

## Committee of the Whole (2) Report

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**DATE:** Wednesday, May 12, 2021

**WARD:** 2

**TITLE:** 919819 ONTARIO LTD. AND 1891445 ONTARIO LTD.  
OFFICIAL PLAN AMENDMENT FILE OP.18.008  
ZONING BY-LAW AMENDMENT FILE Z.18.013  
5217 AND 5225 HIGHWAY 7 AND 26 AND 32 HAWMAN AVENUE  
VICINITY OF HIGHWAY 7 AND KIPLING AVENUE

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment applications for the subject lands shown on Attachment 1. The Owner proposes to redesignate and rezone the north portion of the subject lands (lands north of the new property line) from “Low-Rise Residential” to “Mid-Rise Residential” and from “R2 Residential Zone” to “RA3 Apartment Residential Zone” with the Holding Symbol “(H)” respectively, to permit a 12-storey apartment building containing 166 residential dwelling units having a Floor Space Index of 4.1, as shown on Attachments 2 to 5.

## **Report Highlights**

- The Owner is proposing to amend the Official Plan and Zoning By-law for the north portion of the subject lands north of the new property line to permit a 12-storey apartment building containing 166 residential dwelling units having a Floor Space Index of 4.1 times the area of the subject lands, as shown on Attachment 2 to 5
- The Owner proposes to increase the permitted building height and density in return for a monetary contribution of \$578,000.00 to secure community benefits as determined by the City pursuant to Section 37 of the *Planning Act*, the policies of Vaughan Official Plan 2010 and the City's Guidelines for the implementation of Section 37
- The Development Planning Department supports the approval of the applications as they are consistent with the Provincial Policy Statement 2020, conform to a Place to Grow: the Growth Plan for the Greater Golden Horseshoe 2019, as amended, the York Region Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area along this portion of Highway 7

## **Recommendations**

1. THAT Official Plan Amendment File OP.18.008 (919819 Ontario Ltd. and 1891445 Ontario Ltd.) BE APPROVED, to amend City of Vaughan Official Plan 2010 Volume 1, for the Subject Lands shown on Attachment 1 as follows:
  - a) To redesignate the north portion of the subject lands north of the new property line from "Low-Rise Residential" to "Mid-Rise Residential" to permit a 12-storey residential apartment building with 166 residential dwelling units and a Floor Space Index of 4.1 times the area of the of the lands north of the new property line, as shown an Attachment 2;
2. THAT Zoning By-law Amendment File Z.18.013 (919819 Ontario Ltd. and 1891445 Ontario Ltd.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the lands north of the new property line from "R2 Residential Zone" to "RA3(H) Apartment Residential Zone" with the Holding Symbol "(H)" in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report;
3. THAT the implementing Zoning By-law include the provision for a monetary contribution of \$578,000.00 pursuant to Section 37 of the *Planning Act*, towards the following potential community benefits, which are to be finalized and

implemented through a Section 37 Density Bonus Agreement executed between the Owner and the City of Vaughan in return for an increase in the maximum permitted building height and density for the development to the satisfaction of the City:

- Kipling Avenue Parkette - improvements to site furnishing and play court upgrades, and including a pollinator garden
  - Woodbridge Library - improvements to include new entrance addition and interior work;
4. THAT prior to the enactment of the implementing Zoning By-law the Owner shall enter into and execute a Section 37 Bonus Agreement with the City of Vaughan to secure the contribution(s) identified in this report and pay to the City the Section 37 Agreement surcharge fee in accordance with the in-effect Tariff of Fees for Planning Applications;
5. THAT the Holding Symbol “(H)” shall not be removed from the portion of the subject lands proposed to be rezoned “RA3(H) Residential Apartment Zone” with the “(H)” Holding Symbol or any portion thereof, until the following conditions have been satisfied:
- a) That Vaughan Council has identified and allocated water and sanitary servicing capacity to the subject lands;
  - b) That Vaughan Council shall approve a Site Development Application for the proposed development;
  - c) The Owner shall be required to submit the necessary planning applications to permit and secure an appropriate access location from Kipling Avenue to the satisfaction of the City and York Region;
  - d) The Owner shall pay a financial contribution in the amount of \$178,450.00, representing the Owner’s proportionate share of the required sanitary sewer improvements downstream of the subject lands, unless alternative arrangements are made, at the Owner’s cost and to the satisfaction of the City; and
  - e) The Owner shall enter into a Servicing/Development Agreement(s) with the City to facilitate the contribution amount required for the sanitary sewer upgrades, and to satisfy all conditions, financial or otherwise for the

construction of the municipal services including, but not limited to roads, water, wastewater, storm and any land conveyances, as required for the Subject Lands, to the satisfaction of the Development Engineering Department;

6. That the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law. The Owner shall also apply for a Consent application to create the lot for the development, as required, to the satisfaction of the City; and
7. THAT Council authorize the Development Engineering Department to enter into the necessary Servicing/Development Agreement(s) to the satisfaction of the Development Engineering Department.

## **Background**

The subject lands ('Subject Lands') are municipally known as 5217 and 5225 Highway 7, and 26 and 32 Hawman Avenue and are located east of Kipling Avenue. The Subject Lands and surrounding land uses are shown on Attachment 1.

