing the community identity through sensitive land use planning and to protect existing and future residences from incompatible land use. The "Low Density Residential Area" policies of OPA No. 350 required that "Development within existing neighbourhoods shall be compatible with the existing neighbourhood character in terms

of physical form and scale". The community was developed under the policies of OPA No. 350 and the "Low-Density Residential" designation from OPA No. 350 was carried over into VOP 2010 through the "Low-Rise Residential" designation for the Subject Lands. Additional intensification in this area of the area of the community was not considered through VOP 2010.

With regard to the policies of Section 9.1.2.2, the Development is not consistent with the local street pattern which is planned for the continuation of Giotto Crescent through the Subject Lands and connecting to the southerly segment of the existing Giotto Crescent. In anticipation of the road connecting, the property known as 10743 Jane Street, south of the Subject Lands, is zoned R4 Residential Zone with the Holding Symbol "(H)", subject to site-specific Exception 9(1295) which requires that prior to the lifting of the Holding Symbol "(H)" that the future (R4 Residential lots) are developed comprehensively with the abutting lands to ensure that adequate road access is provided through the extension of Giotto Crescent. This site-specific zoning was approved by Council in 2008 and supports the continued lot pattern of the existing street consistent with the OPA No. 350 Neighbourhood 5 Plan to implement residential development based on the approved road pattern for the community.

The Development as proposed interrupts the planned continuation of the existing development, road and lot pattern of the community. The building type, height, scale, setback from the street and the pattern of rear and side-yard setbacks are all consistent with the existing community. The proposed Development differs significantly from the existing area and interrupts the planned road pattern through the area and the design does not respect and reinforce the existing physical character and existing residential uses.

New development in Existing Community Areas will respect established development

VOP 2010 policies require that new development in "Community Areas" be designed to respect and reinforce the physical character of the surrounding area. In addition, proposed new developments in "Community Areas" with established development shall pay particular attention to the building type of nearby residential properties, the height and scale of nearby residential properties, setbacks of buildings from the street, rear yard setbacks, maximum permitted heights and densities, building types, and built form, as identified in Section 9.1.2.2 of VOP 2010.

The Development does not respect or reinforce the existing low-density form and physical character of the existing residential neighbourhoods to the south and east of the Subject Lands, nor does it provide an appropriate transition of built form the existing residential dwellings in the community. The Development is not consistent with, and does not implement the City's long-term vision regarding the types of development that are appropriate in stable Community Areas.

The Owner has requested an Official Plan Amendment to redesignate the Subject Lands to “Mid-Rise Residential”.

q) Section 9.2.2.3. Mid-Rise Residential (in part)

“In areas designated on Schedule 13 as “Mid-Rise Residential”, the following policies apply:

- a. Mid-Rise Residential areas are generally located in Intensification Areas and shall be planned to consist of primarily residential buildings. They will help achieve the City’s population and intensification targets by establishing medium intensity housing forms. These areas will be carefully designed with a high standard of architecture and public realm, and well integrated with adjacent areas.
- b. The following uses shall be permitted in areas designated as Mid-Rise Residential, in addition to those uses permitted through Policy 9.2.1.9:
 - i. Residential units;
 - ii. Home occupations;
 - iii. Small-scale convenience retail, provided the use is: A. located on a corner lot where at least one of the sides is on a collector or arterial street as indicated on Schedule 9; and B. a maximum of 185 square metres of gross floor area; and
 - iv. Community facilities.
- c. The following Building Types are permitted in areas designated as Mid-Rise Residential, pursuant to policies in subsection 9.2.3 of this Plan:
 - i. Mid-Rise Buildings; and
 - ii. Public and Private Institutional Buildings.
- d. Within 70 metres of an area designated as Low-Rise Residential or on streets that are not arterial streets or Major Collector streets, the following building types may be permitted, pursuant to policies in subsection 9.2.3 of this Plan, in order to provide for an appropriate a transition to the Low-Rise Residential area
 - i. Townhouses;
 - ii. Stacked Townhouses; and
 - iii. Low-Rise Buildings.”

The Development does not conform to the “Mid-Rise Residential” policies of the VOP 2010. The Subject Lands are adjacent to a “Low-Rise Residential” designation and are

not within an Intensification Area. The above policy is intended to direct the built form of development to a more appropriate form, compatible with the low-rise residential area. An alternate housing form, such as townhouses, stacked townhouses or low-rise buildings would be appropriate for the Subject Lands.

Given the policy framework of VOP 2010 in protecting “Low-Rise Residential” developments, the VOP 2010 contains Building Types and Development Criteria policies for “Low-Rise Buildings” in Section 9.2.3.4. which apply to “Low-Rise Buildings”:

- a. Low-Rise Buildings are generally buildings up to a maximum of five storeys in height, and subject to the maximum building height permitted through policy 9.2.1.4 and Schedule 13.
- b. In order to provide appropriate privacy and daylight/sunlight conditions for any adjacent house form buildings, “Low-Rise Buildings on a lot that abuts the rear yards of a lot with a Detached House, Semi-Detached House or Townhouse shall generally be setback a minimum of 7.5 metres from the property line and shall be contained within a 45-degree angular plane measured from the property line abutting those house form buildings.

The proposed Development is twice as high as the maximum 5-storey building height considered appropriate for development adjacent to “Low-Rise Residential” developments. The conceptual Site Plan shows the height of the proposed building within a 45-degree angular plane although the Owner has not confirmed that the angular plane has been calculated according to the policies of 9.2.3.5 of the VOP 2010, which measures this at the property line.

Similar Building Types and Development Criteria policies for “Mid-Rise Buildings” in Section 9.2.3.5. which apply to “Mid-Rise Buildings”:

r) Section 9.2.3.5. Mid-Rise Residential

9.2.3.5. The following policies and development criteria apply to “Mid-Rise Buildings”:

- a. Mid-Rise Buildings are generally buildings over five storeys in height, up to a maximum of twelve storeys in height, depending on the height permitted through policy 9.2.1.4 and Schedule 13.
- b. Mid-Rise Buildings over six storeys in height shall be designed with a pedestrian scaled podium or other appropriate architectural articulation, designed to the satisfaction of the City, to enhance the building design and provide an active pedestrian streetscape. The podium shall generally be between three and six storeys in height. Taller building elements shall generally be set back from the podium by a minimum of three metres

along all public street frontages in order to provide an appropriate pedestrian environment and mitigate wind impacts at the street level.

- c. In order to provide appropriate privacy and daylight/sunlight conditions for any adjacent house form buildings, Mid-Rise Buildings on a lot that abuts the rear yards of a lot with a Detached House, Semi-Detached House or Townhouse shall generally be setback a minimum of 7.5 metres from the property line and shall be contained within a 45-degree angular plane measured from the property line abutting those house form buildings.
- d. Mid-Rise Buildings should be located and oriented in order to provide sufficient privacy and daylight conditions for the people living and working within them.
- e. Surface parking is generally not permitted between the front or side of a Mid-Rise Building and a public street. Surface parking elsewhere on a lot with a Mid-Rise Building should be set back from any property line by a minimum of three metres and shall be appropriately screened through landscaping. All surface parking areas must provide a high level of landscaping treatment and pedestrian pathways and it is encouraged that the grading and landscaping materials for surface parking lots be designed as part of the site's stormwater management system.
- f. The rooftop of Mid-Rise Buildings should include landscaped green space, private outdoor amenity space or environmental features such as solar panels.

The proposed design of the Development does not conform to these policies. The proposed development is not located within an Intensification Area. Other "Mid-Rise Residential" designations within the City are within Intensification Areas, as discussed above.

