

COMMITTEE OF THE WHOLE JUNE 18, 2007

DRAFT OFFICIAL PLAN AMENDMENT NO. 660, 661, 662, 663 AND 664 HIGHWAY 7 POLICY REVIEW FILE: 15.87

Recommendation

The Commissioner of Planning recommends:

1. THAT draft Official Plan Amendments 660, 661, 662, 663 and 664 (pursuant to the Highway 7 Land Use Futures Study and Jane/7 Employment Area Redevelopment Study), BE ADOPTED, as further modified by the Recommendations contained in the Committee of the Whole report of April 30, 2007, the Council report of May 7, 2007, and this report which proposes the following modification to Clause #6 of OPA 661:

“Notwithstanding the foregoing valleyland buffer requirement, for the property fronting onto the north side of Highway 7, and located east of Wigwoss Drive adjoining the west side of the cosmetic surgery hospital site, and known municipally as 4700 Highway 7, a minimum 3-metre vegetated buffer area shall be provided along the Jersey Creek Valleylands.”

2. THAT the Region of York be requested to rename Highway 7 to “Avenue Seven” in keeping with its intended urban, transit-supportive future role in Vaughan;
3. THAT the Policy Planning Department be directed to initiate discussions with the Region of York with respect to the preparation and implementation of streetscaping requirements to complement transit objectives to the satisfaction of the City;
4. THAT the Commissioner of Economic/Technology Development and Communications in consultation with the Commissioner of Planning be directed to undertake a marketing strategy to guide and promote the “Avenue Seven” initiative and that the funds required for the marketing strategy be addressed through the budget process; and

Economic Impact

The policy changes introduced by the draft amendments will encourage redevelopment of lands along the Highway 7 corridor, resulting in increased development charge and property tax revenue for the City as the area is intensified.

Communications Plan

The Vaughanwood Ratepayers' Association and affected landowners will be advised of the decision, and provided with a copy of this report and minutes of the Committee of the Whole Meeting.

Purpose

The purpose of this report is to address concerns outlined in written submissions to the Council meeting of May 7, 2007, and by subsequent correspondence submitted by Rice Development, dated May 14, 2007.

Background - Analysis and Options

At the Council Meeting on May 7, 2007, written submissions were received from the ZZEN Group of Companies Limited, the Vaughanwood Ratepayers' Association, and Rice Development.

The ZZEN Group Submission:

- The lands in the southwest quadrant of Highway 7 and Highway 427 are intended to become a major transit terminal as required by MTO; therefore, the lands should be considered for mixed use development, including high density residential uses, in conjunction with employment uses.

Response

The Seven/427 Centre is intended to develop as a focus of major office commercial development within the planned major employment area surrounding it. The Centre will become the most intensely developed area within the West Vaughan Employment Lands. It is ideally positioned to fulfill this role, given its proximity to major highways and accessibility from Pearson International Airport. The area west of Highway 27 is ill-suited to accommodate residential development, given its physical separation from the balance of the Woodbridge community; the complete absence of community services and facilities west of Highway 27, and the area's planned development as a new employment area.

The Vaughanwood Ratepayers' Association Submission

The Vaughanwood Ratepayers' Association written submission requested more time to address its concerns to Council. Since the Council meeting on May 7, 2007, no further submission has been received.

The Rice Development Submission

A letter from Rice Development, dated May 14, 2007 proposed the following changes to their development:

- A reduction in the building height from a 4-8 storey building to a 4-6 storey building.
- A 3-metre vegetated buffer along the north property line will be provided, as agreed by the Toronto Regional Conservation Authority (TRCA).

Response

The Policy Planning Department concurs with the proposed building height which conforms within the policies of OPA 661, which state:

"Notwithstanding the height limits noted above, the property fronting onto Highway 7 located east of Wigwoss Drive adjoining the west of the cosmetic surgery hospital site shall permit a maximum height of 4 storeys within the 30 metres of the existing low density residential designation and maximum height of 6 storeys at a greater distance."