### ***The original development proposal has been revised based on comments received at the Public Meeting***

919819 Ontario Ltd. and 1891445 Ontario Ltd. (the 'Owner') submitted Official Plan and Zoning By-law Amendment applications on April 6, 2018, seeking to amend Vaughan Official Plan 2010 ('VOP 2010) by redesignating the Subject Lands from "Low-Rise Residential" to "High-Rise Residential" and to amend Zoning By-law 1-88 to rezone the Subject Lands from "R2 Residential Zone" to "RA3 Residential Apartment Zone."

The Original proposal included a 16-storey apartment building oriented towards Highway 7 and a 4-storey townhouse component towards Hawman Avenue, with a total of 178 residential dwelling units, a Floor Space Index ('FSI') of 3.8 times the area of the Subject Lands, and a 636 m<sup>2</sup> privately owned public open space, and served by 181 parking spaces. A right-in/right-out access from Highway 7 and a full movement access from Hawman Avenue were also proposed.

The Owner on February 23, 2021, submitted a revised proposal in response to comments expressed at the Public Meeting and by the City. The revised development is for a mid-rise residential apartment building on the northerly portion of the lands with a maximum building height of 12-storeys (38 m in height) containing 166 residential

dwelling units, an FSI of 4.1 times the area of the portion of the Subject Lands to be redesignated “High-Rise Residential” and 186 parking spaces, as shown on Attachment 2. The proposed apartment building is oriented towards the Highway 7 frontage, with a right-in/right-out access from Highway 7 and a temporary full movement access from Hawman Avenue until the Owner secures a future full movement access from Kipling Avenue.

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

The City on May 10, 2019, circulated a Notice of Public Meeting (the ‘Notice’) for the original Official Plan and Zoning By-law Amendment Applications to all property owners within an expanded notification area (see Attachment 1), to the West Woodbridge Homeowners’ Association and the Village of Woodbridge Ratepayer’s Association. A copy of the Notice was also posted on the City’s website at [www.vaughan.ca](http://www.vaughan.ca) and Notice Signs were installed on the Subject Lands along Highway 7 and Hawman Avenue in accordance with the City’s Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Meeting) was held on June 4, 2019 to receive comments from the public and the Committee of the Whole on the original proposal. Vaughan Council on June 12, 2019, ratified the recommendations of the Committee of the Whole to receive the Public Meeting report of June 4, 2019, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following deputations and written communications were received by the Committee of the Whole at the Public Meeting:

Deputations

- Mr. Kregg Fordyce, KFA Architects & Planning, Spadina Avenue, Toronto, representing the Owner
- Ms. Teresa Pagliaroli, Hawman Avenue, Woodbridge
- Ms. Rosina D’Alimonte, Hawman Avenue, Woodbridge, and written submission, dated June 4, 2019
- Ms. Janice Cooper, Hawman Avenue, Woodbridge
- Ms. Margaret Le Coche, Hawman Avenue, Woodbridge, and written submission, dated June 4, 2019
- Mr. Joseph Tusa, Hawman Avenue, Woodbridge, and written submission, dated May 13, 2019
- Mr. Adriano Volpentesta, America Avenue, Woodbridge
- Marisa and Stefan DiCecca, Hawman Avenue, Woodbridge
- Ms. Sylvia Sajdyk, Hawman Avenue, Woodbridge
- Mr. Ron Moro, Tasha Court, Woodbridge

- Mr. D. Bulat, Veneto Drive, Woodbridge
- Mr. Nick Pinto, West Woodbridge Homeowners Association, Mapes Avenue, Woodbridge, and included a written submission
- Mr. Michael Horner, McKenzie Street, Woodbridge

#### Written Submissions

- Mr. Paul Cucci, Hawman Avenue, Woodbridge, dated May 22, 2019
- Ms. Audrey Black, Hawman Avenue, Woodbridge
- Rose and Steve Tersigni, Graceview Court, Woodbridge, dated June 3, 2019
- Giampaolo and Linda Vascott, Angelina Avenue, Woodbridge, dated June 4, 2019
- Ms. Ninetta Massarelli-Cucci, Hawman Avenue, Woodbridge, dated June 4, 2019
- Resident, dated June 4, 2019

The following is a summary of the comments made at the Public Meeting and provided in the written correspondence received to date. The comments have been organized by theme and responses to the comments are provided in the relevant sections of this report:

#### Traffic and Access

- the development will increase traffic in the area and adversely impact the Kipling Avenue intersection
- Highway 7 is already congested in this area and the traffic study should consider all new and proposed development in the area and should include a record of vehicle accidents for the Highway 7 and Kipling Avenue intersection
- the access proposed for Hawman Avenue is not appropriate and will adversely impact the stability of the neighbourhood
- Access must be confined to Highway 7

#### Density and Height

- the proposed 16-storey building and 4-storey townhouses are not compatible and are too high and dense for the site and the area
- the current “Low-Rise Residential” Official Plan designation should be maintained
- the development should be sympathetic to neighbouring properties
- this is not a recognized intensification area
- the sun shadow study should be reviewed by qualified staff
- do not support townhouse and a public open space on Hawman Avenue
- A high-rise development will adversely impact neighbouring properties (i.e. decrease in property value and adverse impact from noise, shadow, and wind)

## Other

- the impact of noise and to the structural stability of abutting homes during construction
- there are no commercial uses to serve the area
- a noise report is required
- the impact of the proposed development on existing trees and hedges along the abutting properties
- crane air rights during construction

The Development Planning Department on April 30, 2021, mailed a non-statutory courtesy notice of this Committee of the Whole meeting to all individuals who made a deputation at the Committee of the Whole or submitted written and email correspondence to the City regarding the applications.