There are currently nine properties designated "Mid-Rise Residential" within VOP 2010. The two properties within Block 11 are developed with street townhouses. The property within Block 10 is 4-storey senior's residence. These "Mid-Rise Residential" designations reflect development approvals granted prior to the approval of VOP 2010.

The other properties are located within Intensification Corridors. The property on Major Mackenzie Drive east of Keele Street permits a maximum height of 4-storeys and has not been redeveloped. The "Mid-Rise Residential" designation along the Centre Street corridor permits a maximum height between 2-6 storeys and an FSI of 2.5 but this area has not yet been redeveloped. The designation on Regional Road 7 in the Woodbridge area permits a building height of 10-storeys and 3.5 FSI and is under construction. Centre Street and Regional Road 7 are identified within VOP 2010 as Intensification

Areas. There is a property at Islington and Steele Avenues which is permits a building height of 9-storeys and an FSI of 2.5 and is in a pocket of “Mid-Rise Mixed-Use” and “Employment Commercial Mixed-Use” designations. These existing “Mid-Rise Residential” designations reflect the City’s Intensification Strategy and support the municipal investment in infrastructure within the Intensification Areas.

Future Employment Area and New Community Secondary Plans

The future development of the northwest and northeast corners of Jane Street and Teston Road (Blocks 34 and 27 respectively) was specifically considered in OPA No. 600 (which preceded VOP 2010) to be planned through individual Secondary Plan processes, following comprehensive studies for the respective Secondary Plans. These secondary plans addressed the appropriate mix of land uses, building types, heights, densities and development policies for development within these Blocks.

Block 34 at the northwest corner of Jane Street and Teston Road is within the Highway 400 North Employment Lands Secondary Plan. The northwest corner is designated Mixed-Use Area Employment / Commercial and permits a range of small scale retail and service commercial uses designed to serve through traffic, as well as the surrounding area, such as restaurants, convenience stores, pharmacies and business supply uses. The policies of this Plan intend that the permitted uses shall generally be located as part of mixed use buildings. However, consideration may also be given to the location of the permitted uses in single-use buildings at the intersection of Jane Street and Teston Road. The zoning by-law will establish appropriate setbacks, heights and densities, and other development standards to ensure that buildings and their primary entrances are designed to be located close to and to front onto primary streets, including Jane Street and Teston Road, to provide interest and comfort at ground level for pedestrians.

The lands designated Mixed Use Areas - Employment/Commercial at the north-west corner of Jane Street and Teston Road may permit a food store within the designation without amendment to the Plan, subject to a land use study at a future date which determines the form and character of development east of Jane Street which and demonstrates the need and appropriateness of the food store. This intersection is also subject of a “Significant Interface Area” designation which identifies significant intersections, which serve as “gateways” into the employment area and require Urban Design Guidelines. The guidelines will address the design parameters for the lands in the Employment Area, but also their relationship with lands at the intersection outside the Employment Area.

The future development of this Employment Area does not envision the type of height and density proposed by these Applications.

Block 27 Secondary Plan

Block 27 is a New Community Area (located north of the Subject Lands) bounded by Teston Road to the south, Jane Street to the west, Kirby Road to the north and Keele Street to the east. The Block 27 New Community Area was designed to meet the City's growth forecasts and will be developed as a complete community. This New Community Area is consistent with the York Region Official Plan and is designed to meet the densities and minimum requirements of the Growth Plan and the York Region Official Plan. The Block 27 Secondary Plan is the result of a comprehensive Secondary Plan Study which began in 2015. The implementing Official Plan Amendment for the Secondary Plan will be considered by Council on September 17, 2018. This Secondary Plan provides policies for future growth, including land use designations, building heights, densities, urban design, transportation, cultural heritage, parks and open space and implementation.

Block 27 is intended to develop as a complete community and has considered Provincial legislation and Regional and municipal frameworks. Block 27 also includes the new Kirby Go Station. The Guiding Principles of the Growth Plan (2017) direct municipalities to support the achievement of complete communities and achieve minimum density targets, which are higher in areas served by the Go Transit Rail Network. The Block 27 Secondary Plan designates land for low and mid-rise residential development. These designations and their placement is a result of the Block Plan Study. Up to 5-storeys and 1.5 FSI is considered on arterial roads except in the Hamlet of Teston located north to Teston Road on the east side of Jane Street, opposite the Subject Lands. Within Block 27, "Mid-Rise Mixed-Use" with a height of 12-storeys and 4.0 FSI may be permitted at Keele Street and Kirby Road within the "Local Centre Kirby Go Transit Hub Special Study Area".

The Block 27 Secondary Plan is an area identified for future growth. It specifically directs growth to areas of this community specifically planned in a comprehensive manner for higher density and locations tied to support municipal and provincial investment in transit infrastructure including a "Transit Hub" designation for the future Kirby Go Station. The Block Plan process and a "Transit Hub Special Study Area" will further determine the exact alignment of future streets, supporting infrastructure and the boundaries of land use designations.

The northeast corner of the Block 27 Secondary Plan, opposite the Subject Lands recognized as the Hamlet of Teston. The hamlet is physically separated from the rest of Block 27, by the Greenbelt which contains natural heritage features. The Block 27 Secondary Plan policies propose a "Low-Rise Mixed-Use" designation which permits development with a maximum height of 2-storeys to protect the character of this hamlet, which is developed with 1 and 2-storey buildings and contains a cultural heritage resource.

As noted above, the Intensification Areas and “New Community Areas” are identified within the VOP 2010 by the Urban Structure and their roles and functions follow a hierarchy. The Subject Lands are not located within an intensification area and are not located near an area planned for intensification. The City’s recently approved Secondary Plan for Block 27 is the planned future growth area and will accommodate future intensification adjacent to the planned Kirby Go Station.

Community Area Policy Review for Low-Rise Residential Designations

Council on October 20, 2015, directed the Policy Planning and Environmental Sustainability (“PPES”) Department to initiate the Community Area Policy Review for Low-Rise Residential Designations. Council subsequently adopted the Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods (the “Guidelines”) and the community Area Policy Review for Low Rise Residential Designations Study (the “Study”). Council on October 19, 2016 approved the Guidelines and which serve to clarify and implement existing VOP 2010 policies related to compatibility. Council on April 19, 2017, approved the Study and an Official Plan Amendment to implement the Study recommendations, will be forwarded to Council for adoption at a future date.

The Guidelines and Study have identified the Subject Lands as being located within an “Established Community Areas” – Medium-Lot -Neighbourhood” between 10-14 m lots. The Applications were submitted on January 26, 2017, and the Guidelines would apply to the redevelopment of the Subject Lands with a low-rise form of development, to respect and maintain the prevailing pattern of building orientation, setbacks and landscaping, and to ensure that a development proposal is compatible with the character of their neighbouring properties and the surrounding established low-rise residential community.

Interruption Giotto Crescent as a Planned Local Street

As noted above, the approved Neighbourhood 5 Plan in OPA No. 350 identified alignment of Giotto Crescent as a complete crescent extending into the Subject lands and properties along Jane Street, and fully connecting to the existing southerly section of this street. Schedule 9 – Future Transportation Network of VOP 2010 identifies this planned alignment and the full connection of Giotto Crescent. The City’s policy with respect to street design is indicated in Section 4.2.1.4 of VOP 2010 which states that street design shall be planned to be in accordance with City engineering standards for each street class and the planned right-of-way widths identified with Schedule 9 of the VOP 2010.

