

Committee of the Whole (1) Report

DATE: Wednesday, April 7, 2021

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 AND 150 BRUCE STREET

VICINITY OF HIGHWAY 7 AND ISLINGTON AVENUE

FROM:

Jim Harnum, City Manager

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.08.017 and Z.16.022 (7553 Islington Holding Inc.) and obtain direction from Council for appropriate City staff and external consultants, as required, to attend the Local Planning Appeal Tribunal Hearing in support of the Recommendations in this report respecting the subject lands shown on Attachment 1.

Report Highlights

- The Owner is proposing to develop the subject lands with a 21-storey residential apartment building with 530 residential dwelling units
- The Owner has appealed the applications to the Local Planning Appeal Tribunal
- Staff do not support the Official Plan and Zoning By-law Amendment applications as the proposed development is not consistent with the Provincial Policy Statement, do not conform to the Growth Plan, the York Region Official Plan, Official Plan Amendment 240 (Woodbridge Community Plan), as amended by Official Plan Amendment 269, and Vaughan Official Plan 2010
- Staff seek the endorsement from the Committee of the Whole of the recommendation to refuse the applications and for staff and external consultants, as required, to attend the Local Planning Appeal Tribunal Hearing in support of the Recommendations in this report

Recommendations

1. THAT Official Plan and Zoning By-law Amendment Files OP.08.017 and Z.16.022 (7553 Islington Holding Inc.) to amend the policies of OPA 240 (Woodbridge Community Plan), as amended to redesignate 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 of 2.82 times the area of the lot and a maximum building height of 21-storeys, and 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” with site-specific zoning exceptions, BE REFUSED.
2. THAT City of Vaughan staff and external consultants, as required, be directed to attend the Local Planning Appeal Tribunal hearing in support of the recommendations contained in this report with regard to Official Plan and Zoning By-law Amendment Files OP.08.017 and Z.16.022.

Background

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

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

The following revised applications (the ‘Applications’) have been submitted for the Subject Lands shown on Attachment 1 to permit a 21-storey residential apartment building with 530 residential 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), as amended, 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.

Original Development Proposal - Official Plan Amendment File OP.08.017

The Owner (7553 Islington Holding Inc.) on October 30, 2008, 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 having a total of 632 dwelling units and 4 levels of parking (containing 890 parking spaces), as shown on Attachment 12.

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

In addition, the Staff report identified a number of issues including: conformity to Provincial policies, applicable Regional and City Official Plan policies, requirements and policies of the Toronto and Region Conservation Authority (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.

The Owner, on June 28, 2012, appealed Vaughan Official Plan 2010 (VOP 2010), Volume 1, as it applies to the Subject Lands to the former Ontario Municipal Board (OMB), now the Local Planning Appeal Tribunal (LPAT).

Submission of Zoning By-law Amendment File Z.16.022

The Owner 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”. Concurrent with the revised OPA application, the Owner also 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 revised proposal was modified to include two, 19-storey residential apartment buildings with 490 residential dwelling units, and 7 levels of parking partially to be constructed within the valley wall containing 494 parking spaces, as shown on Attachment 13.

Ontario Municipal Board Appeal

The Owner on February 10, 2017, appealed the Official Plan and Zoning By-law Amendment applications to the former OMB, now the LPAT, for a non-decision by the City based on the timelines prescribed by the *Planning Act*.

A Pre-Hearing Conference (PHC) was held on August 9, 2017. The OMB issued their Order on August 16, 2017, adjourning the hearing *sine die* without setting a further PHC date. The OMB specifically encouraged the Owner to establish a principle of development and apply for a permit from the TRCA for the proposed development.

The Owner filed a Request for Review of the OMB's decision and Order, pursuant to Section 43 of the *Ontario Municipal Board Act*. On December 8, 2017, a decision of the OMB's review of the Request to Review 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 was no statutory provision for doing so". On January 24, 2018, the OMB ordered the previous Decision of the OMB issued of August 16, 2017 be rescinded and a new PHC be scheduled.

A second PHC was held on November 9, 2018, wherein the LPAT agreed to a phased hearing approach. Phase 1 would focus on environmental issues, and subject to the decision on the Phase 1 hearing, a Phase 2 hearing, if held, would focus on other planning issues. Based on this Decision of the LPAT, the Owner on July 12, 2019, submitted a revised development proposal for a 21-storey residential apartment building (Attachments 2-5) for the Subject Lands for further review by the City and commenting agencies.

In addition to the other proceedings, a CMC was held on October 16, 2020, wherein, the LPAT consolidated the site-specific Official Plan Amendment appeal with the Owner's VOP 2010 appeal and scheduled the first Phase of the Hearing for three weeks, commencing July 19, 2021.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol. Deputations were received at the Public Hearing and written submissions were submitted to the Development Planning Department

The City on August 21, 2020, circulated a Notice of Public Meeting (the 'Notice') for the Applications to all property owners within 250 m of the Subject Lands and to the West Woodbridge Homeowners Association, Vaughanwood Ratepayers' Association and to anyone on file with the Office of the City Clerk having requested notice. A copy of the Notice was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on September 15, 2020, to receive comments from the public and the Committee of the Whole. Vaughan Council on September 29, 2020, ratified the recommendations of the Committee of the Whole (Public Meeting) to receive the Public Meeting Report and to forward a comprehensive technical report to a future Committee of the Whole Meeting.

The following deputations and written communication items were received by the Committee of the Whole (Public Meeting) at the September 15, 2020 meeting:

Deputations:

- Patrick Harrington, Aird & Berlis, Bay Street, Toronto, representing the Owner
- Ryan Gutter, Weston Consulting, Millway Avenue, Vaughan, representing the Owner
- Loretto Perruzza, Calgary Gardens, Woodbridge
- Paul Palma Hayhoe Avenue, Woodbridge

- Mary Mauti, Vaughanwood Ratepayers Association, Forest Circle Court, Woodbridge
- Elisa Testa, Bruce Street, Woodbridge (written submission dated September 14, 2020)

Written Submissions

- Anna McGuire, Vittorio DeLuca Drive, Woodbridge, dated August 28, 2020
- Joseph Villamagna, Bruce Street, Woodbridge, dated August 31, 2020
- Rose Di Iorio, on behalf of Corrado and Caterina Di Iorio, Pioneer Lane, Woodbridge, dated September 8, 2020
- Carmen Zuech and Nello Zuech, Pioneer Lane, Woodbridge, dated September 8, 2020
- Dan and Isa Segreto, Pioneer Lane, Woodbridge (undated)
- Crystal McKenzie, dated September 12, 2020
- Stephen Bromell, The Building Union of Canada, Woodbridge, dated September 12, 2020

The following is a summary of the comments provided in the deputations and written submissions submitted at the Public Hearing of September 15, 2020 and written submissions received by the Development Planning Department. The comments have been organized by theme as follows:

Density and Compatibility

- the Development is too high and will not be compatible with the surrounding low-rise neighbourhood
- the Development far exceeds the height and density of surrounding area
- the Subject Lands are not designated as a growth area for development

Natural Areas, Natural Greenland System and Flood Plain

- the Development will cause an ecological imbalance in the surrounding natural area
- there will be a significant increase in pollution by traffic causing harm to natural environment and health of residents
- significant erosion of valley walls and the bank of the Humber River is hazardous
- it is environmentally irresponsible to remove the green space for new development
- the Development would have significant environmental impacts and will impact views of the natural area
- the removal of mature trees will impact ground erosion and stability of the slope, and irreversible damage to vegetation and animals and will have negative impacts on the natural heritage system
- the primary access to the Subject Lands is located within the floodplain and should not be developed
- significant grade modifications will impact the slope
- development proposals in significant river valleys such as this proposal should not be allowed
- green space must be preserved

Other comments received

- the TRCA and York Region are not in support of applications and neither should the City
- nuisance from construction (noise, vibration, dust, etc.) will impact the surrounding community
- traffic on local roads will increase due to the proposed density
- there is no community benefit from the Development, and it will have long-term effects on surrounding community
- the Development ignores Provincial, Regional and Municipal regulation and policies
- the Development should be supported as it will create employment opportunities and is a positive economic impact for the community
- great location for development and it is good for the community

These comments are addressed in the contents of this report.