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

The Owner has submitted the following revised applications (the 'Applications') for the north portion of the Subject Lands, north of the new property line, to permit a 12-storey (38 m in height and excluding the mechanical level) apartment building containing 166 residential dwelling units, an FSI of 4.1 times the area of the lands to be redesignated "Mid-Rise Residential" and 186 parking spaces with a right-in/right-out access from Highway 7 and a temporary full movement access from Hawman Avenue (the 'Development'), as shown on Attachments 2 to 5:

1. Official Plan Amendment File OP.18.008 to amend VOP 2010 to redesignate the north portion of the Subject Lands (i.e. all lands located north of the proposed new property line as shown on Attachment 2) from "Low-Rise Residential" to "Mid-Rise Residential" and to permit the Development, as shown on Attachments 2 to 5.
2. Zoning By-law Amendment File Z.18.013 to amend Zoning By-law 1-88, specifically to rezone the north portion of the Subject Lands ( i.e. all lands north of the proposed new property line as shown on Attachment 2) from "R2 Residential Zone" to "RA3 Residential Apartment Zone" to permit the Development, together with the site-specific zoning exceptions identified in Table 1 of this report.

## **Previous Reports/Authority**

The following is a link to the Public Meeting report regarding the Applications:

[June 4, 2019 Committee of the Whole \(Public Hearing, Item 1\)](#)

## **Analysis and Options**

### ***The Applications are 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 Provincial Policy Statement, 2020 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong and healthy communities, enhancing the quality of life, a strong economy and a protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld. The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development is consistent with the following policies of the PPS:

- Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land resources, and are transit supportive, where transit is planned, existing or may be developed
- 1.1.3.3 - promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated considering the existing area
- Section 1.4.1 and 1.4.3 - to provide for an appropriate range of housing options and densities to meet projected market-based and affordable needs of current and future residents
- Section 1.4.3 b) permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of residents including special needs requirements
- Section 1.4.3 d) promote densities for new housing which efficiently uses land resources infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed
- Section 1.4.3 f) - establishing development standards for residential intensification to facilitate compact form

The Subject Lands are located within a Settlement Area on a Regional Intensification Corridor being Highway 7. The Applications propose an intensified built form at a density that is transit supportive and that would contribute to providing growth within a defined Settlement Area with appropriate standards to accommodate a compact



building form. The Development would also contribute to providing an additional housing options (apartment units) into the community. On this basis, the Applications are consistent with the PPS.

***The Applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended***

A Place to Grow, the Growth Plan for the Greater Golden Horseshoe 2019, as amended, (the 'Growth Plan') is intended to guide decision making on the development of land by encouraging a compact built-form, transit supportive communities, diverse land uses, and a range of mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems.

Section 2.2.1 Managing Growth, directs growth to settlement areas focused in built-up areas and locations with existing or planned transit to achieve complete communities that provide a diverse range and mix of housing options, that meet people's needs for daily living throughout an entire lifetime, can accommodate the needs of all household sizes, ages and incomes, and to improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes.

Section 2.2.6.3 states to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes.

The Growth Plan promotes redevelopment through intensification generally throughout the built-up area and specifically recognizes the need for more efficient utilization of lands.

The Applications conform to the Growth Plan as they propose to utilize a compact building form within a built-up area, utilize the Subject Lands more efficiently, is in close proximity to existing and planned transit facilities and adds to the range and mix of housing types and unit sizes in the area, which is important in achieving a complete community.

***The Applications conform to the York Region Official Plan 2010***

The York Region Official Plan 2010 ('YROP') designate the Subject Lands "Urban Area" on Map 1- Regional Structure by the YROP, which permits a range of residential, industrial, commercial, and institutional uses. The YROP encourages intensification

within the Urban Area and throughout York Region and encourages a mix and range of housing types, lot sizes, unit sizes, functions, tenures, and levels of affordability including rental units within each community.

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

Section 5.4.30, states (in part) that the boundaries of the Regional Corridors be designated by the local municipality, based on reasonable and direct walking distances between the Regional Corridor street frontage and adjacent lands, contiguous parcels that are appropriate locations for intensification and compatibility with and transition to adjacent and/or adjoining lands.

The Development is located on a Regional Corridor within a built-up area and contributes to achieving the growth and intensification strategies of York Region by proposing higher density on a Regional Corridor within a built-up area that support existing and planned transit facilities. The Development is located on the Highway 7 corridor consisting of similar existing and planned built forms with direct access to the Highway 7 transit facilities. It also adds a housing option (apartment units) in the neighbourhood, which is important in achieving a complete community.

The Region of York Community Planning and Development Services (‘York Region’) have indicated they have no objection to the Applications, and that the details respecting, appropriate density, height, and compatibility be addressed by the municipality.

***An Amendment to Vaughan Official Plan 2010 is required to permit the Development***

The Subject Lands are designated “Low-Rise Residential” by VOP 2010 and are located within a Stable Community Area that fronts onto a Regional Intensification Corridor (Highway 7), as identified on Schedule 1 - Urban Structure of Volume 1 of VOP 2010.

