

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, September 15, 2020

WARD(S): 2

**TITLE: 7553 ISLINGTON HOLDING INC.
OFFICIAL PLAN AMENDMENT FILE OP.08.017
ZONING BY-LAW AMENDMENT FILE Z.16.022
7553 ISLINGTON AVENUE & 150 BRUCE STREET
VICINITY OF ISLINGTON AVENUE & HIGHWAY 7**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.08.017 and Z.16.022 for the subject lands shown on Attachment 1. The Owner is seeking approval for a development consisting of a 21-storey residential apartment building with 530 units and 7 levels of parking containing 549 parking spaces and 318 bicycle parking spaces.

Report Highlights

- To receive input from the public and the Committee of the Whole for a proposed development consisting of a 21-storey residential apartment building with 530 residential units and 7 levels of parking containing 549 parking spaces and 318 bicycle parking spaces
- Official Plan and Zoning By-law Amendments are required to permit the development
- A technical report prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Hearing report for Official Plan and Zoning By-law Amendment Files OP.08.017 and Z.16.022 (7553 Islington Holding Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The subject lands (the 'Subject Lands') shown on Attachment 1 are located on the east side of Islington Avenue, south of Highway 7, municipally known as 7553 Islington Avenue and 150 Bruce Street. The Subject Lands are currently developed with 2 single detached dwellings. The surrounding land uses are shown on Attachment 1.

Original Development Proposal - Official Plan Amendment File OP.08.017

In 2008, the then Owner, Renee Nicolini, submitted Official Plan Amendment File OP.08.017 to redesignate the Subject Lands from "Open Space" (7553 Islington Avenue) and "Low Density Residential" (150 Bruce Street) to "High Density Residential" to facilitate the development of two, 22-storey residential apartment buildings connected by a 5-storey podium with 632 units and 4 levels of underground containing 890 parking spaces, as shown on Attachment 5.

The Committee of the Whole (Public Hearing) on March 3, 2009, considered Official Plan Amendment File OP.08.017, wherein residents made comments regarding the proposed building height, increased traffic congestion and the loss of trees and green space resulting from the proposed development.

During the initial processing of the Official Plan Amendment application a number of issues were identified including: conformity with Provincial policies, applicable Regional and City Official Plan policies, requirements and policies of the Toronto and Region Conservation Authority (the 'TRCA'); the appropriateness and compatibility of the proposed development in context with the surrounding land uses; environmental considerations; and the potential impacts on the surrounding road network and municipal infrastructure.

On June 28, 2012, the Owner appealed Vaughan Official Plan 2010, Volume 1, "Natural Area" designation as it applies to the Subject Lands.

Submission of Zoning By-law Amendment File Z.16.022

The Owner (7553 Islington Holding Inc.) on May 13, 2016, revised the Official Plan Amendment application to redesignate the Subject Lands from "Open Space" and "Low Density Residential" to "Mid-Rise Residential" and submitted Zoning By-law Amendment File Z.16.022 to rezone the Subject Lands from "OS1 Open Space Conservation Zone", "A Agricultural Zone" and "R1 Residential Zone" subject to site-specific Exception 9(643) to "RA3 Apartment Residential Zone" and "OS1 Open Space Conservation Zone" together with site specific exceptions. The Owner revised the development proposal to include two, 19-storey residential buildings with 490 units, and 7-levels of parking containing 494 parking spaces as shown on Attachment 6.

Ontario Municipal Board Appeal

The Owner on February 10, 2017, appealed the Official Plan and Zoning By-law Amendment applications to the former Ontario Municipal Board (the 'OMB'), now the Local Planning Appeal Tribunal ('LPAT') for non-decision by the City. A Pre-hearing Conference ('PHC') was held on August 9, 2017 and resulted in an OMB Order, issued

August 16, 2017, adjourning the hearing *sine die* without setting a further PHC date. The OMB encouraged the Owner to establish a principle of development by applying for a permit from the TRCA for the proposed development. This decision and Order from the first PHC was subject to a Request for Review pursuant to Section 43 of the *Ontario Municipal Board Act*, filed by the Owner. On December 8, 2017, the OMB's Request to Review Decision concluded an error in law occurred at the PHC when the OMB ordered the proceedings be adjourned *sine die* until the principle of development was first confirmed by the TRCA because there were no statutory provision for doing so. On January 24, 2018, the OMB ordered the Decision issued of August 16, 2017 be rescinded and a new PHC be scheduled.