The Vaughan Development Planning Department, on March 29, 2021, mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Previous Reports/Authority

Previous reports related to the Applications are available at the following links:

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

[Committee of the Whole \(Public Hearing\) Meeting September 15, 2020](#)

Analysis and Options

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

The surrounding land use context is primarily natural areas and low-rise residential in a low-rise built form

The Subject Lands have frontage along Islington Avenue (7553 Islington Avenue) and Bruce Street (150 Bruce Street). Islington Avenue is identified as a major arterial road in VOP 2010 and as a Regional Road, having a Regional Planned Street Width of up to 36 m, in York Region Official Plan 2010 (YROP). Bruce Street is identified as a local road by VOP 2010.

The lands located immediately north and south of the Subject Lands are designated “Natural Areas” by VOP 2010. The Subject Lands are forested and form part of the larger Natural Heritage Network (NHN) that extends into the Kortright Centre for Conservation, which is located within the Greenbelt Plan Area.

The lands located north of the Subject Lands are vacant. The lands located south of the Subject Lands, municipally known as 7519 Islington Avenue, and shown on Attachment 1, are developed with a detached dwelling unit, and forested at the rear of the existing dwelling.

A portion of the Subject Lands, 150 Bruce Street, is located in an established and stable “Low-Rise” community area. The established community area is designated “Low-Rise Residential” by VOP 2010, is predominately developed with low-rise residential dwelling units, including detached and townhouse dwelling units and an existing Secondary School (Woodbridge College). The existing surrounding neighbourhood establishes the low-rise character of the community. There are no existing or planned high-rise residential buildings in the surrounding residential community. VOP 2010 defines high-rise buildings as buildings generally over 12-storeys in height.

The York Region Transit YRT/VIVA Rapid Transit System Map (January 3, 2021), identifies a YRT bus route (No.13) that serves the area, including the Subject Lands. A north bound transit stop (3445) is located directly in front of the Subject Lands and a southbound transit stop (3434) is located directly across Islington Avenue. The Islington Avenue bus route primary operates along Islington Avenue Monday to Friday from 7:15 am to 10:15 pm, every 45 minutes, with no weekend service.

Highway 7 is identified as a “Regional Rapid Transit Corridor” on Schedule 10 – Major Transit Network by VOP 2010 and a Bus Rapid Transit (BRT) stop is located at Highway 7 and Islington Avenue, approximately 550 m north from the Subject Lands. There is no existing or planned high order transit system (i.e. subway station, LRT, BRT) on Islington Avenue to serve the Development. In addition, Islington Avenue is not identified in the York Region Transportation Master Plan as a Frequent Transit Network bus service and is not planned to become one until 2027 to 2041.

The Owner, their consultants, City of Vaughan Staff, York Region Staff and TRCA Staff conducted a site-visit of the Subject Lands on June 20, 2018, Development Planning Staff observed that the Subject Lands are developed with a detached dwelling. The Subject Lands are forested along the slope of the valley wall up to the elevation of Bruce Street. It was noted that some tree removal occurred around the existing dwelling. The Owner, the Owner’s consultants, City of Vaughan Staff and TRCA staff conducted a second site visit of the Subject Lands on November 23, 2020.

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 review and analysis of the requisite provisions of the *Planning Act*, and the policies of the Provincial Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan), YROP, OPA 240 (Woodbridge Community Plan), as amended, and VOP 2010:

1. *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
- 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
- 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, 2020*

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the PPS. 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. Development should not cause environmental or public health and safety concerns.

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:

- i) 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;
3. support active transportation; and
4. are transit-supportive, where transit is planned, exists, or may be developed.

- ii) 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.”

- iii) Section 1.1.3.4 states “Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

- c) Section 1.5 - “Public Spaces, Recreation, Parks, Trails and Open Spaces”

1.5.1 – “Healthy, active communities should be promoted by recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.”

- d) Section 2.1 - “Natural Heritage”

2.1.1 - “Natural features and areas shall be protected for the long term.”

2.1.2 - “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.”

2.1.5 – “Development and site alteration shall not be permitted in significant woodlands and significant valleylands in Ecoregions 6E and 7E unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.”

e) Section 3.1 – Natural Hazards

3.1.1 - “Development shall generally be directed, in accordance with guidance development by the Province, to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.”

3.1.2 – “Development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.”

f) Section 6 – Definitions:

The PPS definitions of Development, Erosion Hazard, Flooding Hazard, Flood Plain, Hazardous Lands, Intensification, Natural Heritage features and areas, Natural Heritage System, Negative Impacts, Redevelopment, Residential Intensification, Significant and Site Alteration are shown in Attachment 14.

The Subject Lands are designated “Open Space” (7553 Islington Avenue) and “Low Density Residential” (150 Bruce Street) by in-effect OPA 240 (Woodbridge Community Plan), as amended by OPA 269, as shown on Attachment 6.

The City of Vaughan undertook a City-wide comprehensive Official Plan Review, that culminated in the adoption of VOP 2010 in September 2010. VOP 2010 designated the Subject Lands as:

- “Natural Areas and Countryside” (7553 Islington Avenue) and “Community Area” (150 Bruce Street) on Schedule 1 - Urban Structure
- “Core Features” (7553 Islington Avenue) on Schedule 2 - Natural Heritage Network
- “Natural Areas” (7553 Islington Avenue) and “Low-Rise Residential” (150 Bruce Street) on Schedule 13 - Land Use (as shown on Attachment 7)

Intensification Areas

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 that are intended to remain stable community areas and natural areas.

VOP 2010 identifies and designates lands throughout the City to achieve the policies of the PPS. From an overall public transit or high order transit perspective, the intensification policies of VOP 2010 are focused on areas served or planned to be served by higher order transit. The hierarchy of intensification areas in Vaughan are comprised of a number of centres and corridors, offer frequent transit service levels that can accommodate the higher number of public transit users that live and work in these

areas. Islington Avenue does not have and is not planned at this time to have the same convenient access to higher order public transit.

The Subject Lands are not located within any identified Intensification Area by YROP, OPA 240, as amended, and VOP 2010. Islington Avenue is not 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.

The surrounding area is not identified in VOP 2010 for the level of intensification that is being proposed through these Applications. The proposed intensification of the Subject Lands through this Development was not identified, nor is appropriate at this location and is not consistent with Section 1.1.3.3 of the PPS.

The introduction of the proposed Development, at a location within 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 overdevelopment of a single parcel of land, which is not consistent with the policies of the PPS and as implemented by Council through VOP 2010. More specifically, the Subject Lands are not identified for intensification by VOP 2010.