The “Low-Rise Residential” land use designation does not permit the Development and therefore, an Official Plan Amendment is required to redesignate the north portion of the Subject Lands (i.e. lands north of the new property line as shown on Attachment 2) to “Mid-Rise Residential.”

a) Vaughan Official Plan Amendment 2010 Urban Structure

VOP 2010, Schedule 1 - Urban Structure, directs and guides the future growth in Vaughan by identifying the planned Urban Structure of the City of Vaughan, which achieves the following objectives (in part):

- maintains the stability of Community Areas for a variety of Low-Rise Residential purposes, including related parks, community, institutional and retail uses
- establishes a hierarchy of Intensification Areas that range in height and intensity including Regional Intensification Corridors

The Subject Lands represent an assembly of 4 lots located within a Stable Community Area, and front onto Highway 7 (a Regional Intensification Corridor). The Development proposal includes two distinct areas as defined by the new property line shown on Attachment 2. The north portion of the Subject Lands are proposed to be designated to “Mid-Rise Residential” to permit the Development. The south portion of the Subject Lands include the balance of the properties municipally known as 26 and 32 Hawman Avenue and will remain designated “Low Rise Residential.”

Community Areas

Community Areas are considered Stable Areas not intended to experience significant physical change; however incremental change is expected as part of the maturing neighbourhood that would not alter the general character of the established neighbourhood. Development immediately adjacent to stable Community Areas shall ensure appropriate transition in scale, intensity and use and shall mitigate adverse noise and traffic impacts.

The revised Applications seek to redesignate the north portion of the Subject Lands to “Mid-Rise Residential” at the new property line shown on Attachment 2. The remainder of the lands south of the new property line fronting onto Hawman Avenue will continue to be designated as “Low Rise Residential.”

VOP 2010 states that in order to provide appropriate privacy and day-light conditions for any adjacent buildings, Mid-Rise buildings on a lot that abut the rear yard of a lot with a detached house, semi-detached house or townhouse shall generally be setback a

minimum of 7.5 m from the property line and shall be contained within a 45-degree angular plane measured from the property line.

The proposed building has been designed to respect and lessen the impact to the residential neighbourhood to the south. The building transitions from 3-storeys abutting the residential properties to the south to 12-storeys towards Highway 7. It is also setback 23.6 m and contained within the 45-degree angular plane for the majority of the rear lot line to the south of the new property line. The exception being a small portion of the rear lot line abutting 20 Hawman Avenue, which is setback a minimum of 8.2 m from the rear lot line. This setback meets the minimum 7.5 m setback for mid-rise buildings identified in VOP 2010. However, based on the Sun/Shadow Study submitted in support of the Applications, acceptable privacy and daylight/sunlight conditions would continue to be provided.

The Development is also setback approximately 9.35 m (inclusive of a 3.35 m landscape strip with privacy fencing and a 6 m wide driveway) from the east lot line abutting an existing residential property to the east. to 9.35 m to minimize the sun/shadow impacts to the properties to the east.

The current design accommodates the building services such as garbage, loading and amenity facilities along the west property line towards the existing Petro Canada service station, and the proposed temporary access driveway onto Hawman Avenue has been removed to lessen potential noise impact on the adjacent residential properties.

In consideration of the above, the Development conforms to the community area policies of VOP 2010. The proposed building has been designed with increased setbacks to the south and east to ensure the 45-degree angular plane is being maintained for the majority of the Development and to minimize sun/shadow and noise impact to the adjacent properties. The 12-storey portion of the building is located closer to Highway 7, away from the southern lot line and is also stepped back from the 5<sup>th</sup>-storey along the western lot line to be more in keeping with the City-wide Urban Design Guidelines.

***A Consent Application is required to create the new lots***

The Owner will be required to create the new lot (shown on Attachment 2) for the Development through a Consent application, as required, to the satisfaction of the City. The consent policies of VOP 2010 permit a consent to sever lands for the creation of new lots provided the remnant lot(s) comply to the Zoning By-law. The remnant lots fronting onto Hawman Avenue would be smaller in size than the current lots on Hawman Avenue, however they would comply with the minimum lot frontage and area requirements of the “R2 Residential Zone” of Zoning By-law 1-88. The remnant lots

also provide potential developable area to accommodate residential dwellings consistent with those in the immediate area. A Condition to this effect has been included as a requirement for the removal of the “(H)” Holding Symbol on the Subject Lands.

***Access to the Development will be from driveways connecting to Highway 7 and Kipling Avenue***

The Owner originally proposed a temporary access onto Hawman Avenue, which has been deleted from the Development. Access to the Development is now proposed from a right-in right-out driveway from Highway 7 and a full movement access driveway from Kipling Avenue. The Owner shall be required to submit the necessary planning applications to permit and secure an appropriate access location from Kipling Avenue to the satisfaction of the City and York Region. A Condition to this effect has been included as a requirement for the removal of the “(H)” Holding Symbol on the Subject Lands.

Regional Intensification Corridor

The north portion of the Subject Lands shown on Attachment 2 that are proposed to be designated to “Mid-Rise Residential” front onto Highway 7, which is identified as a Regional Intensification Corridor by VOP 2010 Schedule 1 Urban Structure, which together with the Vaughan Metropolitan Centre, Primary Centres, Local Centres and Primary Intensification Corridors make up Vaughan’s main Intensification Areas and the primary locations for accommodating residential intensification. Intensification areas have been established to make efficient use of underutilized sites with high level of existing or planned transit and will be developed with a mix of uses and appropriate densities to support transit use and promote walking and cycling.

VOP 2010, Sections 2.2.5.9 and 2.2.5.11 state that certain streets in Vaughan, and the lands fronting onto them, have been identified as intensification corridors to link intensification areas and for accommodating transit. These streets are recognized as either Primary Intensification Corridors or Regional Intensification Corridors.