Furthermore, a PHC was held on November 9, 2018, wherein the LPAT agreed to a phased hearing approach to first, determine the appropriate development limits for the Subject Lands, then consider other planning issues of the development. On July 12, 2013, the Owner submitted a revised development proposal for a 21-storey residential apartment building (Attachments 2-4) on the Subject Lands for review by the City and commenting agencies.

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

7553 Islington Holding Inc. (the 'Owner') has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit the 21-storey apartment building with 530 units (the 'Development') shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.08.017 to amend in-effect Official Plan Amendment 240 (Woodbridge Community Plan) to redesignate the east portion of the Subject Lands from "Open Space" (7553 Islington Avenue) and "Low Density Residential" (150 Bruce Street) to "Mid-Rise Residential" with a maximum Floor Space Index ('FSI') of 2.82 times the area of the lot and a maximum building height of 21-storeys.
2. Zoning By-law Amendment File Z.16.022 to amend Zoning By-law 1-88 to rezone the Subject Lands from "A Agricultural Zone", "OS1 Open Space Conservation Zone" (7553 Islington Avenue) and "R1 Residential Zone" subject to site-specific Exception 9(643) (150 Bruce Street) to "RA3 Apartment Residential Zone" and "OS1 Open Space Conservation Zone" in the manner shown on Attachment 2, and to permit the site-specific zoning exceptions identified in Table 1 of this report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol and to an extended notification area

- a) Date the Notice of Public Hearing was circulated: August 21, 2020

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

- b) Circulation Area: A minimum 250 m radius from the Subject Lands, to the West Woodbridge Homeowners Association, Vaughanwood Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice
- c) Comments Received:

The Development Planning Department received written comments from the following (as of September 1, 2020):

- A. McGuire, Vittorio DeLuca Dr., email dated August 28, 2020

The following is a summary of the comments provided in the written correspondence received to date.

- the 21-storey residential apartment building is too high and should not be located in the surrounding low-rise neighbourhood

Previous Reports/Authority

[Committee of the Whole \(Public Hearing\) Meeting March 3, 2009](#)

Analysis and Options

The Development is not permitted in the “Open Space” and “Low Rise Residential” designations of in-effect Official Plan Amendment 240 (Woodbridge Community Plan) and therefore, an Official Plan Amendment Application is required

7553 Islington Avenue is designated “Open Space” by in-effect Official Plan Amendment 240 (Woodbridge Community Plan) – (‘OPA 240’), as amended by site-specific OPA 269. The “Open Space” designation permits community and neighbourhood parks and pedestrian-bicycle linkways. OPA 269, a site-specific policy, permits one combined physical residence and professional office subject to the conformity with specific development and implementation policies.

Part 1, Section 3.5 of OPA 240 states areas designated “Open Space” are defined as being environmentally sensitive and have been designated as “Open Space” and identified as Environmentally Sensitive Areas in recognition of their valuable scenic, educational and wildlife habitat significance. Development surrounding these areas have been restricted to open space or low density use to minimize traffic and any negative environmental impact which may occur.

150 Bruce Street is designated “Low Density Residential” by OPA 240 as amended. The “Low Density Residential” designation permits detached and semi-detached dwelling units.

The proposed Development for a 21-storey residential apartment building, with a density of 2.82 FSI does not conform to the “Open Space” and the “Low Density Residential” policies of OPA 240, as amended.

Vaughan Official Plan 2010, Volume 1 has been appealed to the Local Planning Appeal Tribunal

The Subject Lands are identified as “Natural Areas and Countryside” by VOP 2010 – Schedule 1 – Urban Structure. “Natural Area and Countryside” are key features on Vaughan’s landscape and contribute to the overall environmental health of the City and wider Region. They form part of the larger Regional Greenlands System ultimately extending south through Toronto to Lake Ontario. The Urban Structure identifies these areas to be protected in a manner that allows them to contribute to provide vital ecosystem functions.