In addition, the Zoning By-law contains a provision that “No person shall change the purpose for which any land or building is used, or erect any new building or addition to any existing building, or sever any lands from an existing parcel if the effect of such

action is to cause the original adjoin or remaining buildings or lands to be in contravention of this By-law. Provided that if the contravention is as a result of an expropriation or acquisition by an Authority possessing the powers of expropriation, that part of such remaining lands or buildings shall be deemed to conform to the provisions of this By-law". The Development will not allow for the completion of Giotto Crescent through the adjacent property to the south, known municipally as 10743 Jane Street, which is zoned "R4(H) Residential Zone" with Holding Symbol "(H)" subject to a site-specific Exception 9(1295). This site-specific Exception was placed on these lands to ensure that the future lots are developed comprehensively with the abutting lands to ensure that adequate road access is provided through the extension of Giotto Crescent.

The Development will result in a permanent interruption to Giotto Crescent as a planned Local Street, as identified in the VOP 2010 and will preclude 10743 Jane Street from achieving the development permitted under the in-effect R4(H) Residential Zone.

Section 37 Community Benefits will be required

The Development proposed by the Owner exceeds the current building height and density permissions set out in VIO 2010. Section 37 of the *Planning Act* (density bonusing) allows municipalities to secure services, facilities or other matters (i.e., community benefits) as a condition of approval for development applications, where the proposed increase in building height and /or density is above the existing planning permissions and in accordance with the Section 37 provisions of the VOP 2010 (Volume 1 – Section 37 Planning Act). Should the LPAT approve the Applications, the Owner will be required to provide Section 37 benefits in accordance with the City's policies and Section 37 guidelines. A condition is included in the Recommendations in this report in this regard.

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

Three parcels comprise the Subject Lands, as shown on Attachment #2. Both 2993 and 2995 Teston Road are zoned "A Agricultural Zone" and 2975 Teston Road is zoned "R4 Residential Zone", subject to site-specific Exception 9(1100) by Zoning By-law 1-88 which provides zone requirements for the "R4 Residential Zone" lots. The "A Agricultural Zone" permits agricultural, institutional, and recreational uses, and the "R4 Residential Zone" permits detached dwellings as defined by Zoning By-law 1-88 ("Zoning By-law"). Under the current zoning two detached dwellings are permitted on lots in the Agricultural Zone and two detached dwellings are permitted on the lots zoned "R4 Residential Zone".

To implement the Development, amendments to the Zoning By-law are required to rezone the Subject Lands from "A Agricultural Zone" and "R4 Residential Zone" to "RA3 Residential Apartment Zone" in the manner shown on Attachment #5, together with the following site-specific zoning exceptions:

Table 1

	Zoning By-law 1-88 Standard	RA3 Residential Apartment Zone Requirements	Proposed Exceptions to the RA3 Residential Apartment Zone Requirements
a.	Minimum Lot Area Per Unit	67m ² /unit	32.49 m ² /unit
b.	Permitted Uses	Apartment Dwelling Day Nursery	Permit the following additional uses: -Independent Living Facility -Long Term Care Facility -Supportive Living Facility
c.	Minimum Below Grade Setback to Street Line	1.8 m	1 m to Teston Road
d.	Minimum Front Yard Setback	7.5 m	3.2 m to Jane Street
e.	Minimum Exterior Side Yard	7.5 m	1 m to Teston Road
f.	Minimum Amenity Area Per Unit	One Bedroom Units - 60 @ 20 m ² per unit = 1,200 m ² + Two Bedroom Units - 72 @ 55 m ² per unit = 3,960 m ² + Three Bedroom Units - 44 @ 90 m ² per unit = 3,960 m ²	Additional information required from Owner to confirm amenity area per unit and for the entire Subject Lands

	Zoning By-law 1-88 Standard	RA3 Residential Apartment Zone Requirements	Proposed Exceptions to the RA3 Residential Apartment Zone Requirements
		Total Required Amenity Area = 9,120 m ²	
g.	Minimum Landscape Strip Width Along a Lot Line Which Abuts a Street Line (Jane Street and Teston Road)	6 m	• 3.21m along Jane Street • 1 m along Teston Road
h.	Maximum Driveway Width (at street line) Maximum Number of Driveways Per Site	7.5 m 1 driveway per lot	9.25 m at Teston Road 8.7 m at Giotto Cresc. 3 driveways
i.	Minimum Landscape Strip Width Abutting Outdoor Parking Area	3 m	0 m
j	Landscape Strip Abutting Outdoor Parking Area	3m	0 m
k.	Minimum Number of Required Parking Spaces	176 units @ 1.5 parking spaces per unit = 264 parking spaces + 176 units @ 0.25 visitor parking spaces per unit = 44 parking spaces Minimum Number of Required parking spaces = 308	176 units@ 1.068 parking spaces per unit = 188 spaces + 176 @ 0.0965 visitor parking spaces per unit = 17 parking spaces Proposed number of parking spaces = 205

	Zoning By-law 1-88 Standard	RA3 Residential Apartment Zone Requirements	Proposed Exceptions to the RA3 Residential Apartment Zone Requirements
			(66.5% of required parking spaces) This does not include the total number of accessible parking spaces required.

As identified in Table 1, a number of exceptions to Zoning By-law 1-88 are required to implement the Development.

The proposed exceptions to the RA3 Apartment Residential Zone illustrate the Development proposed for this site exceeds the By-law 1-88 standards for an apartment building on lot which is 0.57 ha in size. The standard setbacks from the street lines are not provided, adequate parking for residents and visitors is not provided, amenity area for residents does not meet the City's requirements and buffering and landscaped areas are lacking. The zoning by-law exceptions requested for the site, further indicate the Development is not appropriate for the Subject Lands.

Additional Information is Required to verify Zoning Compliance

The zoning review on Table 1 for this Development is based on the conceptual site plan prepared by A. Baldassarra Architect Inc., dated January 2017. As floor plans were not submitted, conformity of the amenity area with the Zoning By-law requirements cannot be confirmed. Similarly, the elevations show a building height of 34.5 m to the top of the roof, however the Owner has not included all grading information to confirm the exact building height (as defined in the Zoning By-law). Assessible Parking Spaces are subject to Ontario Regulation-O. Reg. 413/12, Subsections 80.32 through 80.39, which supersede the Zoning By-law. The conceptual site plan and underground parking drawings require a minimum of 8 spaces, 4 of which shall be Type 'A', and 4 of which shall be Type 'B', whereas only 2 Type 'A'; and 2 Type 'B' are identified on the current plans. In addition, the underground parking plans shall identify the setbacks from all lot lines to the below grade parking structure. Although a loading space is shown on the site plan, no dimensions are provided. The Owner shall verify that the Zoning By-law requirement for a loading space of 9 m long X 3.5 m wide, with a vertical clearance of 4.2 m has been met.

Current Zoning in the Surrounding Area

The current zoning of the surrounding area is shown on Attachment #2. The residential subdivision south of the Subject Lands (Mackenzie Glen) is zoned “R4 – Residential Zone Four” which permits only detached dwellings with a maximum building height of 9.5m.

The southwest corner of Jane Street and Teston Road is Zone “C3 Local Commercial Zone” subject to a site-specific Exception 9(1276) which only permits a gas bar, a service station, and a drive-through eating establishment in conjunction with a gas station.

The existing zoning at the northwest corner of Jane Street and Teston Road is “A Agricultural Zone” subject to site-specific Exception 9(53) which does not permit additional agricultural farm dwellings on the property. The northeast corner of Jane Street and Teston Road is also zoned “A Agricultural Zone”.

There are no current development applications on any of the lands in the vicinity of the Subject Lands shown on Attachment #2, other than on the Subject Lands.