The site can accommodate higher density development with minimal impact on the character and stability of the adjacent low density neighbourhood. However, given the immediate context of newly approved, and partially constructed, 3 to 4 storey residential buildings to the east, and the older low rise, stable residential neighbourhood to the west, the proposed maximum height limit of 4-6 storeys on this site is appropriate. The majority of the building will be 6 storeys in height, which is consistent with the intent of the OPA to intensify development. However, the building will be limited to 4-storeys in height within 30 metres of the existing low density residential designation, providing a suitable height transition.

The Policy Planning Department also agrees with the proposed solution to the valleyland buffer. Council's current policy is to require that a 10-metre ecological buffer adjacent to valleylands be dedicated to the City or the TRCA. However, Rice Development originally received site plan approval for development in 2005. The approval required only a 1.5-metre landscape strip to be

provided, with no valleyland buffer. The size and shape of the property imposes limits on its developability. Dedication of a 10-metre buffer would severely limit the potential of the site. The landowner has consulted with TRCA staff, who have reviewed the development application (OP.06.013 and Z.06.35), and are satisfied with a 3-metre vegetated buffer along the Jersey Creek valleylands (see Attachment 1, May 14, 2007 letter from Rice Development, which includes correspondence from TRCA).

Consequently, a modification is proposed to OPA 661, Clause #6, amending OPA 240, Subsection "6.B Drainage Tributary" part e). The modification reads as follows:

"Notwithstanding the foregoing valleyland buffer requirement, for the property fronting onto the north side of Highway 7, and located east of Wigwoss Drive adjoining the west side of the cosmetic surgery hospital site, and known municipally as 4700 Highway 7, a minimum 3-metre vegetated buffer area shall be provided along the Jersey Creek Valleylands."

Relationship to Vaughan Vision 2007

This report is consistent with Vaughan Vision 2007, Sections 4 (Planning and Managing Growth) and Section 3 (Transportation and Transit Infrastructure), and specifically with Section 3.2.1, which states: "Support the Region of York and other agencies to ensure higher order transit".

This report is consistent with the priorities previously set by Council and necessary resources have been allocated and approved.

Regional Implications

The five draft OPA's applicable to properties in the Highway 7 corridor will foster transit-supportive development complementing the Region's public transit initiatives there.

Conclusion

The Highway 7 Policy Review provides Vaughan with a long-term land use planning structure and policy framework that will guide development and ensure that it supports higher order transit.

The Policy Planning Department has carefully considered the concerns expressed in the recent deputation to Council, and continue to recommend the five draft amendments now subject to Council's consideration, with the one modification noted in this report.

OPA 660, 661, 662, 663 and 664 establish a policy framework that:

- Introduces a range of new land uses;
- Provides for increases densities;
- Guides the delivery of the necessary infrastructure and community services;
- Sets out clear rules for the design of development; and
- Established an incentive-based strategy for implementation, where appropriate.

The amendments conform with and support Provincial and Regional policy. Should Council concur with the policy framework established in the draft amendments, they should be adopted.

Attachments

Attachment 1 – Letter from Rice Development, dated May 14, 2007

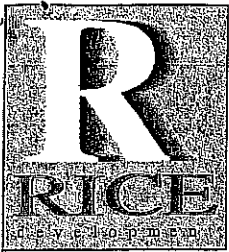
Report prepared by:

Clement Chong, Planner 1, ext. 8214
Paul Robinson, Senior Policy Planner, ext. 8026

Respectfully submitted,

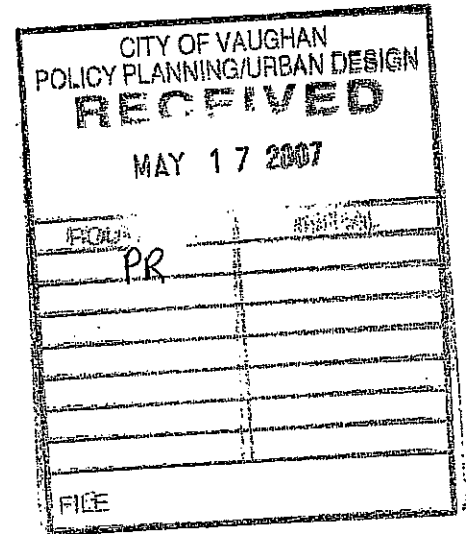
John Zipay
Commissioner of Planning

Diana Birchall
Director of Policy Planning



May 14th, 2007

Mr. Paul Robinson
Senior Policy Planner
Policy Planning Department
THE CORPORATION OF THE CITY OF VAUGHAN
2141 Major MacKenzie Drive
Vaughan, Ontario
L6A 1T1



Dear Mr. Robinson:

**RE: OPA 661 - HEIGHT RESTRICTIONS
RICE DEVELOPMENT PROPERTY
4700 HIGHWAY #7
FILE : 15.87**

Rice Development is the proponent of an OPA and rezoning application at 4700 Highway 7 for the development of a 4 and 8 storey residential condominium building comprising 122 units. The application was submitted in April, 2006.