VOP 2010 states that Regional Intensification Corridors are Regional Roads which have been identified for major higher-order transit investments, such as Viva Rapid Transit on Highway 7, and that development fronting on to these roads will serve to support the transit investments. Regional Intensification Corridors are intended to link Regional Centres in Vaughan and beyond and are linear places of significant activity accommodating mixed-use intensification and transit. These corridors along with the Vaughan Metropolitan Centre will be the 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 Development is located on a Regional Corridor within a built-up area and contributes to achieving the growth and intensification policies of VOP 2010 by proposing a higher density and a housing option with varying unit types and sizes to support transit investments, and contributes to the diversity and mix of housing supply in the community.

***The surrounding land uses along the Highway 7 Corridor are characterized by a Mid-Rise built form***

This portion of the Highway 7 Corridor has been experiencing intensification in the form of a mid-rise mixed-use built form characterized with building heights ranging from 4 to 12-storeys and densities (FSI) ranging from 1.71 to 4.9 times the area of the lot. In addition to buildings that have been constructed, additional development is proposed or has been planned in proximity to the Subject Lands, as shown on Attachment 6, as follows:

- On Southwest Corner of Kipling Avenue and Highway 7: An existing 12-storey mixed-use building (38.4 m in height) with 71 residential units and ground floor commercial, and an FSI of 3 times the area of the lot. This development was approved by the former Ontario Municipal Board (OMB). Abutting this development to the west is an existing 4-storey stacked townhouse development with 170 dwelling units and an FSI of 1.71 times the area of the lot, also approved by the OMB
- On the northwest corner of Highway 7 and Lansdowne Avenue (File OP.19.007): A proposed 12-storey mixed-use apartment building (42.4 m in height) with 74 residential dwelling units and ground floor commercial uses and an FSI of approximately 4.9 times the lot area
- Northeast corner of Highway 7 and Lansdown Avenue (File OP.13.005): An approved 10-storey (32 m in height) residential building with an FSI of 3.5 times the area of the lot
- On McKenzie Street next to the Canadian Pacific Railway (File OP.20.023): A proposed 3-storey, six-unit back-to-back stacked townhouse development
- On December 11, 2017 Council adopted Official Plan Amendment OPA 20 ('OPA'20') which redesignated the properties with frontage on the north side of Highway 7, between Kipling Avenue and Lansdowne Avenue, as shown on Attachment 6, to "Mid-Rise Mixed Use" with permissions for a maximum building height of 12-storeys and an FSI of 4.0 times the area of the lot

The Development Planning Department can support the proposed Development as it is consistent and compatible with the building heights and densities of other existing and/or proposed mid-rise buildings and those planned for the northeast quadrant of Highway 7 and Kipling Avenue, across from the Subject Lands.

***The Owner is required to enter into a Section 37 Bonusing Agreement for the proposed increase in building height and density in exchange for community benefits***

Vaughan Council has the authority under Section 37(1) of the *Planning Act*, in a By-law enacted under Section 34 of the *Planning Act*, to authorize an increase to the building height and/or density of development above what is otherwise permitted in return for the provision of community benefit.

To determine the uplift value and the Section 37 contribution the Owner retained D. Bottero and Associates Limited to provide an appraisal report for the uplift value of the Subject Lands resulting from the increased building height and density. The Owner on March 18, 2021, submitted the appraisal report to the City for review and approval. The appraisal report identifies the uplift value of the Subject Lands as of the effective date of January 19, 2021 to be \$ 2,890,000.00. The Infrastructure Development Department, Real Estate Department has reviewed and accepted the appraisal report.

Based on the policies in VOP 2010 and the City's Guidelines for the Implementation of Section 37 Benefits the Owner and the City have agreed to a monetary contribution of \$578,000.00. This contribution will be included in the implementing Zoning By-law and secured through a Section 37 Density Bonusing Agreement executed between the Owner and the City prior to the enactment of the Zoning By-law, to the satisfaction of the City. The contribution will be directed towards the following community benefits to be finalized prior to the execution of the Density Bonusing Agreement:

- Kipling Avenue Parkette - improvements to site furnishing and play court upgrades, and including a pollinator garden
- Woodbridge Library- improvements to include new entrance addition and interior work

The Owner will be required to pay the Section 37 Bonusing Agreement Surcharge Fee in accordance with the "Tariff of Fees By-law for Planning Applications", in effect at the time of the execution of the Agreement to prepare the Section 37 Agreement. Conditions to this effect are included in the Recommendations of this report.

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

The Subject Lands are zoned “R2 Residential Zone” by Zoning By-law 1-88, as shown on Attachment 1, and does not permit the proposed Development. The Owner is proposing to amend Zoning By-law 1-88, specifically to rezone the north portion of the Subject Lands fronting on to Highway 7 and a portion of the lands fronting on Hawman Avenue from “R2 Residential Zone” to “RA3 Apartment Residential Zone”, as shown on Attachment 2, together with the following site-specific exceptions to the “RA3 Apartment Residential Zone” standards:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Residential Zone Requirements</b>
a.	Minimum Front Yard	7.5 m	0 m portion of building above grade (to Highway 7 property line) 3 m setback to ground floor
b.	Minimum Front Yard Setback to an Underground Garage	1.8 m	0 m ( Highway 7)
c.	Minimum Lot Area / Unit	11,122 m <sup>2</sup> / 67 m <sup>2</sup>	4,266 m <sup>2</sup> / 25.7 m <sup>2</sup>
d.	Minimum Interior Side Yard Setback	19 m (half the height of the building)	0.5 m (west lot line )  9.3 m along the eastern lot line