Proposed “RA3 Residential Apartment Zone” and Site-Specific Exceptions

The Applications would introduce an Apartment Dwelling Zone category (RA3 Residential Apartment Zone) into a low-density, stable Community Area, and would require several site-specific development standards to permit the Development, which is not consistent with the zoning in the surrounding community (e.g. 1 m setback to Teston Road, increased building height, reduced parking, reduced amenity area, and reduced setbacks in excess of Residential Apartment Zone standard.

The PPS places the responsibility for the identification of opportunities for intensification and redevelopment with planning authorities which will be implemented through their Official Plans and Zoning by-laws. The proposed rezoning and site-specific zone exceptions are not considered appropriate since they would facilitate a Development that does not conform to the official plan policies or achieve the goals of VOP 2010 for this area. Specifically, the zoning exceptions would introduce intensification that would result in a built form which creates an 11-story street wall along Jane Street and along Teston Road, with building massing and reduced setbacks, that are inconsistent and not compatible with the existing low-rise residential character of the surrounding community. The substantially reduced building setbacks (i.e. 1 m to Teston Road, 3.2 m to Jane Street) demonstrate overdevelopment of the Subject Lands, and affirm the size and configuration of the Subject Lands is not conducive or appropriate for the intensity of the Development proposed.

Reduced Building Setbacks and Landscape Strip Widths

The conceptual site plan does not identify the setback distance from the centre-line of Jane Street or Teston Road. It is unclear if the Development will be subject to future

road widenings by York Region to provide for the ultimate road widths. The proposed above grade setback of 1 m to Teston Road could result in significant permanent encroachments into the Regional rights-of-way for features such as fences, stairs, door swings, and awnings, which would not be permitted. The Region has requested confirmation of the setbacks to the centre-line. The Owner has not provided the requested setback information.

The 1 m landscape strip width along the property line adjacent to Teston Road, does not provide for adequate landscaping or buffering between the Development and Teston Road or the opportunity to create an active public realm. The west corners of the proposed building are also located adjacent to the sight triangle for the Jane Street and Teston Road intersection and only a hard landscape treatment is provided adjacent to the sight triangle. An appropriate setback to the sight triangle is required to provide an acceptable pedestrian environment and streetscape at this intersection. The proposed 3.2 m setback to Jane Street will also provide inadequate space for proper landscaping and appropriate tree growth.

Currently, there is a landscape strip between the Region's right-of-way adjacent to the residential subdivisions along Jane Street south of Teston Road, and along the south side of Teston Road between Jane Street and Keele Street, consistent with a 6 m wide landscaped area along the street line. There are many locations where a single loaded road is between the residential development and the landscape strip on Jane Street and on Teston Road, creating a consistent residential character in this area. The proposed Development would be the only residential development with a 1 m building setback along this section of Teston Road, and the only building with a 3.2 m setback along Jane Street, in a community where all other residential buildings are generally setback more than 10 m. The provision of a future "Class 1 Multi-Use Trail" located adjacent to the Subject Lands would also be impacted by a 1 m setback along Teston Road.

The Development would result in a permanent built form and massing that is considered too close to York Region's rights-of way, and not compatible with the function of the Jane Street and Teston Road intersection, and is inadequately setback from the adjacent detached residential buildings south and east of the Subject Lands. The setbacks to the building are inadequate and inappropriate for a building of this height and scale in the context of the surrounding area and are not supported.

Reduced Setbacks to Building Below Grade

Much of the Subject Lands will be excavated to accommodate for two levels of underground parking below the building. The proposed footprint of the underground parking garage is setback 0 m from the Teston Road property line, and between three and six metres from the other property lines, resulting in very little of Subject Lands having sufficient soil depth to support tree growth and provide at grade areas with soft landscaping.

Reduced Lot Area

The proposed lot area is 32.66 m² per unit, based on the lot area (5,717.59 m²) of the Subject Lands, which is significantly less than the 67 m² minimum lot area per unit required by the RA3 Residential Apartment Zone in the Zoning By-law. The proposed lot area per unit promotes the intensification of the Subject Lands beyond the maximum as-of-right density permitted for the “RA3 Residential Apartment Zone category”. The proposed density, based on the lot area, is similar to the highest density Residential Apartment Zone category in the Zoning By-law, outside of the “C9 Corporate Centre and C10 Corporate District Zones”, which are found in the VMC and other intensification areas. The proposed density represents an overdevelopment of the Subject Lands and is not supported in consideration of the context of the surrounding area.

Amenity Area Statistics Required

The Zoning By-law requires a total of 9,120 m² (an average of 51.8 m²/unit) of amenity area for 176 residential units (relative to the number of bedrooms per unit) be provided on the Subject Lands as shown in Table 1. The Planning Justification Report for the Development indicates that amenity areas will include an indoor party room and a gym, and an outdoor patio on the fifth floor. However, there are no site statistics on the plans submitted to confirm the amount of amenity area to be provided. There is no outdoor grade related amenity space that could be used by residents as a shaded sitting area or “tot lot” play area. The at grade landscaped areas on the Subject Lands consist of pavers and planter boxes. Additional site statistics are required to identify the amount of amenity space provided and to verify compliance with the Zoning By-law requirements. The lack of at grade landscape areas for sitting and a “tot-lot” play area further demonstrates the overdevelopment of the Subject Lands.

Reduced Resident and Visitor Parking Ratios

The Development proposes a total of 205 parking spaces, whereas a total of 308 parking spaces are required. The parking ratios proposed by the Owner differ from the Zoning By-law requirements and will result in significant parking deficiencies in the amount of resident and visitor parking to be provided versus the amount required by the Zoning By-law. The conceptual site plan shows a total of 188 resident parking spaces within the underground parking garage, whereas the Zoning By-law requires 264 resident spaces. Seventeen visitor parking spaces shown at grade, which includes five of the required assessable parking spaces, whereas the Zoning By-law requires 44 visitor parking spaces. An additional 4 accessible parking spaces are required for the Development in accordance with Ontario Regulation – O. Reg. 413/12. Subsections 80.32 through 80.39.

The parking deficiency and the proposed parking ratios are discussed in the Development Engineering Department (“DE Department”) comments of the report. The Traffic Impact Statement provided by the Owner did not provide justification for the proposed parking reduction and the Owner has not provided the revised TIS requested by the DE Department. Therefore, based on the information provided to date, the

parking reduction cannot be supported. Staff is concerned the proposed parking ratios will result in an overspill of parking into the community. The parking deficiency further affirms that the proposal represents an overdevelopment of the Subject Lands.

Exceptions to Driveways Standards

The Zoning By-law permits a maximum of one driveway per lot, whereas three driveways are proposed. The driveway access to Giotto Crescent is not necessary and is inappropriate, as discussed in the Development Engineering Department comments later in this report. The maximum permitted driveway width is 7.5 m whereas a width of 9.5 m is proposed to provide full moves onto Teston Road. The DE Department and in the York Region have advised that the driveway to Teston Road interferes with the Jane Street and Teston Road intersection and will be restricted to right-in/right-out access to Teston Road. A 9.5 m wide driveway is not necessary and is not supported.

Building Height

The Development includes an 11-storey building. The “RA3 Apartment Residential Zone” limits the maximum building height to 44 m whereas, the Owner has not verified the building height in metres, measured in accordance with the Zoning By-law. The other buildings within the community have been developed to the “R4 Residential Zone” and the “RVM1 Residential Urban Village Multiple Dwelling Zone” which permit a maximum building height of 9.5 m and 11.5 m respectively. The height of proposed 11-storey building exceeds the height of the built form in the community and is not supported.