The Subject Lands are designated “Natural Areas” by VOP 2010. VOP 2010 states “Natural Areas” shall be protected and their ecological functions preserved through maintenance, restoration or, where possible, improvement through additional linkages or corridors between features to facilitate the connectivity of the overall network.

“Natural Areas” are subject to the “Core Features” policies of the Natural Heritage Network in Section 3.2 of VOP 2010. The “Core Features” policies of VOP 2010 restrict development or site alteration. “Core Features” are the core elements of the Natural Heritage Network to be protected and enhanced and only permit natural area management, such as for forest, fish and wildlife management, for the purposes of maintaining and enhancing the associated functions, conservation and flood or erosion control projects, transportation, infrastructure and utilities, and low-intensity and passive recreational activities not resulting in a negative impact on the Core Features and will not have a negative impact on the ecosystem function.

The proposed Development for a 21-storey residential apartment building with 7 level of parking, built into the existing valley slope and with a density of 2.82 FSI does not conform to the policies of VOP 2010.

On June 28, 2012, the Owner appealed VOP 2010 to the former OMB, now the LPAT, specifically on the basis of identifying the Subject Lands as “Natural Areas and Countryside” on Schedule 1 – Urban Structure and “Core Features” component of the Natural Heritage Network on Schedule 2 – Natural Heritage Network; and, designating the Subject Lands as “Natural Areas” on Schedule 13 – Land Use.

The Development is not permitted in the “A Agricultural Zone”, “OS1 Open Space Conservation Zone” and the “R1 Residential Zone” and therefore, a Zoning By-law Amendment Application is required

The Subject Lands are zoned “A Agricultural Zone” and “OS1 Open Space Conservation Zone” (7553 Islington Avenue) and “R1 Residential Zone” subject to site specific Exception 9(643) (150 Bruce Street) by Zoning By-law 1-88. This zoning does not permit the Development. The Owner proposes to amend Zoning By-law 1-88 to

rezone the Subject Lands to “RA3 Apartment Residential Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 2 together with the following site-specific zoning exceptions to permit the Development shown on Attachments 2 to 4:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
a.	Minimum Interior Side Yard	35 m	7 m (South Lot Line)
b.	Maximum Building Height	44 m	70 m (Islington Avenue)
c.	Minimum Yard to OS1 Open Space Conservation Zone	7.5 m	4 m
d.	Minimum Amenity Area	424 One Bedroom Units x 20 m ² /unit = 8,480 m ² 78 Two Bedroom Units x 55 m ² /unit = 4,290 m ² 28 Three Bedroom Units x 90 m ² /unit = 2,520 m ² Total required amenity area = 15,290 m ²	Provide a total amenity area of 2,120 m ²
e.	Minimum Parking Requirements	<u>Residential</u> 1.5 spaces/unit x 530 units = 795 spaces <u>Visitor</u> 0.25 spaces/unit x 530 units = 133 spaces Total Parking Required = 928 spaces	<u>Residential</u> 0.884 spaces/unit x 530 units = 469 spaces <u>Visitor</u> 0.15 spaces/unit x 530 units = 80 spaces Total Parking Proposed = 549 spaces

Other zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report at a future Committee of the Whole meeting.

Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies and York Region Official Plan	<ul style="list-style-type: none"> • The Applications will be reviewed in consideration of the statutory Provincial policies including the Provincial Policy Statement 2020 (the 'PPS') , A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan'), and the policies of the York Region Official Plan ('YROP 2010') • In particular, the Applications will be reviewed in consideration of the applicable Provincial, Regional and City Natural Heritage and Environmental policies
b.	City of Vaughan Official Plan	<ul style="list-style-type: none"> • The appropriateness of removing the Subject Lands from the "Open Space" designation and redesignating them to a "Mid-Rise Residential" designation will be reviewed in consideration of the policies of the in-effect OPA 240, as amended by OPA 269, including, but not limited to the following: <ul style="list-style-type: none"> - the applicable environmental policies and the impact on environmentally significant features - the driveway access on Islington Avenue is located within the floodplain - intensification policies of the Official Plan - compatibility with surrounding land uses - the "Mid-Rise Residential" designation does not permit a development defined as a "High-Rise building" in VOP 2010 • The Applications will be reviewed in consideration of the Council and York Region adopted policies of VOP 2010, including but not limited to, the following: <ul style="list-style-type: none"> - the Subject Lands are designated "Natural Area" by VOP 2010, Schedule 13 – Land Use, and are further identified as being a "Core Feature" by VOP 2010, Schedule 2 – Natural Heritage Network. As such, the Development will be reviewed in consideration of the Natural Heritage Network policies of VOP 2010