Natural Heritage System and Significant Natural Features

Sections 2.1 and 3.1 of the PPS provide direction for upper-tier and local municipalities for long-term prosperity, environmental health, and social well-being dependent on conserving biodiversity, protecting natural heritage, water, agricultural, mineral, and cultural heritage, and archaeological resources for their economic, environmental, and social benefits. In addition, reducing the potential for public cost or risk to residents from natural or human-made hazards, directing development away from areas of natural hazards where there is an unacceptable risk to public health or safety or property damage, and not create new or aggravate existing hazards.

The Subject Lands are located within the Humber River watershed and entirely within the Natural Heritage System. The location of the Subject Lands and surrounding lands form part of the larger and significant ecological and environmental “Greenlands System” identified by YROP, “Open Space” areas of OPA 240, and the NHN of VOP 2010. These areas were identified for protection and enhancement. As such, development in these areas had been significantly restricted to minimize any negative environmental impact(s).

OPA 240, as amended by site-specific OPA 269, recognized and permitted the existing residential dwelling unit, containing a professional office use on a portion of the Subject Lands (7553 Islington Avenue) because the dwelling unit predated the Official Plan and Zoning By-law in-effect at the time. The existing dwelling unit was constructed in 1947.

Given its river valley location, the Subject Lands remained designated “Open Space” due to their environmental sensitivity “in recognition to their valuable scenic, educational and wildlife habitat significance”. OPA 269 also identified the criteria for limited

redevelopment of 7553 Islington Avenue to one structure to maintain the rural residential character of the surrounding area.

The Development is proposed within Significant Natural Features as set out in the PPS. The Subject Lands are located within the Humber River valley corridor and contain woodlands. The TRCA along with the Policy Planning and Environmental Sustainability Department (PPES) of the City of Vaughan are of the opinion this woodland and valleyland are “significant” as defined under the PPS and in the Natural Heritage Reference Manual for Natural Heritage Policies of the PPS. The woodland covers the slope and extends up and onto the tableland along Bruce Street, which leaves the entirety of the Subject Lands within the valley corridor. The PPS does not permit development and site alteration within Significant Natural Features.

The Development would result in substantial vegetation removals, as well as manipulation of the valley wall resulting in a negative impact on both the significant woodlands and significant valleylands. The Development does not protect or enhance the NHN and its respective features for the long-term, rather it contributes to the loss of the natural features. The Development is not consistent with Sections 2.1 and 3.1 of the PPS.

Hazardous Lands

The Humber River is located on the west side of Islington Avenue. The westerly portion (approximately 0.5 ha of the 1.5 ha Subject Lands) of 7553 Islington Avenue is located within the floodplain associated with the Humber River, and is subject to flooding under a Regional Storm event. The Development includes a main driveway access from Islington Avenue within the floodplain. The Development provides for a secondary emergency access from Bruce Street during times of flooding hazards. The secondary emergency access connection onto a local road of an established community, demonstrates the challenges of appropriately developing the Subject Lands. The PPS and TRCA’s Living City Policies (2014) do not support development or site alteration in the floodway regardless if there are portions of the site outside of the floodplain.

The TRCA has identified the Subject Lands, including the secondary emergency access, to be within the confined valley system with the top of the valley wall being at the same approximate elevation as Bruce Street. The toe of slope is also located on the Subject Lands. Given the physical elements of the Subject Lands, the Development would require major excavation into the valley wall. The excavation works needed to the valley wall, to accommodate the Development and secondary emergency access to Bruce Street, is approximately 22 metres high, by 55 metres wide and 150 metres long. This would result in the need to construct permanent retaining walls and shoring. The required retaining structures in the valley wall needed to retain the soil and the Development would create a hazard over the long-term because they are located within an erosion (slope) hazard. A more detailed analysis and discussion of the erosion and slope stability issues within the valley are identified in TRCA’s comments, which are appended to this report as Attachment 10.

The TRCA is of the opinion that development and site alteration are proposed in the flood plain of the Humber River, and the Development will result in an erosion hazard associated within the valley wall with no safe access. The Subject Lands are considered hazardous lands and deemed unsafe for development due to naturally occurring processes and as such are not consistent with Section 3.1.1 and 3.1.2 of the PPS.

The introduction of the Development, at a location within an area of a NHN with significant natural features and hazardous lands, is not in the public interest. The Development is not consistent with the policy direction established in the PPS and does not take into account the protection of natural areas or the negative environmental impact to these areas, the risk to public health and safety and the existing and planned built form in the community. The Development represents the overdevelopment of a single parcel of land and intrusion into the “Open Space” designation as established by OPA 240, as amended, and into the NHN as set out in VOP 2010, which is not consistent with the policies of the PPS.

3. *The Applications do not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended*

The Applications are required to conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth 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 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 entire City, to achieve the Growth Plan policies referenced above with respect to “complete communities” (i.e. mix of housing options, mix of land uses, etc.).

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

Section 2.2.2. of the Growth Plan states that (in part):

- “1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
 - a) A minimum of 50 percent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo, and York will be within the delineated built-up area; and
2. 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 July1, 2017 will continue to apply.”

Although the Growth Plan states that 50 percent of all residential development will be accommodated in the delineated built-up area, this does not state or imply 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, as noted below.

Section 2.2.2.3 of the Growth Plan states:

“All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- c) encourage intensification generally throughout the delineated built-up area;
- 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 May 16, 2019, and were amended on August 28, 2020, and require the upper-tier municipality, in this case York Region, to undertake a municipal comprehensive review (MCR) in order to plan to the 2051 time horizon. The City of Vaughan will be 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 OPA 240, as amended, 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 are not identified for intensification by VOP 2010. The surrounding land use context, stable low rise residential to the north and east, lands within the floodplain and valley to the west, woodlands and valley walls along the east side of Islington Avenue to the south, with minimal transit or planned transit on Islington Avenue, do not lend the Subject Lands or the surrounding area to intensification.

Policy 2.2.2.3.b. requires that municipalities identify strategic growth areas to support and to meet the municipality's intensification targets and recognize them as a key focus for development. The Subject Lands have not been identified by OPA 240, as amended, or VOP 2010 for redevelopment or intensification in the form and level proposed by the Applications and is not consistent with the urban structure established by VOP 2010.

Policy 2.2.2.3.b. requires intensification to achieve an appropriate transition of built form to adjacent areas. The portion of the Subject Lands designated "Low-Rise Residential" (150 Bruce Street) by OPA 240, as amended, and the existing single detached dwelling is consistent with the predominant built form and density within the existing and planned neighbourhood context. When considering applications and assessing consistency it does not mean that it has to be identical.

The proposed built form, specifically a 21-storey residential apartment building having a continuous building wall of approximately 131 m in linear length, with upper storeys extending additional 19 m results in a continuous building wall of approximately 150 m built into the valley wall. In addition, the Subject Lands are surrounded by natural areas, the Humber River, and a stable low-rise residential community to the north and east, and therefore, does not provide an appropriate transition to adjacent areas. The 530 units proposed in the Development exceeds the existing number of dwelling units (approximately 335 dwelling units) in the entire residential community located to the north and east side of the Subject Lands.

The Development would introduce a built form through the Applications, at a density and scale that is out of character and not compatible with the existing community, is not aligned with 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 places 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 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 adoption of VOP 2010 in September 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.

VOP 2010 promotes intensification within identified Intensification Areas, including 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 any of these centres or corridors identified for intensification in VOP 2010. The closest Regional Intensification Corridor is located on Highway 7, north of the Subject Lands, which does not permit development at the scale (i.e. FSI and building height) proposed through the Applications. The building type, scale and built form of the Development would be more appropriately directed to a planned intensification area, as it proposes the level of density that is more compatible with other development in Regional and Primary Centres, rather than a low-density, low-rise, and stable community.