For the reasons identified above, together with the other comments provided in this report, the proposed rezoning and site-specific exceptions would facilitate a Development that does not conform to the policies of VOP 2010 for the Subject Lands, and therefore, the Zoning Amendment application cannot be supported.

The Subject Lands will be zoned with the Holding Symbol “(H)”, should the Applications be approved by LPAT

Should LPAT approve the Applications, it is recommended that the implementing Zoning By-law include a Holding Symbol “(H)” on the Subject Lands. The Holding Symbol “(H)” will not be removed from the Subject Lands (or portion thereof) until: Vaughan Council identifies and allocates water supply and sewage servicing capacity to the Development; the City and the Owner execute the implementing Site Plan Agreement; and the City is in receipt of a Ministry of the Environment and Climate Change (“MOECC”) Record of Site Condition (“RSC”) filed on the Environmental Site Registry and Acknowledged by the MOECC.

It is recommended that the LPAT withhold its Order should these Applications be approved

Should these Applications be approved, a condition is included in the Recommendations requesting the LPAT to withhold its final Order regarding the implementing Official Plan and Zoning By-law Amendments until the conditions of the lifting of the Holding Symbol “(H)” have been satisfied.

A Site Development Application is required, should the LPAT approve the Applications

A Site Development Application has not been submitted in support of the Development. The Owner submitted plans and reports in support of the proposed Official Plan and Zoning By-law Amendment applications which have been reviewed by various City Departments, the Toronto and Region Conservation Authority (“TRCA”), York Region, utility agencies and the First Nations.

The issues identified by the commenting Departments and external agencies are based on the Official Plan and Zoning By-law Amendment Applications, without the benefit of the review of the corresponding Site Development Application, wherein detailed technical comments are typically provided. The review of a Site Development Application may result in significant changes to the Development presented in the current Applications. Comments received by the City resulting from a review of the Site Development Application may require the Owner to modify the current Development, should the Applications be approved. Until a more fulsome review has been undertaken through the Site Development Application process, it is possible that requested modifications to the Development proposal may result in other areas of non-conformance with the objectives of the Provincial policies and Regional and City Official Plan policies. This could result in the need for additional exceptions to the Zoning By-law standards.

Should LPAT approve the Official Plan Amendment File OP.17.002 and Z.17.003, in whole or in part, that the LPAT withhold its final Decision/Order until the implementing Official Plan and Zoning By-law are prepared to the satisfaction of the City and that the implementing Zoning By-law includes the Holding Symbol “(H)” which shall not be removed from the Subject Lands until the Owner successfully obtains Site Development Approval for the Subject Lands and approval by City Departments, York Region, TRCA, required utility companies and First Nations having an interest in this Applications. A condition to this effect is included in the Recommendations of this report in this regard.

Alternate Design Scenarios Requested

Staff met with the Owner and the agent in March 2017, to discuss the City’s concerns regarding the proposed site design, built form, height and density. Staff recommended

the Owner consider an alternate built form to better integrate the Development with the existing community. City staff offered to review and provide suggestions on developing alternative design scenarios for the site. The Owner has not provided alternate designs for further discussion with staff.

The Development requires review by the Vaughan Design Review Panel (“DRP”)

The Development requires review by the DRP. The Development Planning Department seeks the professional advice and recommendations of the DRP solely on design related matters. If this Development were to have been considered by the DRP, staff would have sought the DRP’s opinion regarding how successful the proposed site organization was in integrating the built form and density into the surrounding residential community and how the pedestrian environment for the future residents connected to the surrounding community including proposed municipal trail systems.

The DRP’s advice would also have been sought on how well the proposed building massing and architecture responded to the surrounding neighbourhood context. Following the review of a proposal the DRP would respond to the questions posed for their review and provide comments on how the Development meets the City’s urban design objectives, or makes recommendations for staff consideration on how to improve the proposal to achieve better site design, distribution of massing and built form, public realm and pedestrian permeability. The DRP has not reviewed the current Development. The DRP does not provide comments with regard to the consistency of the Development with the VOP 2010 policies for the Subject Lands.

In keeping with the City’s Urban Design policies, a Site Development Application for the Development shall be reviewed by the DRP, which could offer an opinion on the matters noted above.

The Urban Design and Cultural Heritage Division (“Urban Design”) has provided initial comments regarding the Development

A Site Development Application has not been submitted for the Development, however, Urban Design has reviewed the conceptual site plan, building elevations, landscape concept plan, the tree conservation plan and the sun shadow study submitted in support of the Applications, and has provided the following comments:

- the existing surrounding context is low-rise residential development and the Block 27 Secondary Plan for the northeast corner of Jane Street and Teston Road also proposes low rise development in the Hamlet of Teston, opposite the Subject Lands and considering that there is no mid-rise development in the existing or planned context of the site, the 11-storey apartment building is not an appropriate built form for this area;
- the Development should be revised to be more compatible with the existing and planned context of the area;

- the Development should also consider creating a visual and physical porosity along Jane Street and Teston Road and provide access for pedestrians and cyclists;
- bird-friendly treatment should be implemented for the proposed glazing on any building elevations;
- although staff appreciates the grade differences of the two accesses to the site, proposing two parallel fire routes is not acceptable;
- the proposed site design does not provide any opportunity for soft-scaping and at grade amenity areas for the residents;
- the internal driveways/fire route access should be optimized and surface parking be reduced to provide a meaningful open space area for residents of the building;
- the proposed Development should coordinate with York Region plans for ecologically enhanced landscape within the Teston Road right-of-way to provide an adequate and improved landscaped buffer and/or increased setback to provide adequate landscape requirements within the private property;
- the Landscape Plans have not addressed rooftop amenity areas and the Preliminary Pedestrian Wind Study by Gradient Wind Engineering Inc., has addressed wind levels at grade exposures on the streets and in the entrance, parking, and loading areas of the Development, but not on any area that may provide rooftop amenity space.

Should the Applications be approved, additional information regarding, landscape materials, landscape cost estimates, and building materials must be submitted for review at the Site Plan approval stage. Further comments from Urban Design regarding design details, site organization, landscaping, and building materials will be provided through the Site Plan process.

The Development Engineering (“DE”) Department has provided comments regarding servicing, stormwater management, Environmental Site Assessment, transportation, parking, and noise considerations that do not support the Applications

The DE Department has reviewed the Applications and supporting technical studies, and provided the following comments in June, 2017:

a) Water Servicing

The Subject Lands are located within Pressure District 7. The DE Department has requested that the Owner’s consultant identify the connection point to the City’s watermain and complete a hydrant flow and pressure test to confirm its adequacy. The Development is proposed to be connected to the existing 200 mm diameter watermain along Giotto Crescent. The DE Department has requested further details of the proposed water service be provided at the site plan (detail design stage) which must take into consideration the current City of Vaughan

Design Standards. Based on the information provided to date, water servicing to the development cannot be determined.

b) Sanitary Servicing

The Development is proposed to be connect to an existing 200 mm diameter sanitary sewer service on Giotto Crescent and the existing sanitary connections to the original three residential lots on Teston Road will be abandoned and plugged. Based on the information provided to date, sanitary servicing to the development cannot be determined.

c) Stormwater Management

The Functional Servicing Report ("FSR") and Preliminary Stormwater Management Report, prepared by Crozier & Associates Inc., dated November 2016, proposes a design to collect and convey stormwater and discharge into the existing 375 mm diameter storm sewer on Giotto Crescent. The City of Vaughan Design Criteria requires that the storm sewer system must provide on-site quantity and quality controls for storms up to and including the 100-year storm event. These controls will occur prior to the release of storm water into the minor system. The City's Design Criteria also requires post-development storm events, up to and including the 100-year event, to be controlled to the established 5-year pre-development rate. All stormwater management design should be in conformance with the applicable approved Master Plan Study / Master Environmental Servicing Plan ("MESP") Study completed for this area.