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - the appropriateness of removing the Subject Lands from “Natural Areas” designation to permit the Development shall be reviewed - the restriction of development or site alteration within lands identified as Natural Areas and Countryside within the Urban Structure
c.	Appropriateness of the Proposed Zoning and Site-Specific Exceptions	<ul style="list-style-type: none"> • The appropriateness of amending Zoning By-law 1-88 to rezone the Subject Lands from an Open Space Conservation Zone lands to a Residential Zone with the site-specific amendments to permit the Development will be reviewed in consideration of the permitted uses and protection of lands within the Open Space Conservation Zone, built form compatibility with the existing and planned surrounding land uses and appropriate development standards
d.	Studies and Reports	<ul style="list-style-type: none"> • The following studies and reports were submitted in support of the Application and must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> - Planning Justification Report - Urban Design and Sustainability Brief - Wind Study - Sun Shadow Study - Arborist Report and Tree Preservation Plan - Hazard Tree Report - Traffic Impact Study - Functional Servicing and Stormwater Management Report - Noise and Vibration Impact Study - Geotechnical Study - Environmental Impact Statement - Flood Risk Assessment • These reports are available on the city’s website at https://maps.vaughan.ca/planit/ (PLANit Viewer)

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> Additional studies and/or reports may be required as part of the application review process
e.	Urban Design Guidelines	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the City of Vaughan City-Wide Urban Design Guidelines
f.	Toronto and Region Conservation Authority	<ul style="list-style-type: none"> The Subject Lands are located within the TRCA's regulated area, and therefore, the Owner must satisfy all requirements of the TRCA The development limits for the Subject Lands have not been finalized to the satisfaction of the City and TRCA The Subject Lands are part of the Natural Heritage System and within a significant valley land and a significant woodland The Applications have been reviewed by the TRCA in consideration of, but not limited to the following: <ul style="list-style-type: none"> development and site alteration within the Natural Heritage System, Significant Natural Features, and Hazard Lands proposed access within the floodplain development within the TRCA's Regulated Area The TRCA does not support the Applications as they do not demonstrate conformity or consistency with applicable policies and regulations
g.	Driveway Accesses	<ul style="list-style-type: none"> The access driveways from Islington Avenue and to Bruce Street serving the Development will be reviewed in consideration of their locations within a floodplain and on the slope within an erosion hazard

Financial Impact

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

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department. The Community Planning and Development Services Department has conducted a review of the Official Plan Amendment File OP.08.017 and it is not supported by York Region Staff. York Region staff identified Development conflicts with the local and Regional planned urban structure, as the area is not planned for this level of intensification.

Regional Staff also identified the Development as being severely constrained by Natural Heritage Features. The Subject Lands are within the Regional Greenbelt System and the proposed access from Islington Avenue is within the Humber River Floodplain. The Subject Lands have a significant elevation change between Islington Avenue to the rear of the site, along Bruce Street. The Development will require cutting into the slope and removing a significant number of trees and other vegetation. Given the Natural Heritage Features in the area and within the Subject Lands, there are more appropriate locations for planned intensification. Regional Staff do not support the approval of Official Plan Amendment File OP.08.017

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Mary Caputo, Senior Planner, Development Planning Department, ext. 8635

Attachments

1. Context and Location Map
2. Proposed Zoning and Conceptual Site Plan
3. Conceptual Landscape Plan
4. Conceptual Elevations
5. Original Proposal - OP.08.017 (October 30, 2008)
6. Revised Proposal - Z.16.022 (May 13, 2016)

Prepared by

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Approved by

A handwritten signature in black ink, appearing to read 'Nick Spensieri', with a long horizontal flourish extending to the right.

Nick Spensieri, Deputy City Manager
Infrastructure Development

Reviewed by

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Jim Harnum, City Manager