For the reasons outlined above, the Applications are not consistent with the City's intensification strategy as 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 (MTSAs) on priority transit corridors or subway lines will be planned for a minimum residential and employment density target.

Islington Avenue is not identified as a priority transit corridor in the YROP and VOP 2010.

York Region Council on September 24, 2020, endorsed York Region's MTSA Endorsement Report. This report proposed boundary delineations, minimum density targets and preliminary policy directions for MTSAs in the York Region Official Plan update being undertaken through the MCR.

MTSAs will form a key component for the Region's Intensification Strategy, providing locations along higher order transit corridors for higher density, mixed-use transit supportive development. In York Region, Centres and Corridors are planned to achieve the most intensive and greatest mix of development supported by a subway and/or BRT with others located on GO transit corridors. MTSAs located within these key strategic intensification areas support the Region's planned urban structure, optimizing existing and planned transit infrastructure investments.

York Region's "Planning for Intensification Background Report" informs development of draft local municipal intensification targets. Section 7.6 of the report deals with local municipal land use designations within MTSA's. The report states the following:

"The minimum density targets being developed for the Region's MTSA's are an overall density target to be treated as an average across the entire MTSA. The density targets are not meant to be applied to each individual property within the MTSA. Local municipal official plan and secondary plan designations along with the applicable zoning will determine the appropriate land uses, building heights and densities within the MTSA to reach the overall Regional target for that MTSA. In addition, local municipalities can set maximum density targets for MTSA's. Section 5.2.5.8 of the Growth Plan states that the identification of strategic growth areas (which include MTSA's), are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Furthermore, any development within MTSA's would still be subject to the relevant provincial and municipal land use planning policies and approval processes."

The Growth Plan defines MTSA's as:

"the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk."

Accordingly, the boundaries were determined using a 500 m to 800 m "10-minute walking distance" from higher order transit stations and stops. Generally, the proposed boundaries were drawn to include lands with development/redevelopment potential. Consistent with the Growth Plan requirements, the proposed MTSA boundaries are continuous and do not contain any gaps or missing areas ('holes').

York Region identified the Wigwoss-Helen BRT Station as a MTSA located along Highway 7 at Wigwoss Drive and Helen Street. York Region did not identify any further MTSA's westward on Highway 7. The MTSA and its' boundary are shown on Attachment 8. York Region staff indicated that a request was received by the Owner to consider including the Subject Lands in the proposed delineated area of the Wigwoss-Helen MTSA. The MTSA Endorsement Report recommended that the Subject Lands not be included in the boundary of the Wigwoss-Helen MTSA as the lands are designated "Natural Area" in VOP 2010.

The Subject Lands are within the 800 m radius of the Wigwoss-Helen MTSA. However, the walking distance from the Subject Lands (Islington Avenue – main entrance) to the Wigwoss-Helen MTSA is approximately 1.3 kms, representing an approximate 14 minute walking distance. The Wigwoss-Helen MTSA boundary did not include the surrounding low-rise community area to the north and east of the Subject Lands. The inclusion of the Subject Lands into the Wigwoss-Helen MTSA boundary would result in gaps or missing areas, contrary to the intent of providing a continuous MTSA.

The Subject Lands are located within an existing natural area and VOP 2010 did not identify the Subject Lands or immediate area as an intensification area. There are limited transit options and no planned future high-order transit investments identified in VOP 2010 for Islington Avenue.

d) Section 4.2.2 “Natural Heritage System”

Section 4.2.2.6 of the Growth Plan states, that “Beyond Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:

- a. will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and
- b. may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.”

As identified within the PPS section of this report, the Development is not consistent with the policy direction established in the PPS. The Development does not consider the protection of natural areas, ignores the negative environmental impact on the natural heritage system and the risk to public health and safety, and is not compatible with the existing and planned built form in the community.

For the reasons noted above, Development Planning is of the opinion that the Applications do not conform to the Growth Plan policies identified above.

4. *The Applications do not conform to the policies of York Region Official Plan 2010 (YROP)*

The Subject Lands are designated “Regional Greenland System” (7553 Islington Avenue) and a very narrow portion of the Subject Lands, parallel to Bruce Street, is designated “Urban Area” by YROP Map 2 - Regional Greenland System also shows the Subject Lands to be within the “Greenlands System Vision” corridor. Map 5 - Woodlands identifies the Subject Lands to be within the “Woodlands” designation, and according to Map 14 - High Vulnerable Aquifers, portions of the Subject Lands are affected by highly vulnerable aquifers.

Intensification

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 establishes policies for urban design and built form within Community Areas. 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."

The Development does not complement the character of the existing area, does not provide safe access, accessibility or connectivity, or ensure compatibility with and transition to the surrounding land uses, as required by Policy 5.2.8 of the YROP, for the reasons discussed in this report.

The YROP prescribes an urban structure focused on a system of Regional Centers and Regional Corridors. 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."

Regional Centres and Corridors are intended to accommodate the highest concentration of intensification. York Region has planned and committed to accommodating rapid transit systems along these Corridors and Centres to support the levels of intensification. It is also important that developments in areas not located in a Regional Centre or on a Regional Corridor be subordinate in height and density to those that are located in Regional Centres or Regional Corridors.

Section 5.3.3 states 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 and maps intensification areas in the City of Vaughan, as discussed in Section 5 of this report. The Subject Lands are not located within any Intensification Area identified in VOP 2010 and are not identified as part of the Wigwoss-Helen MTSA.

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 distance 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; and
- j. requiring all new development applications to prepare a mobility plan and demonstrate the proposal’s approach to transit”.

The Subject Lands are not located on an existing or proposed Regional Transit Priority Network or a Regional Rapid Transit Corridor. Regional Rapid Transit Corridors have been identified by the YROP for additional intensification. There are limited transit options and no planned future high-order transit investments identified by the Region or in VOP 2010 for Islington Avenue. In addition, the Region’s 2020, 10-year Roads and Transit Capital Construction Program does not identify any road projects or improvements for Islington Avenue.

The introduction of the Development, as proposed on the Subject Lands, is an ad hoc approach to unplanned intensification, does not constitute a comprehensive approach in achieving appropriate intensification to meet the objectives of Section 5.3, 5.3.3, 7.2.24 and 7.2.25 described above, and does not conform to the intensification objectives of the YROP.

Regional Greenlands System and Woodlands

York Region is rich in natural features that provide habitat for a variety of species and play an important role in the Region’s ecology and native biodiversity. The Regional Greenland System polices take a natural heritage approach to preserving natural heritage features. Section 2.1 outlines the vision and policies of the Region’s Greenland System which preserve and enhance natural features within a connected natural heritage features in a system of cores connected by corridors and linkages.

Section 2.1.1 states that it is the policy of Regional Council to protect and enhance the Regions Greenlands System and its function shown on Map 2 – Regional Greenland System and to control new development and site alteration within the vicinity of the System in accordance with policies of the Official Plan. Section 2.1.4 establishes that local municipalities shall include policies and mapping to establish and protect Greenland Systems from development and site alteration.

Sections 2.1.9 and 2.1.10 indicate that development and site alteration be prohibited within the Regional Greenland system and that permitted uses will be limited to stormwater management systems/facilities, passive recreational uses, trails, legally

existing land uses that conform to the in-force local official plans and zoning by-laws, agricultural uses and infrastructure given they meet the requirements of the provincial plans.