The DE Department requires a revised Functional Servicing and Stormwater Management Report to analyze the existing 375 mm diameter storm sewer to Giotto Crescent to determine if there is sufficient capacity to accommodate the proposed development. The Owner has not provided a revised Functional Servicing Report and Stormwater Management Report to the City as requested, therefore adequate stormwater management for the development cannot be confirmed at this time.

d) Lot Grading

There is a significant grade difference between the Subject Lands and the adjacent residential properties requiring retaining walls. Further details of the proposed retaining walls shall be provided at the site plan stage should the Applications be approved.

e) Environmental Site Assessment ("ESA")

An electronic PDF version of the Phase One report dated June 7, 2016, and the Phase Two ESA reports dated July 28, 2016 prepared by Terraprobe is required by the DE Department and the environmental consultant (Terraprobe) is required to provide the City with a Letter of Reliance for the use of Terraprobe's Phase

One and Two ESA reports. The Owner has not provided the requested Letter of Reliance.

The Phase Two ESA report identified electrical conductivity (“EC”) and sodium absorption ratio (“SAR”) within the soil on the Subject Lands exceeding the applicable Ministry of the Environment and Climate and Change (“MOECC”) standards, and recommended remediation of the impacted soils. In accordance with the City’s policy regarding contaminated sites, the Owner will be required to submit a Remedial Action Plan (“RAP”) outlining the approach for remediating the impacts in accordance with the City’s RAP checklist.

Given the requirement for site remediation, the Holding Symbol “(H)” shall be applied to the implementing Zoning By-law with the removal of the “(H)” conditional upon the City’s receipt of a MOECC Record of Site Condition (“RSC”) filed on the Environmental Site Registry and Acknowledged by the MOECC, should the Applications be approved.

f) Noise

A Noise Feasibility Study for Proposed Residential Condo Development (“Noise Study”) prepared by HGC Engineering, dated January 23, 2017, was reviewed by the DE Department. The Noise Study recommends the inclusion of Warning Clauses to inform future residents of the potential road traffic noise issues and of noise from nearby commercial facilities. A final and more detailed copy of the Noise Study shall be submitted at the detailed design stage (Site Plan) outlining the specifics of these warning clauses for inclusion in the related Development Agreement and all details regarding any additional noise mitigation features such as an acoustic sound barrier, etc., to the satisfaction of the City and the Region of York, should the Applications be approved.

It is possible that the following warning clause from the MOECC’s Environmental Noise Guideline may be recommended to be registered on title and be included in all Offers of Purchase and Sale Agreements, notifying future Owners of the potential noise exceedances above the MOECC’s sound level limits as a result of the traffic noise:

- i) “Purchasers/tenants are advised that 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 and Climate Change’s noise criteria.”

The DE Department advises that should the Applications be approved, the Noise Study will have to be updated based on the final version of architectural drawings submitted for a Building Permit, through the Site Development Application review

process and will be conditions of approval of a future Site Plan and Draft Plan of Condominium approval process.

g) Road Network

Access to the Development is proposed to be a full-movement driveway entrance from Teston Road and a right-in/right-out driveway from Jane Street, which is subject to York Region approval. An additional site access with a driveway connection to Giotto Crescent is also proposed. The DE Department notes that the Development may also be subject to future road widenings on both Jane Street and Teston Road.

h) Site Access

The DE Department reviewed the Traffic Impact Study (“TIS”) submitted by Crozier & Associates, dated December 2016, and the conceptual Site Plan by A Baldassarra Architect Inc., dated January 2017, and has indicated that the connection to Giotto Crescent be completely removed from the Development, or converted to an emergency access only. The two proposed vehicular accesses (via Jane Street and via Teston Road) are adequate to serve the Development. This conclusion is substantiated by the TIS, which assigns a minimal number of vehicular trips (5% inbound and 10% outbound) to proposed third access from Giotto Crescent.

Giotto Crescent is planned to extend through the future development of the Subject Lands and ultimately connect to the existing southerly segment of Giotto Crescent, which is confirmed on Schedule 9 Future Transportation Network of the VOP 2010. The Development does not include the planned extension of Giotto Crescent through the Subject Lands. It is recommended a proper turnaround facility be provided through a standard cul-de-sac, in accordance with the City’s design standards. A cul-de-sac may require a land conveyance at the Development’s east property line to facilitate the turnaround for Giotto Crescent, where it currently terminates. City staff do not support the driveway connection between Giotto Crescent and the Subject Lands. The Development as proposed would provide through traffic from a municipal road, over a private driveway on the Subject Lands to a regional road, which is an undesirable condition and would leave the future owners of the Subject Lands (Condominium Corporation) with liability and maintenance responsibilities for this connection.

A sidewalk connection from the Development to Giotto Crescent should be provided as an “active transportation access” for pedestrians and cyclists.

i) Traffic Impact Study and Parking Requirements

The DE Department requested that the TIS be revised to evaluate the Teston Road access, as a right-in/right-out access, since the full moves access proposed for the Development does not meet the York Region intersection

spacing requirements. The Owner has not provided an updated TIS for these Applications.

The overall parking supply for the site is deficient. Based on the current Zoning By-law standard, the Development requires 308 parking spaces (@1.5 spaces per 176 units for resident parking and 0.25 visitor spaces per 176 units) however, only 205 parking spaces are proposed. The conceptual Site Plan and parking garage plans show 188 below grade tenant parking spaces and 17 surface visitor parking spaces. The overall parking supply for the Development is deficient by 103 parking spaces or 33.4%. The TIS submitted for the Applications does not address parking. The DE Department requires a revised TIS including justification for the proposed parking reduction and proxy survey data from at least two similar developments. Based on the information provided, a reduced parking requirement cannot be supported.

The DE Department is concerned that the proposed amount of visitor parking is inadequate. The Zoning By-law requires 44 visitor parking spaces (@0.25 spaces per 176 units) however, 17 visitor parking spaces are proposed (@0.0965 visitor spaces per unit) resulting in a visitor parking deficiency of 27 parking spaces or 39%. The Site Plan parking statistics do not reflect the parking spaces noted on the Site Plan and parking garage plans and have not been calculated using the City's Zoning By-law standards. The DE Department requires that visitor parking for the Development be provided in accordance with the existing Zoning By-law requirements to prevent spillover demand for visitor parking onto the neighbouring properties and/or public roads.

The Development includes only one type of bicycle parking, whereas both short and long-term bicycle parking must be provided. The City's proposed Teston Road Multi-Use Path crosses the proposed Teston Road driveway access. The treatment (design) of this crossing should follow the recommendations in the Ontario Traffic Manual Book 18.

j) Municipal Servicing Agreement (Development Agreement)

Should the Applications be approved, the Owner may be required to enter into a Development Agreement with the City.

The Infrastructure Planning and Capital Asset Management Department has advised that a Holding Symbol “(H)” is required should the Application be approved

The IPCAM Department has advised that the City completed and issued a Notice of Study Completion for the City-Wide Water and Wastewater Servicing Strategy Master Plan Class Environmental Assessment (“WWEA”) on May 26, 2014. The Master Plan was completed to complement the City's latest Official Plan review. However, the

Development was not considered as part of the City's Official Plan review and was not considered in the approved WWEA, and therefore, IPCAM does not support the Applications at this time. Furthermore, allocation of servicing capacity to the Development is not available.