	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Residential Zone Requirements</b>	<b>Proposed Exceptions to the RA3 Residential Zone Requirements</b>
e.	Minimum Amenity Area	<p>128 units (1 Bdrm. @ 20m<sup>2</sup> / unit = 2,560 m<sup>2</sup>)</p> <p>36 units (2 Bdrm. @ 55m<sup>2</sup> / unit = 1,980 m<sup>2</sup>)</p> <p>2 units (3 Bdrm. @ 90m<sup>2</sup> / unit = 180 m<sup>2</sup>)</p> <p>Total Amenity Area Required = 4,720 m<sup>2</sup></p>	<p>128 units (1 Bdrm. @ 15m<sup>2</sup> / unit = 1,920 m<sup>2</sup>)</p> <p>36 units (2 Bdrm. @ 50m<sup>2</sup> / unit = 1,800 m<sup>2</sup>)</p> <p>2 units (3 Bdrm. @ 74.5m<sup>2</sup> / unit = 149 m<sup>2</sup>)</p> <p>Total Amenity Area Proposed Area Proposed = 3,869 m<sup>2</sup></p>
f.	Minimum Parking Required	<p>166 units @ 1.5 spaces/unit = 249 spaces</p> <p>+ 166 units @ .25 spaces/unit for visitor parking = 42 spaces</p> <p>Total Parking Required = 291 spaces</p>	<p>166 units @ .93 spaces/unit = 155 spaces</p> <p>+ 166 units @ .185 visitor parking spaces/unit = 31 spaces</p> <p>Total Parking Proposed = 186 spaces</p>
g.	Minimum Landscape Strip abutting a Street line (Highway 7)	6 m	3 m

In addition to the Zoning exceptions identified in Table 1, the implementing By-law will also include the following site-specific zoning exceptions to implement the proposed Development, should the Applications be approved:

- A maximum building height of 38 m (not including the mechanical penthouse level)

- A maximum FSI of 4.1 times the north portion of the Subject Land to be zoned RA3(H) as shown on Attachment 2
- A minimum rear yard building setback of 8 m to 20 Hawman Avenue and 23.6 m to the new property line shown on Attachment 2
- Any exceptions to ensure the compliance with Zoning By-law 1-88 for 26 and 32 Hawman Avenue, as shown on Attachment 2

The Development Planning Department can support the zoning exceptions in Table 1 as they would facilitate a Development that is consistent with the existing and planned built form along this portion of the Highway 7 and are consistent with similar developments within the surrounding area.

The proposed parking supply is supported by a Transportation Study (the Study') prepared by NexTrans Consulting Engineers dated March 9, 2021. The Development Engineering Department supports the conclusions of the Study, as discussed in the Development Engineering Section of this report.

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

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law prior to the two-year moratorium.

The Development Planning Department has included a Recommendation to permit the Owner to apply for Minor Variance Application(s), if required, to address refinements to the Development that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

***Should the Applications be approved, a Site Development Application is required***

The Owner will be required to submit a Site Development application should the Applications be approved. The Site Development application must be approved by Council prior to the removal of the Holding Symbol "(H)" on the Subject Lands.

***The Owner has addressed the Vaughan Design Review Panel's comments***

The Design Review Panel (the 'Panel'), considered a development proposal for the Subject Lands on March 26, 2020. The Panel commented that the development did not prove itself to be context aware regarding massing, density, adjacencies, pedestrian

and vehicular connectivity and that it would be appropriate to assemble additional lots. The Panel also made comments about the suitability of the transition to the east, west and south, and suggested that transition be demonstrated as set out in the City-wide Urban Design Guidelines. The Panel also encouraged the lobby be located on Highway 7, the ground floor units to have a softer more residential frontage and emphasized the importance of landscaping and buffers. The Owner was also asked to investigate additional open space and as a result has provided additional amenity and buffering as shown on Attachment 2.

The Owner responded to the Panel's comments by modifying the Development to increase the east building setback from to 9.35 m to minimize the sun/ shadow impacts to the properties to the east.

The Owner has also stepped the building back along the west lot line from 2 m to 6 m from the 5th-storey and above to be more in keeping with the requirements outlined in the City-Wide Urban Design Guidelines.

The south building setback has been increased to 23 m to allow the opportunity for more at grade landscaping, a passive amenity area, and an additional buffer. The building design has also been stepped down to the south to 3-storeys to ensure the 45-degree angular plane is maintained and to minimize impact to the adjacent properties. The main lobby entrance has been relocated to the Highway 7 frontage and the ground floor units have been recessed to provide a softer landscape frontage.

The Development Planning Department is satisfied the Development satisfactorily responds to the Panel's comments, subject to the Recommendations in this report. The proposed Development is consistent with the existing built form and planned land use within the immediate area along Highway 7.

***The Development Engineering Department has no objection to the Applications, subject to the Recommendations of this report***

The Development Engineering ('DE') Department has no objection to the Applications, subject to the conditions in the Recommendations of this report and has provided the following comments:

Municipal Servicing

The Owner submitted a Functional Servicing and Stormwater Management Report (FSR), prepared by Lithos Group Inc., dated February 25, 2021 in support of the Applications. The FSR identifies the proposed water, sanitary, and stormwater servicing schemes. The DE Department has reviewed the Applications and has no

objection, subject to a Holding Symbol “(H)” being placed on the Subject Lands, in order to secure the necessary contribution amount required for the sanitary sewer upgrades. The Owner is required to pay the engineering complex fee for any future development application(s) to the satisfaction of the DE Department.