Key natural heritage features and key hydrological features are identified as significant valleylands and significant woodlands and are key features that must be protected. Sections 2.2.4, 2.2.12 and 2.2.44 state that development and site alteration is prohibited unless it is demonstrated that it will not result in a negative impact on the natural feature or its ecological functions. In addition, public and private landowners with lands containing key natural heritage features and key hydrological features manage the lands in a manner that conserves and enhances the features.

Section 2.3 speaks to Natural Hazards. This section outlines that development and site alteration shall be directed away from hazard lands and hazardous sites and shall be planned and designed to minimize flooding and erosion impacts.

As indicated in Section 2 of this report, a portion of the Subject Lands are located within the Humber River valley corridor and are entirely located within a Natural Heritage System where development and intensification is not intended to occur. The Subject Lands are hazardous lands with significant natural features and without safe access. Although there is a proposed secondary emergency access from Bruce Street, its location on a local residential street and in the interior of a low rise residential neighbourhood is not appropriate, considering the vehicle volumes anticipated. The Development is a major intrusion within the Regional Greenlands System and is not a minor refinement to the system. The construction impact from the removal of woodland vegetation, excavation into the valley wall and fill placement in the flood plain does not conform to the protection and enhancement policies of the Regional Greenlands System, Natural Features and Water Systems of YROP.

In consideration of the above, the Development does not conform to the policies of the YROP. TRCA and York Region Community Planning staff comments, appended as Attachments 10 and 11, respectively, concur that the Development does not conform to the YROP.

5. *The Development does not conform to the policies of in-effect Official Plan Amendment 240, as amended (Woodbridge Community Plan)*

7553 Islington Avenue is designated "Open Space" by in-effect Official Plan Amendment 240 (Woodbridge Community Plan), 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 conformity with specific development and implementation policies. The amendment was intended to grant an exception to permit the existing structure while recognizing and maintaining the "Open Space" designation.

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" for this

reason. These areas are identified as Environmentally Sensitive Areas in recognition of their valuable scenic, educational and wildlife habitat significance. Development surrounding these areas has been restricted to open space or low density uses 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. OPA 240 identifies the existing residential community located to the north and east of the Subject Lands as “Low Density Residential” and does not identify any further residential intensification along Islington Avenue. The “Low Density Residential” designation permits some modest intensification that is aligned with the permitted uses and building typology of the area context. The introduction of a 21-storey residential apartment building is not considered to be modest in the context of the surrounding community.

Development is not permitted in the “Open Space” designation and this Development is not permitted in the “Low Density Residential” designation of in-effect OPA 240, as amended. The Development Planning Department is of the opinion that 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, is not in the public interest, is not compatible with the surrounding lands uses and does not represent good planning.

OPA 90 (East Woodbridge Community Plan) (OPA 90) was superseded by OPA 240, as amended. OPA 90 was approved by the Ministry of Housing on February 7, 1979 and designated the Subject Lands “Open Space”. The Subject Lands were further identified as an area of biological concern with an area of steep slopes, potential area of slope slumpage, woodlots or groups of isolated trees and an area of potential soil erosion. OPA 90 designated areas as being environmentally sensitive as “Open Space” and development surrounding the “Open Space” areas were restricted to low density development in order to minimize traffic and negative environmental impacts. The goal of OPA 90 was to protect, conserve and manage environmentally sensitive areas to maintain them as part of the natural system and restricted development on those lands.

Accordingly, the Subject Lands have continuously been recognized as an area with environmental significance through OPA 90, OPA 240, as amended and VOP 2010, which are to be protected and maintained as part of a natural system.

6. *The Development is not permitted by Vaughan Official Plan 2010*

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. VOP 2010 reflects this direction and represents the City’s growth management strategy, that shapes the City and guides its continued transformation into a vibrant, beautiful, and sustainable City. It articulates Council’s policies and vision for the City and provides guidance for the physical development of the municipality to the year 2031 while taking into consideration important social, economic, and environmental issues and objectives.

Chapter 2 of VOP 2010 provides primary objectives on the City's main land-use planning challenges and managing future growth. Chapter 3 of VOP 2010 provides policy direction for managing Vaughan's natural environment and establishing a legacy stewardship that will remain healthy and robust for generations to come. Chapter 9 of VOP 2010 provides a framework for continuing to build Vaughan as a great City. Chapter 9 identifies land use designations and building typologies that form the basis for ensuring new development achieves the transformation anticipated by VOP 2010.

Environmental Policies

The Subject Lands are identified as "Natural Areas and Countryside" by VOP 2010 – Schedule 1 – Urban Structure. "Natural Areas 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. VOP 2010 policies, consistent with YROP policies and PPS and Growth Plan policies identifies these areas to be protected and enhanced in a manner that allows them to continue to contribute in providing vital ecosystem functions.

The Subject Lands were designated "Natural Areas" by VOP 2010. As noted earlier in this report, the Owner appealed VOP 2010 to the LPAT specifically on the basis of identifying the Subject Lands as "Natural Areas and Countryside" on Schedule 1 – Urban Structure and "Core Features" as components of the NHN on Schedule 2 – Natural Heritage Network; and, designating the Subject Lands as "Natural Areas" on Schedule 13 – Land Use. However, as noted above, prior to VOP 2010, the Subject Lands were, under OPA 90 and remain designated "Open Space" by in-effect OPA 240.

Section 2.2.2.1 states that "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 NHN in Section 3.2 of VOP 2010.

a) "Section 3.2.3 of "Core Features" (in part)

The portion of the Subject Lands designated "Natural Areas" and further identified as being a "Core Feature", are subject to the following policies (in part):

Policy 3.2.3.4 - "That Core Features, as identified on Schedule 2, provide critical ecosystem functions, and consist of the following natural heritage components and their minimum vegetation protection zones:

- a. valley and stream corridors, including provincially significant valleylands and permanent and intermittent streams, with a minimum 10 metre vegetation protection zone, or a 30 metre vegetation protection zone for those valley and stream corridors within the Oak Ridges Moraine and Greenbelt Plan Areas;

- b. wetlands, including those identified as provincially significant, with a minimum 30 metre vegetation protection zone; and
- c. woodlands including those identified as significant, with a minimum vegetation protection zone as measured from the woodlands dripline of 10 metres, or 30 metres for those woodlands within the Oak Ridges Moraine and Greenbelt Plan Areas.”

Policy 3.2.3.8 - “That development or site alteration on lands adjacent to Core Features shall not be permitted unless it is demonstrated through an environmental impact study that the development or site alteration will not result in a negative impact on the feature or its functions.

Policy 3.2.3.10 - “That Core Features and their related vegetation protection zone will be conveyed to the City and/or Toronto and Region Conservation Authority as a condition of development approval. To enable comprehensive management, such features shall not be fragmented but shall be brought into public ownership to ensure their continued protection and management.”

The “Core Features” policies of VOP 2010 restrict development or site alteration. “Core Features” are the core elements of the NHN to be protected and enhanced. The only form of development activity permitted is 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. Which noted uses/projects do not result in a negative impact on the Core Features and will not have a negative impact on the ecosystem function.

Woodlands

“Woodlands” are comprised of “Natural Areas” of vegetation in the landscape and their associated wildlife populations. A variety of available woodland resources influences the range of native biodiversity in Vaughan. Vaughan supports the maintenance of important environmental functions, attributes, and linkages of woodland resources, recognizing that this will lead to more stable and resilient systems of vegetation.