The Parks Development Department requires a revised Community Services and Facilities Impact Study ("CSFIS")

The Parks Development Department has provided the following comments regarding the Development:

a) Community Services and Facilities Impact Study

The Owner included a list of Community Services and Facilities in support of the Application. However, the City requires a fulsome Community Services and Facilities Impact Study ("CSFIS") which specifically considers the City's Active Together Master Plan ("ATMP, 2013"), to determine the impact of the Development on existing parkland and the parkland requirements of the community within a 2.5 km radius, paying particular attention to walking distances. The Owner is required to submit to the City, a revised CSFIS, completed in accordance with the Vaughan Parks Development Department's Guidelines on CSFIS, so the impact of the Development on the community facilities can be assessed. An updated CSFIS has not been submitted by the Owner to date.

b) Parkland Dedication

The Owner is required to pay a cash-in-lieu of the dedication of parkland in accordance with the City's Cash-In-Lieu of Parkland Policies and Procedures, should the Applications be approved.

c) Section 37

The Applications propose development in excess of the current planning permissions. Section 37 of the *Planning Act* (density bonusing) allows benefits as a condition of approval for Development, where the proposed increase in building height and/or density exceeds the existing planning permissions of VOP 2010. The Owner has proposed the driveway connection to Giotto Crescent as a Section 37 benefit. Roads are not considered community benefits and the proposed connection, does not provide a benefit to this community. Should the Applications be approved by the LPAT, the Owner will be required to provide Section 37 benefits to the satisfaction of the City, in accordance with the City's Section 37 Guidelines.

d) Pedestrian Connection

As mentioned in the DE Department comments above, the City's Pedestrian and Bicycle Network Plan (Exhibit 6-2) of the City of Vaughan Transportation Master Plan (2012), identifies a "Class 1 Community Multi-Use Recreational Pathway" on the south side of Teston Road, which is planned to turn south on Giotto Crescent. This trail would provide bike and pedestrian connections and improve the overall walkability within the community. The Owner shall provide a report examining the potential location of this trail connection on the Subject Lands. This report, in addition to the design/construction details for the proposed trail connection will be required as part of any future Site Development Application, should the Applications be approved. This trail connection should be publicly accessible, and therefore an easement in favour of the City will be required for access and maintenance purposes on the portion of the lands where this future trail will be located.

Cash-in-Lieu of Parkland Dedication will be applicable for the Development, if approved

Should the Applications be approved, the Owner is required to pay the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of 1 ha per 300 units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act*, and the City's Cash-in-Lieu Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The Policy Planning and Environmental Sustainability ("PPES") Department requires managed tree removal, Species at Risk Screening and Bird Friendly Treatment for the Development, if the Applications are approved

a) Tree Removal

The Owner has submitted an Arborist Report by Central Tree Care Ltd., dated May 25, 2016, and revised October 2, 2016. This report indicates seven permit sized trees will require removal and 3 trees will require a permit to injure, to accommodate the Development. The report recommends tree protection for 3 trees during the construction phase. Any tree removals should be managed by the Urban Design and Cultural Heritage Division and the Transportation Services, Parks and Forestry Operations Department, and restoration opportunities on the Subject Lands should also be explored in consultation with the Urban Design and Cultural Heritage Division.

b) Endangered Species

All Development applications regardless of location are required to abide by the *Endangered Species Act (2007)* regulated by the Ministry of Natural Resources and Forestry (“MNRF”). The Owner is required to consult MNRF for confirmation of any potential Species at Risk on the site. The Owner has not verified that MNRF has been contacted regarding the Development.

There are proposed tree removals on the Subject Lands, and since there is no Environmental Impact Statement (“EIS”) for the Subject Lands, there has not been a review of endangered bats species, as per the *Endangered Species Act, 2007*. Bats can utilize snags, cavities and fissures found on many mature trees such as those located in the adjacent lands. Bat snag surveys should be conducted during the leaf-off period (late fall to spring) to confirm that there are no trees on the Subject Lands that support characteristics that are consistent with endangered bat maternity roost habitat for endangered bats on the property. The MNRF must be consulted regarding bat habitat, prior to any removal of any trees (dead or alive).

c) Bird Friendly Treatments and Sustainability Guidelines and Sustainability Performance Metrics

The PPES Department advises that Bird Safe Design Standards Treatments should be included in the building design, in accordance with the City-wide Urban Design Guidelines. Bird-friendly treatments should also be referenced in the Urban Design and Sustainability Guidelines and the Sustainability Performance Metrics Scoring Tool/Summary Letter for a future Site Development application, should the Development proposed by these Applications be approved.

The Toronto and Region Conservation Authority (“TRCA”) requires a water balance assessment for the Development

The policies of the Source Protection Plan under the *Clean Water Act, 2006*, for the Credit Valley, Toronto and Region and Central Lake Ontario (“CTC”) Source Protection Region, apply to this Development. The purpose of a Source Protection Plan is to outline how water quality and quantity for municipal water systems will be protected. The Subject Lands are located in a vulnerable area referred to as Wellhead Protection Area – Q2 (WHPA-Q2) which has been delineated to help manage activities that may reduce recharge to an aquifer (Prescribed Threat No. 20 under the *Clean Water Act, 2006*). A future Site Development application will be subject to the CTC Source Protection Plan and will require TRCA’s endorsement of a site-specific water balance assessment on behalf of the City of Vaughan, to mitigate development related impacts to infiltration. This site water balance assessment must demonstrate that pre-

development recharge can be maintained. A water budget that is based upon the average annual recharge is required to support the proposed Development.

Should the respective Official Plan Amendment and Zoning By-law Amendment Applications be approved by the LPAT, the Owner is required to satisfy any conditions of approval imposed by TRCA for a future Site Development application.

The York Region District and York Region Catholic District School Boards have no objections to the Applications

The York Region District School Board and York Region Catholic District School Board have no objection to the approval of the Applications.

Other Agencies having no objection to the Development

The following agencies have no objection to the include, Enbridge, Rogers. Alectra, and Canada Post.

First Nations have requested Archeological and Environmental Impact Studies for the Development

The Applications were circulated to the First Nations for review and comment. On March 14, 2017, the Huronne-Wendat First Nation requested a copy of the Archeological Assessment for the Subject Lands. To date, the Owner has not completed an Archeological Assessment for the Subject Lands.

Chief Phyllis Williams, of the Curve Lake First Nation, provided comments dated December 4, 2017, advising that the Development is located within the Traditional Territory of Curve Lake First Nation which is incorporated within the Williams Treaties Territory. Chief Williams further requested information on how the Development addresses areas of concern to the Curve Lake First Nation within the Traditional and Treaty Territory in terms of “possible environmental impacts; possible archaeological impacts, endangerment to fish and wild game; impact on Aboriginal heritage and cultural values; and to endangered species; lands, savannas etc”.

The Mississauga’s of the Credit First Nation contacted the City on July 31, 2018 requesting information on the Development including archaeological reports and other documentation to determine the impact of this Development on the First Nation interests in the area.

As noted earlier in this report, the Owner has not provided an Archaeological Report or an Environmental Impact Assessment for the Subject Lands or the necessary study(ies) to address these comments. When these reports are submitted a copy will be forwarded to the Curve Lake First Nation, the Huronne-Wendat First Nation and the Mississauga’s of the Credit First Nation for review.

The Curve Lake First Nation Council has a particular concern for the remains of their ancestors. This First Nation has advised that should excavation unearth bones, remains or other such evidence of a native burial site or any other Archaeological findings, they require immediate notification. In the case of a burial site, there are obligations under the *Cemeteries Act*, to notify the nearest First Nation Government or other community of Aboriginal people which is willing to act as a representative for the interred person(s). A First Nations representative is needed prior to the removal of any remains and associated artifacts.