The following provides a summary of municipal services for the Development:

#### Lot Grading and Drainage

The northern part of the Subject Lands drains towards Highway 7, while the southern part drains towards Hawman Avenue. The Owner shall provide a detailed grading plan at the site plan stage confirming that the proposed grading meets current City criteria.

#### Water Supply

The Subject Lands lie within Pressure District 4 (PD4) of the York Water System and are proposed to be serviced via a connection to the existing municipal watermain on Highway 7. The diameter of the existing municipal watermain is smaller than the proposed service connection which is non-standard. Accordingly, the Consultant is required to analyze the possibility of connecting to York Region’s existing watermain along Highway 7, subject to York Region’s approval or alternatively connect to the existing municipal watermain along Hawman Avenue.

#### Sanitary Servicing

The Subject Lands are proposed to be serviced via a connection to the existing municipal sanitary sewer on Highway 7 flowing west to the municipal sanitary sewer on Kipling Avenue and ultimately to the municipal sanitary sewer on Hawman Avenue. Based on the provided analysis, the proposed Development will increase the capacity of existing sanitary sewer system to a surcharge state.

The City’s sanitary sewer model and City’s Focus Area Core Servicing Strategy (December 2017) identify surcharging in the sanitary sewer downstream of the proposed Development. Surcharging is not permitted per the City’s design criteria; however, the Development proposal may be adequately serviced in the interim with minimal surcharging. It is anticipated that local infrastructure improvements will be required in the future, therefore a financial contribution in the amount of \$178,450.00 is required.

Staff recommend a Holding Symbol “(H)” be included in the implementing Zoning By-law, with the removal of the Holding Symbol from the Subject lands being contingent upon the Owner satisfying the financial contribution. A condition to this effect is included in the Recommendations of this report.

### Stormwater Management

The Subject Lands are located within the Humber River watershed. Drainage from the proposed Development will be conveyed south to the existing municipal storm sewer on Hawman Avenue. A municipal easement may be required for the proposed storm sewer south of the Hawman Avenue property line. The peak flows up to and including 100 storm events will be controlled to the 5 year pre-development flows. Emergency overland flows will be conveyed via existing roads. The Owner shall provide a detailed Stormwater Management Report and a Site Servicing Plan at the site plan stage.

### Road Network

A Traffic Impact and Parking Study (the 'Transportation Study') was submitted in support of the Applications, prepared by NexTrans Consulting Engineers, dated March 9, 2021. The Subject Lands are currently occupied by three detached dwellings. The proposal is to redevelop the existing lands with 166 residential dwelling units with three levels of underground parking. Access to the Subject Lands is being proposed via a right-in/right-out access (RIRO) on Highway 7 and by full movement access from Kipling Avenue once its secured by the Owner.

The area residents have made comments regarding traffic impacts and traffic activity in the neighbourhood, particularly along Hawman Avenue. However, the traffic volumes generated by the proposed Development are anticipated to be a small component of the overall total traffic navigating the area during the peak hours. Therefore, the traffic volumes generated by the Development is a minor consideration in terms of traffic impacts and the need for improvements or mitigation measures for the area.

While some comments have been made about the existing conditions at the intersection of Highway 7 and Kipling Avenue, future operations at the intersection are expected to improve as a result of recommended adjustments to the signal timing. It is York Region and industry best-practice to seek and prioritize access from lower-order roadways to avoid unsafe and higher traffic impact scenarios when accessing higher-order roadways with significantly greater traffic and pedestrian volumes and travel speeds.

In the absence of a secondary full moves access there are anticipated to be safety and traffic operation impacts to Highway 7. The second full moves access from Kipling Avenue will be required as a condition of the removal of the Holding Symbol "(H)". The Kipling Avenue access should be supported by a traffic analysis and updated transportation memorandum to the satisfaction of the City and Regional Staff.

In addition, the Development is expected to have an acceptable impact on the adjacent roadway intersections. Given the intersection of Highway 7 and Kipling Avenue is under the jurisdiction of the Region of York, improvements to the intersection and the proposed RIRO access to Highway 7 requires review and approval by Regional Staff.

### Parking

The Transportation Study concludes that the proposed 186 parking spaces (155 residential and 31 visitor parking spaces), is sufficient to support the Development. The proposed parking supply exceeds the number of spaces (181) required in the “Review City of Vaughan’s Parking Standard” study completed by the IBI Group and endorsed by Council. On this basis, the DE Department has no objection to the proposed parking supply.

### Noise Attenuation

The Owner submitted a Noise Report, prepared by HGC Engineering, dated June 2020. The report concludes that the future traffic sound levels will exceed the Ministry of the Environment, Conservation and Parks (MECP) guidelines at all the façades of the proposed building. Accordingly, central air conditioning systems and upgraded building and window glazing are required on all building all façades. Warning clauses should be used to inform future residents of the road and rail traffic noise issues and of nearby commercial, institutional, and retail facilities. The DE Department concurs with the findings of the Noise Report. The Owner shall provide an updated Noise Report prior to site plan approval.