Policy 3.3.3.1 states that development and site alteration is prohibited in woodlands and their minimum vegetation protection zones. The policy further states that appropriate Regional or Provincial policies shall apply to significant woodlands and their vegetation protection zones.

According to an assessment provided within the submitted Environmental Impact Study (EIS), it is purported that the vegetated portion of the subject property does not meet stem density requirements to meet relevant woodland definitions within with the YROP and VOP 2010. However, as outlined in Attachment 9, Policy Planning and Environmental Sustainability (PPES) staff have identified concerns with the scope of this assessment as it has only evaluated vegetation in the context of the property and

not as part of a broader woodland feature. According to Map 5 – Woodlands of YROP, vegetation located on the Subject Lands forms part of a 15.9 hectare woodland feature which extends beyond the boundaries of the Subject Lands. Vaughan's Focus Rural Area Woodland Assessment (2002), considers this broader feature to be a high functioning woodland due to its structure/diversity, maturity, and importance for erosion control. PPES and TRCA staff are of the opinion that the woodland is significant under the PPS. The Development would result in significant removal of the woodland that would have substantial negative impacts to the feature.

Valley and Stream Corridors, Hazardous Lands and Sites and Flooding Hazards

Vaughan contains a number of valley systems, with the largest ones formed by the Humber and East Humber Rivers in the western portion of the City, and the Don River in the eastern portion of the City. Stream corridors are the vital link between the headwaters, the mid-reaches, and the lower reaches of watercourses. Maintaining the integrity of these corridors will foster the maintenance of the ecological health of the valley and surrounding land-based features. Section 3.3.1.1 of VOP 2010 states that development or site alteration in valley and stream corridors is prohibited.

Section 3.6.3. states that development in certain areas of the City poses risk to human health and safety and private property damage because of proximity to flood vulnerable areas or areas with unstable slopes or erosion issues. Section 3.6.3.1 states to protect the safety of the public development is to be directed to locations outside of hazardous lands and hazardous sites and is consistent with the policies of the PPS.

Section 3.6.4.3 states that development within the flood plain are regulated in accordance with Provincial floodplain management policies and the regulations of the TRCA. New development below the top-of-bank of valley and stream corridors, which are included in Core Features on Schedule 2 of VOP 2010, is prohibited.

The Humber River valley corridor containing the main Humber River is vulnerable to flooding. The valley corridor in this location is approximately 400 m wide and contains the Subject Lands along its eastern slope. The westerly portion of the Subject Lands (7553 Islington Avenue) is partially located within the Regional floodplain and access to the Development is proposed through the floodplain. As indicated on Attachment 10, TRCA's policies and the PPS discourage site alteration in the floodplain to facilitate new development. In addition, the Owner proposes major excavation into the valley wall to facilitate the Development. TRCA staff are of the opinion that the introduction of the parking garage walls into the valley wall to retain the soil and facilitate the Development will potentially create a hazard over the long-term. As such, the Development, in conjunction with the site alteration proposed in the flood plain of the Humber River and the erosion hazard associated with the valley wall, is considered hazardous lands and is unsafe.

Significant Wildlife Habitat and Species at Risk

The lands that comprise the Natural Heritage Network provide habitat for a wide variety of plant and animal species. Certain species are considered Species at Risk as determined by the *Federal Species at Risk Act* or *Provincial Endangered Species Act*.

VOP 2010 prohibits development and site alteration within significance habitat of endangered and threatened species (Section 3.3.4.1) and the protection and enhancement of significant wildlife habitat (Section 3.3.4.2).

Based on the wildlife surveys submitted as part of the EIS, the presence of significant wildlife was not confirmed. However, twenty-two cavity trees were documented on the Subject Lands which may provide suitable maternity roosting habitat for endangered bat species. As such, the vegetated area on the Subject Lands has been identified as candidate bat maternity colony habitat based on species composition, tree age, condition, and presence of suitable cavities.

Intensification

In addition to the above environmental policies, VOP 2010 also directs intensification, both new and infill, 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 Subject Lands:

b) 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 Official Plan 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.”

The Subject Lands form part of a NHN within an established residential community of Woodbridge.

“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.”

c) 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.”

d) 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.”

e) 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:

- a. protects the Natural Areas and Countryside for environmental, agricultural, or rural purposes, and restricts the encroachment of urban uses to these areas;
- 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.”

f) 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.”

g) 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.”

h) 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.”

i) 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.”

j) 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., Highway 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 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.”

Section 1.1.3.3 of the PPS, Section 2.2.3 of the Growth Plan and Section 5.3.3 of YROP states that local municipalities shall identify intensification areas and adopt their own intensification strategies. The City of Vaughan established polices within VOP 2010 where Intensification Areas have been identified. VOP 2010 has identified Intensification Areas, including Regional Centres (i.e. Vaughan Metropolitan Centre), Primary Centres, Local Centres, Regional Intensification Corridors, and Primary Intensification Corridors. The Subject Lands are not located within any of these Centres or Corridors identified for intensification in VOP 2010. The Subject Lands are located to the west of an existing Community Area that is also identified as a Stable Area and are not identified as an Intensification Area by VOP 2010 and the surrounding land use context does lend itself to intensification.

The Development includes a 21-storey residential apartment building, with an FSI of 2.82 times the area of the lot, which represents a significant level of intensification that was not considered by VOP 2010 on the Subject Lands, nor along Islington Avenue. VOP 2010 clearly identifies locations at the southeast and southwest corners of Highway 7 and Bruce Street within this existing Community Area, that can support limited intensification. They are designated “Mid-Rise Mixed-Use” with a maximum permitted building height of 6-storeys and density of 2 FSI, as shown on Attachment 7.

The Development contemplates a building height and density on the Subject Lands that introduces a level of intensification that is unparalleled in the surrounding area, which was not identified in VOP 2010, or its precursor OPA 240, as amended. The proposed FSI of 2.82 times the area of the lot is commensurate with the levels of density proposed in the outer precincts of the Vaughan Metropolitan Centre (VMC) Secondary Plan area, which permits planned maximum FSI ranges between 2.5 and 4.5. The proposed FSI is also commensurate with the maximum planned densities in VOP 2010 along Highway 7, a Regional Intensification Corridor, with high-order transit, through the Woodbridge Community (from Weston Road to Regional Road 27), having an FSI that ranges from 2 to 3 times the area of the lot.

Furthermore, the Owner is proposing to redesignate the Subject Lands to “Mid-Rise Residential”. The “Mid-Rise Residential” designation (Section 9.2.2.3 of VOP 2010) is generally located in Intensification Areas and will help achieve the City’s population and intensification targets by establishing medium density housing forms. The designation permits a Mid-Rise building typology which are generally over 5-storeys in height and up to a maximum of 12-storeys in height. As shown on Attachment 4 and 5, the proposed building height of the Development is 21-storeys fronting onto Islington Avenue and 14-

storeys fronting onto Bruce Street. The proposed building height of both frontages along Islington Avenue and Bruce Street exceeds the maximum permitted building height of the Mid-Rise building typology as defined in VOP 2020. The proposed building height is more aligned to a High-Rise building typology. High-Rise buildings are permitted in the “High-Rise Residential” and “High-Rise Mixed-Use” designations and are generally over 12-storeys. These designations are intended for areas identified for Intensification within the Urban Structure. In accordance with the above, a “High-Rise” development is not compatible or appropriate for the location of the Subject Lands, nor conforms to the policies of VOP 2010.