A Draft Plan of Condominium (Standard) Application will be required to facilitate Condominium Tenure of the units if the Development is approved

Should the Applications be approved, a Draft Plan of Condominium (Standard) Application will be required to establish the condominium tenure for the Development. The Draft Plan of Condominium Application will be reviewed for consistency with the required final Site Plan to implement the Development, and the appropriate conditions respecting the condominium application will be identified in a future technical report to the Committee of the Whole.

Broader Regional Impacts/Considerations

York Region provided comments on December 20, 2017, wherein they advised that the Region's Official Plan prescribes an urban structure focused on a system of Regional Centres and Regional Corridors and, the Centres and Corridors area are intended to accommodate the highest concentration of intensification. To facilitate the anticipated growth within the Region, a substantial amount of capital investment has been committed to build a rapid transit system on the Regional Road 7 and Yonge Street corridors. The Region has an interest in ensuring appropriate levels of intensification occur within these corridors. It is also important for developments that are not within a Regional Centre or on a Regional Corridor to be subordinate in height and density to those typically intended for the Regional Centres and Corridors.

York Region has indicated that the Development of an 11-storey apartment building with an FSI of 3.45 is more appropriate for planned intensification areas, such as those along a Regional Corridor or within a Regional Centre. York Region advises that height and density are generally matters addressed by the local municipality and that the proposed height and density range need to be within a desirable range relative to the planned function of the Regional and local urban structure.

York Region recognizes that VOP 2010 is the result of a comprehensive municipal review and that the resulting official plan balances competing interests associated with an urbanizing municipality, including protecting and sustaining the planned urban structure and the natural heritage system. York Region acknowledges that Intensification Areas have been appropriately identified through the approved Urban Structure and the policies of the VOP 2010, and that Subject Lands are not within an

area identified for intensification. York Region urges the Owner to revise the Development proposal to comply with the role and function of the immediate area and the corridor in which the site is located, to better reflect the approved heights and densities prescribed in the VOP 2010.

York Region has provided the following technical comments on the plans and reports submitted in support of the Applications:

a) Water and Wastewater Servicing

The proposed Development will require water and wastewater servicing allocation from the City of Vaughan. If the City does not grant this Development the allocation required from York Region's existing capacity assignments to date, the Development may require additional infrastructure, based on conditions of future capacity assignment which may include:

- Duffin Creek Water Pollution Control Plant ("WPCP") - expected completion 2017;
- Duffin Creek WPCP Outfall Modification-2021 pending Class EA; and,
- Other projects as may be identified in future studies.

The estimated timing of the Region's infrastructure noted above may change.

Direct connection of new development to a Regional water and/or wastewater is discouraged, as it is the Region's mandate to service new development through the local municipal system. Should this not be feasible, a direct connection to/or the crossing of a Regional water or wastewater system requires Regional approval prior to construction.

b) Transportation Planning

York Region has advised that a municipal setback of 21.5 m from the centre-line of the construction of Jane Street is required to protect for a 43 m wide Regional right-of-way along this section of Jane Street and, a municipal setback of 18 m from the centre-line of construction of Teston Road, is required to protect for a future 36 m wide right-of-way along Teston Road, for public highway purposes. Any conveyances required for these lands shall be dedicated to the Region free of all costs and encumbrances. The setbacks to the Regional right-of-way have not been labeled on the conceptual site plan for the Development. The Region has requested the Owner confirm the required setbacks. The Owner has not provided revised plans confirming the setbacks to the Regional rights-of-way.

York Region has advised that the proposed access driveways do not meet the Regional Access Guideline requirements for proximity to the Jane Street and Teston Road intersection. The Region has determined the Teston Road access which proposed full turning movements, must be limited to right-in/right-out

movements since it is within the Teston Road and Jane Street intersection influence area and will interfere with the westbound queues during peak hours, resulting in significant operational and safety issues.

York Region also requested the TIS be revised to analyze a scenario five-years beyond the full build-out, or occupancy, which assesses the need to provide exclusive right turn lanes to accommodate vehicles generated by the Development at the proposed accesses onto Jane Street and Teston Road.

Interconnection between the existing community and the Development, where appropriate, has been requested by York Region to consolidate and reduce the number of accesses onto Regional roads. As discussed above in the DE Department comments, a driveway connection is not necessary and would not be appropriate for this Development, in the context of the surrounding community.

York Region also requires that direct pedestrian and cycling connections to the boundary roadways and adjacent development, and facilities on the Subject Lands (e.g. convenient and secure bicycle racks near entrances) be provided, to promote the usage of non-auto travel modes. A detailed Travel Demand Management ("TDM") plan must be submitted to support active transportation and transit, and also reduce the number of auto trips to and from the proposed Development. This matter must be addressed as part of the site plan approval process.

York Region requested that the information in the Owner's Transportation Study be updated to reflect to reflect current frequencies at 32 minutes during weekday peak periods and 50-54 minutes during weekend midday peak periods.

The Owner has not provided a revised TIS in response to the Region's request. Should the respective Official Plan Amendment and Zoning By-law Amendment applications be approved, the Owner is required to satisfy any conditions of approval imposed by York Region. In addition to the comments provided above, York Region reserves the right to provide additional technical comments at the site plan stage on matters including, but not limited to, road requirements, and vehicular access.

Conclusion

Official Plan and Zoning By-law Amendment Files OP.17.002 and Z.17.003 have been reviewed in consideration of the *Planning Act*, and the policies of the *Provincial Policy Statement 2014*, the *Provincial Growth Plan 2017*, the York Region Official Plan, Vaughan Official Plan 2010, the requirements of Zoning By-law 1-88, comments from area residents, City departments and external public agencies, and the area context.

When considered comprehensively, the Development Planning Department is of the opinion that the Applications for the proposed Development, consisting of an 11-storey building at a density of 3.45 FSI, are not consistent with the *Provincial Policy Statement* and do not conform to the Growth Plan, York Region and City of Vaughan Official Plans, and that the Development will result in a level of intensification that is not appropriate in consideration of the applicable policies and the existing surrounding land use context, as outlined in this report.

At a meeting with City Staff on March 14, 2017, the Owner was advised of staff's concerns with the Development. It was suggested to the Owner that alternative forms of development be considered for the Subject Lands to better integrate the built form with the existing low-rise residential community. The Owner has not provided the City with alternate design concepts or revised plans to address comments from the circulation of these Applications. The Owner has appealed these Applications to the LPAT.

The Development Planning Department has provided Recommendations to refuse the Applications. The Vaughan Development Planning Department does not support the Applications as the Development is not consistent with the PPS and does not conform to the Growth Plan and the York Region and Vaughan Official Plan 2010 policies as outlined in this report. In addition, York Region has advised that the proposed access driveways do not meet Regional Access Guideline requirements and the City do not the elimination of the planned Giotto Crescent road extension/connection. However, should the LPAT approve the Applications, the Recommendations include conditions that the City will seek from LPAT regarding the future disposition of the Applications.

Accordingly, the Development Planning Department recommends that the Applications be refused and that Vaughan Council instruct staff and external consultants, as required to attend the Local Planning Appeal Tribunal Hearing to oppose the Applications.

For more information, please contact Laura Janotta, Planner, Development Planning Department, at extension 8634.

Attachments

1. Context Location Map
2. Location Map
3. Land Use Schedule 13 - City of Vaughan Official Plan 2010
4. Urban Structure Schedule 1 - City of Vaughan Official Plan 2010
5. Conceptual Site Plan and Proposed Zoning
6. Conceptual Landscape Plan
7. Conceptual Building Elevations

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