### Environmental Site Assessment

Phase One and Two Environmental Site Assessment (ESA) reports, and a Ministry of the Environment, Conservation, and Parks (MECP) Record of Site Condition (RSC) were submitted and reviewed by the DE Department. The ESA findings did not identify any contaminants of concern in soil or groundwater and the RSC confirms that the lands are suitable for the proposed Development. The DE Department is satisfied with the submitted ESA documentation.

### ***The Policy Planning and Environmental Sustainability Department has no objection to the Applications***

The Policy Planning and Environmental Sustainability Department has no objection to the Applications, however the Owner is advised that the City of Vaughan has Species at Risk within its jurisdiction protected under the *Endangered Species Act, 2007, S.O.2007* (the “Act”). It is the responsibility of the Owner to ensure the provisions of the Act are not contravened and the Owner comply with any Ministry of Environment, Conservation

and Parks ('MECP') regulations and guidelines to protect Species at Risk and their habitat.

***Staff recommend a Holding Symbol "(H)" to implement the Development.***

Staff recommend the implementing Zoning By-law include the addition of the Holding Symbol "(H)" on the north portion of the Subject Lands, as shown on Attachment 2, and identified in the Recommendation section of this report should the Applications be approved. The Holding Symbol "(H)" will ensure that matters including the Council approval of a Site Development Application, that the Owner submit the necessary planning applications to permit and secure a driveway access to Kipling Avenue, as well as the necessary engineering agreements and financial servicing obligations are addressed. The Holding Symbol "(H)" will not be removed and a Building Permit will not be issued, until all conditions to remove the Holding Symbol "(H)" are addressed to the satisfaction of the City and York Region.

***Canadian Pacific Railway has no objection to the proposed Development***

The Canadian Pacific Railway ('CP') has indicated that should the Development be approved that it follow the recommended CP guidelines to their satisfaction. This will be further reviewed during the Site Plan Development application process.

***The Development Planning Department, Urban Design and Cultural Services Staff have no Objection to the Development***

Urban Design and Cultural Services Staff have no objection to the Development as the Subject Lands are not within and Heritage District Centre nor are they listed on the City's Inventory of Significant Heritage Structures.

***The Transportation Services, Parks and Forestry Operations has no objection to the Development***

The Transportation Services, Parks and Forestry Operations Department ('Vaughan Forestry') has no objection to the Development but will require the Owner to enter into a Tree Protection Agreement (the 'PTA') with the Development Planning Department in accordance with the City of Vaughan Tree Protection Protocol and Tree By-law 052 2018. A total of 34 replacement trees are required to be replanted on the Subject Lands to the satisfaction of Vaughan Forestry. The terms of the PTA and the number of replacement trees will be further reviewed during the Site Plan Development application process.

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

At this time a Site Development Application has not been submitted, however the infrastructure Development Department, Real Estate Department advises the Owner

shall convey land/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a rate of 1 ha. per 500 units or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy at the Site Plan Stage, should the Applications be approved.

**Canada Post, Alectra Corporation, Rogers, Enbridge Distribution Inc., Bell Canada and the York Region Catholic District School and District School Boards have no objections to the Development**

The above noted utilities and school boards have no objection or conditions of approval to the Development.

**Financial Impact**

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

**Broader Regional Impacts/Considerations**

The Region of York Community Planning and Development Services ('York Region') has advised they have no objection to the Applications that propose a mid-rise development located on the Highway 7 frontage, and that the details respecting, appropriate density, height, and compatibility be addressed by the municipality.

***The York Region Development Engineering Services has approved the proposed access design, subject to conditions***

The York Region Development Engineering Services ('YRDE') Department has advised they are satisfied with the permanent right-in/right-out ('RIRO') access to Highway 7 and the temporary access to Hawman Avenue with the understanding that this temporary access will remain until a new access connection is secured to Kipling Avenue. The temporary access to Hawman Avenue has since been deleted from the Development and an access will be secured via Kipling Avenue to the satisfaction of the City and York Region. The YRDE Department have provided the following conditions:

- The proposed RIRO shall meet the Region's design standards
- The proposed RIRO access may be subject to modifications, including but not limited to, extension of the existing median from the Highway 7 and/Kipling Avenue intersection to the east or restriction of U-turns at this intersection, if there are major operational and safety issues in the future
- The proposed RIRO access width and radii shall be reduced to a minimum to accommodate design vehicles
- The proposed Development shall have a full moves access either to Hawman Avenue or to Kipling Avenue at all time



- The Owner shall not initiate any action, suit, or any other proceeding against York Region before any court or tribunal as a result of these restrictions of access to and from the Subject Lands; including, but not limited to, any action for injurious affection.

## **Conclusion**

The Development Planning Department has reviewed the Applications in consideration of the Provincial Policies, Regional and City Official Plan policies, the requirements of Zoning Bylaw 1-88, the comments received from the City Departments and external public agencies and the surrounding area context.

The Development Planning Department is satisfied the proposed amendments to VOP 2010 and Zoning By-law 1-88 to redesignate and rezone the north portion of the Subject Lands as shown on Attachment 2 to permit a mid-rise residential apartment building is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan. is considered appropriate and compatible with the existing and planned development along Highway 7. On this basis, the Development Planning Department can support the approval of the Applications, subject to the Recommendations of this report.

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

## **Attachments**

1. Context and Location Map
2. Conceptual Site Plan and Proposed Zoning
3. Conceptual Landscape Plan
4. Conceptual Building Elevations - North and South
5. Conceptual Building Elevations - East and West
6. Existing, Approved and Planned Developments along Highway 7 Corridor

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**Approved by**



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