The Development for a 21-storey residential apartment building with 7 levels of parking, built into the existing valley wall and with a density of 2.82 FSI does not conform to the Natural Areas, Core Features and Intensification policies of VOP 2010. The Development is not consistent with the Urban Structure set out in VOP 2010 and the surrounding land uses. The Subject Lands are an isolated parcel, with no context for intensification. The Core Feature, Natural Areas, the existing stable low-rise residential community, and hazardous lands do not make the Subject Lands or surrounding area a candidate for intensification. The Development is incompatible with the surrounding land uses, would represent ad hoc intensification, and represents poor planning.

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 5:

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	Provide a total amenity area of 2,120 m ²

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirements	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
		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	
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

The Subject Lands have been historically zoned “F Flood Zone” and “A Agricultural Zone” since the enactment of By-law 2523 on November 21, 1960 and subsequently zoned “OS1 Open Space Conservation Zone” and “A Agricultural Zone” by Zoning By-law 1-88 on July 15, 1989. A zoning by-law implements the land use planning framework of a municipality’s Official Plan. A zoning by-law amendment is evaluated against conformity with the Official Plan and compatibility with adjacent land uses and must be consistent with the PPS and conform with other provincial policy. The proposed zone and site-specific exceptions are commensurate to those of a “High-Rise” development. For the reasons and comments provided in this report, the proposed rezoning and site-specific exceptions would facilitate a development that is not consistent with the PPS, does not conform to the policies or objectives of OPA 240, as amended and VOP 2010 for the Subject Lands and therefore, the Zoning Amendment application cannot be supported.

The Urban Design and Cultural Heritage Division has provided comments regarding the Development

Urban Design

As noted above, the *Planning Act* states that the Council of a municipality in carrying out their responsibilities shall have regard to 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 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 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.”

In order to create high-quality, sustainable communities, Section 5.2.8 of YROP states (in part) 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.”

Section 9.1.2 of VOP 2010, provides direction on Urban Design and Built Form for developments taking place in different parts of the City of Vaughan, specifically on how buildings should be designed and organized, how they relate to the public realm and its intentions for urban design and architectural quality.

- 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).

Vaughan Council on February 21, 2018, approved Vaughan's City Wide-Urban Design Guidelines (UDG). The City of Vaughan received the 2020 Canadian Institute of Planners Award for Planning Excellence for Vaughan's City-Wide Urban Design Guidelines. This award recognized exceptional planning projects that demonstrate innovation and make a meaningful impact on the development industry. Vaughan's City-Wide Urban Design Guidelines acts as a roadmap to ensure we continue to build a world-class city that encompasses good urban design and public spaces that foster community well-being.

The UDG are a significant document in shaping the City of Vaughan's vision to promote a consistent level of high quality urban design that builds the City's character relating to the built environment and enhanced pedestrian experience. The UDG enforces and aligns with the policies set out in the *Planning Act*, the Growth Plan, the YROP and VOP 2010.

Priority 1 of the UDG seeks to enhance and protect the NHN. Considering the Subject Lands are located within the core feature of the east Humber River and proposes extensive regrading and vegetation removal (458 trees are to be removed), the proposed development does not comply with Priority 1 of the UDG to protect Vaughan's NHN.

Priority 2 of the UDG responds to the site context and indicates that new developments should prioritize compatibility with surrounding context, including built development, topography, and natural heritage systems among others. Considering the established context along both Islington Avenue and Bruce Street reflects detached dwellings and the Subject Lands are located adjacent to a "Low-Rise Residential" designation which also permits semi-detached dwellings or townhouse dwellings with maximum building heights of 2 to 3-storeys, the proposed 21-storey residential apartment building, approximately 150 m in linear length, is completely out of scale and is not compatible with the existing built form. Therefore, the Development does not comply with Priority 2 of the UDG in responding to the site context.

The Development does not meet the Priorities of the UGD. The 21-storey residential apartment building does not represent or respect the heights and scale of surrounding development. The Development represents a high-rise building typology that does not reinforce the physical character of the established neighbourhood. The Development does not respect or meet the urban design and built form policies of the *Planning Act*, the Growth Plan, YROP, VOP 2010 and the UDG.

Cultural Heritage

Cultural Heritage Staff have reviewed the Applications and have advised that the Subject Lands lie within an area identified as being of high archaeological potential in the City's database of archeological resources. Cultural Heritage Staff does not have any record indicating an archaeological assessment has been completed for the Subject Lands. The Owner will be required, at their expense, to carry out an archaeological assessment of the Subject Lands and mitigate through preservation or resource removal and documentation all adverse impacts to any significant archaeological resource found. No demolition, grading, or other soil disturbances shall take place on the Subject Lands prior to the approval authority confirming that all archaeological resource concerns have met resource conservation requirements.

The Policy Planning and Environmental Sustainability Department does not support the Development

The PPES Department has reviewed the Applications and cannot support the Development. PPES Department comments are provided in full in Attachment 9. PPES staff are of the opinion that the existing vegetation meets the definition of significant woodland in the PPS and are considered significant valleylands. PPES staff are of the opinion, the Development is not consistent with the PPS and does not conform to the Growth Plan and York Region and Vaughan Official Plans as the Development will result in negative impacts to the woodland feature and significant manipulation of the valley wall.

The Development Engineering Department has provided comments regarding the Development

The Development Engineering (DE) Department has reviewed the Applications and supporting technical studies, and provided the following comments subject to obtaining necessary approvals from external agencies:

Water Supply Network

The Development would be serviced by an existing municipal watermain on Bruce Street. The submitted Functional Servicing Report and Stormwater Management Report (FS/SWMR) demonstrates the existing watermain must be upgraded to be able to service the Development.

Sanitary Sewer Network

The FS/SWMR demonstrates the existing sanitary sewer system needs to be upgraded to accommodate flows from this Development. However, the report must be revised to include final site statistics and possible future developments within the sanitary system tributary areas and identify the necessary upgrades accordingly.

Stormwater Management and Storm Sewer Network

The FS/SWM demonstrates the post-development runoff will be controlled to the existing rate by proposing roof-top storage and orifices as well as additional measures. Since there is no municipal storm sewer adjacent to the Subject Lands, the Owner shall obtain necessary approvals/permits from the respective Owners of the existing storm drainage system.

In addition, the Owner shall demonstrate how groundwater flows will be managed and discharged through the proposed stormwater management system. Discharging of groundwater into a City storm sewer is subject to the provisions of the City of Vaughan Sewer Use By-law.

Noise and Vibration Feasibility Study

Based on the available information the study concludes that the proposed Development is feasible from a noise and vibration perspective.

Environmental Site Assessment (ESA)

The Owner provided a Phase 1 ESA report for the Subject Lands. The findings of the ESA report indicated that “based on the review of the available information, there are no significant potentially contaminating activities or areas of potential concern within the property, and the environmental condition of the property is satisfactory.”

Transportation

The DE Department is not satisfied with the scope of the Traffic Impact Study (TIS). The TIS solely analyzes the Islington Avenue site access intersection. The Development is expected to generate 250 to 300 vehicles during the per peak hour. Therefore, the TIS should include the traffic impact on the Islington Avenue and Highway 7 and Bruce Street and Highway 7 intersections. The TIS does not identify or discuss any background developments, on-going or approved developments in the area, which are required to complete the transportation review.

As noted above the technical reports submitted in support of the Applications require modifications in order to satisfy the requirements of the Development Engineering Department. In assessing the merits of these Applications both from a technical and policy framework, Staff have deemed the policy framework as having primacy which clearly indicates the Development is not appropriate for the Subject Lands notwithstanding the technical matters identified above.

The Toronto and Region Conservation Authority does not support the Development

TRCA staff are of the opinion that the Applications do not demonstrate conformity or consistency with the PPS, YROP, VOP 2010, OPA 240, as amended, TRCA’s Living City Policies and Ontario Regulation 166/06. The intent of these policies and land-use planning tools is to prevent new development that would introduce risk to life and property associated with flooding, erosion and slope stability and/or that is not compatible with the protection and rehabilitation of these natural resources in their natural state.

TRCA staff have identified, as shown in Attachment 10, that the Subject Lands are part of the natural heritage system and within a significant valleyland and a significant woodland. Development and site alteration in those natural features are contrary to Provincial, Regional and Municipal policy. The Development has significant negative impacts to the natural features and their ecological function and cannot be avoided or

mitigated. The Development will contribute to the incremental loss of habitat and biodiversity within the natural heritage system at a local and regional scale.

The TRCA has determined that the top of the valley slope runs approximately 400 metres wide along the eastern slope of the Subject Lands. The top of the valley slope runs approximately 20 metres inland and parallel to the Bruce Street right-of-way. The physical top of the valley slope has been determined by TRCA staff to be at the same approximate elevation as Bruce Street (163 meters above sea level (masl)) and not mid-way down the valley slope as indicated by the Owner (approximate elevation between 141 and 145 masl). Field observations and topographical mapping suggest it is one contiguous slope with some breaks and terraces. However, the first point of inflection, or the point where the grade changes from flat table land to a distinguished valley landform, is at approximately 163 masl. This is consistent with the definition of the physical top of bank in the TRCA Field and Staking Protocol (2017).

In determining the limits of a valley corridor, the physical top of bank needs to be delineated based upon the physical landform and contiguous vegetation. Where the slope may be unstable as a result of its inclination and height, a geotechnical assessment is required in order to determine whether further setbacks, above and beyond the staked top of bank, are required. The Owner has identified that the long-term stable top of slope (LTSTOS) is in the same approximate location as their physical top of slope (approximately 145 masl), which has led to the Owner to conclude that the proposed multi-storey residential building is outside of the valleyland. The LTSTOS and the physical top of slope identified by the Owner are located part way down the valley slope (approximately 145 masl), whereas the top of bank of this valley corridor, as determined by TRCA is at approximately 163 masl. Accordingly, TRCA staff do not agree with the consultants' conclusions. In our opinion, the reported top of slope and LTSTOS in the geotechnical reports do not correspond to current site topography, and do not capture the full extent of the valley corridor.

The proposed Development encroaches into the flood plain of the Humber River and contains and erosion hazard associated with the valley wall. These are considered hazardous lands and unsafe for development due to naturally occurring processes. As such, development and site alteration should be directed away from these hazardous areas. The Development does not fully recognize or respect those hazardous lands. Furthermore, both proposed access points to the Subject Lands are within natural hazards and no safe access to the Development is proposed.

A permit will be required from TRCA under Ontario Regulation 166/06 for any development on the Subject Lands given its location within the Humber River valley corridor. In accordance with Ontario Regulation 166/06, development may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected (i.e., the five tests). Based upon TRCA's review of the Applications, the Development would not meet the relevant tests for the control of flooding, erosion, and the conservation of land. As such, TRCA staff is unable to recommend approval of a

permit under Ontario Regulation 166/06 for the proposed development. For this additional reason, TRCA staff cannot support the approval of the Applications.

Emergency Planning, Fire and Rescue Services Department has provided comments regarding the Development

Emergency Planning, Fire and Rescue Services Department has reviewed the Applications and provide the following comments:

- the building footprint as it appears on the site plan is outside the flood plain, all but a small portion along the west side of Bruce Street is within the TRCA Regulation Area and is subject to their approval
- the main building entrance from Islington Avenue is within the flood plain. This access point must have the means to be closed in a flooding even to prevent residents from deliberately entering flood waters and putting themselves at unnecessary risk
- the secondary emergency access from Bruce Street must accommodate a mass evacuation of the building and be constructed within Phase 1
- the building must have an emergency plan to address flooding and other situations and all residents must have training with the emergency plan and procedures. The emergency plan must address means of mitigating risk, response specific to the building and residents' responsibilities and not the responsibilities to the City.
- the emergency plan must be kept current and submitted to the City to be reviewed by the Emergency Planning Program
- Residents must be informed in clear language that the main access driveway to the building is located in the flood plain and the potential risks

The York Region District and York Region Catholic District School Boards have no comment

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

Other Agencies having no comment to the Development

The following agencies have no comment to the approval of the Applications: Enbridge, Rogers, Alectra, and Canada Post.

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 Official Plan Amendment File OP.08.017 and have advised they do not support the Applications (Attachment 11). York Region staff identified the Development conflicts with the local and Regional planned urban structure, as the area is not planned for this level of intensification.

Regional Staff also identify the Subject Lands are severely constrained by Natural Heritage Features. The Subject Lands are within the Regional Greenland 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 on the Subject Lands, there are more appropriate locations for planned intensification. Regional Staff do not support the approval of the Applications.

Conclusion

Official Plan and Zoning By-law Amendment Files OP.08.017 and Z.16.022 have been reviewed in consideration of the policies of the *Planning Act*, the Provincial Policy Statement, 2020, the Provincial Growth Plan, 2019, as amended, the York Region Official Plan, OPA 240 (Woodbridge Community Plan) as amended, Vaughan Official Plan 2010, the UDG, the requirements of Zoning By-law 1-88, comments from area residents, City departments and external public agencies, and the area context.

The Development Planning Department in comprehensively assessing the merits of the Applications has evaluated the planning framework in its entirety and has balanced the many objectives of these documents, as identified in the body of this report. Based on this review it is the opinion of Staff that the Applications for the Development consisting of a 21-storey residential apartment building, is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan, York Region and City of Vaughan Official Plans and Vaughan's UDG. The Development will result in a level of intensification that is not appropriate for the area and will have negative impacts on the environmental features causing risk to residents and safety concerns. The proposed 21-storey high-rise building, approximately 150 m in length built within the valley wall is not compatible and does not respect the physical character of the surrounding community. The built form is inappropriate and represents poor planning and urban design. Accordingly, the Development is not in the public interest, is not compatible with the surrounding lands uses, is ad hoc intensification and does not represent good planning.

In consideration of the applicable policies and the existing surrounding land use context, as outlined in this report the Development Planning Department recommends that the applications be refused.

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

Attachments

1. Context and Location Map
2. Proposed Zoning and Site Plan - July 19, 2019
3. Landscape Plan
4. West and South Building Elevations
5. East and North Building Elevations
6. OPA 240 (Woodbridge Community Plan) - Land Use Map

7. VOP 2010 - Land Use Map
8. Wigwoss-Helen BRT Station - MTSA
9. Policy Planning and Environmental Sustainability Department (PPES) Comments - January 15, 2020
10. Toronto and Region Conservation Authority (TRCA) Comments - April 20, 2020
11. York Region Community Planning and Development Services Comments - May 13, 2020
12. First Submission - October 30, 2008
13. Second Submission - May 13, 2016
14. Provincial Policy Statement, 2020 Section 6 - Definitions

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