The proposal was developed having specific regard for the Province's policies relating to intensification, efficient use of services, and access to and support of transit facilities.

The application was submitted in conformity with the City's draft OPA 661 document. OPA 661 was the culmination of significant study to reinforce Highway 7 as 'Avenue Seven', an urban corridor of mixed-use development with a commitment to intensify land use and transit supportive building programs.

The application as submitted conformed to the policies of the draft version of OPA 661 as regards to land use, density and height limit of 8 storeys for this portion of Avenue Seven. Additionally, it was felt that in working with Planning staff, a building design sympathetic to area surroundings could be achieved, and indeed, would be expected.

The site specific application was circulated for comments as OPA 661 continued to be reviewed and finalized by Policy staff.

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At its meeting of February 26th, 2007, Council approved allocation of water and sanitary servicing to the subject lands for the proposed 122 units based on the application satisfying several of the necessary criteria of the servicing report, being:

1. It is an infill development at a location in the urban area where the City strategically chooses to provide for deliberate growth;
2. It is the second phase of a development underway; and
3. The density increase supports increased transit usage along the Highway 7 corridor.

Subsequently, staff presented the updated draft OPA 661 document to the Committee of the Whole on April 30th, 2007. No modifications were proposed to the designation of the subject lands. Building height concerns were specifically discussed with area ratepayers through 2006 and early 2007 prior to the issuance of the report and staff recommended that no changes were required to the 4 and 8 storey height limits applicable to the site.

We note that the subject lands are located adjacent to a proposed Transit Stop Centre. Policies pertaining to lands surrounding these Centres permit heights up to 10 storeys, an additional 2 storeys over the otherwise permitted 8 floors. Additionally, an FSI increase up to 3.0 could also be considered.

Due to ratepayer's continued concerns on the matter, Council deferred the Report to allow additional time for staff to meet with residents. Subsequent to that meeting, staff prepared an amending report revising the recommendation on height limit from 4 and 8 storeys to 4 and 6 storeys for the subject lands.

We respectfully suggest that an attractive, appropriate stepped building of 4 and 8 storeys would be desirable for the site. Visual interest through the incorporation of a range of building heights along an urban corridor is an important element of creating an attractive streetscape. Avoidance of a repetition of building heights must be given due weight in evaluating the overall impact of a specific structure as well as the streetscape as a whole.

With respect to the specifics of the subject site, as you are aware, the lands abut Highway 7 to the south, the Jersey Creek valley lands and a residential condominium under construction to the east, additional open space and the Cosmetic Surgery Hospital to the north and 3 single family dwellings to the west. With the exception of the southerly dwelling at the corner of Wigwoss Drive and Highway 7, the homes and yards to the west are oriented in a north-east direction and

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do not have direct views to the proposed building. Additionally, we note there is a significant mature tree line between the existing homes and the subject lands which further mitigates and reduces the views between sites.

In light of continued ratepayer concerns and our desire to work with staff, Council and area residents, we have reviewed our building program in detail and propose the following:

1. That the proposed building be 4 storeys in height at the west end within 30 m of the adjacent single family dwellings. The balance of the building would be 6 storeys, however, due to site grading and the natural slope of the land across the site moving east towards Jersey Creek, the east end and north-east side of the basement or lower level would be exposed, resulting in 7 storeys in these locations. These exposed sections would be at the opposite end of the building from the single family dwellings and would not increase the overall height of the building. The attached elevation drawing reflects this design approach and is an attractive and appropriate response to the natural sloped setting.
2. The lands are currently zoned to permit apartment uses under By-law 521-2001. This zoning specifically allows that:
 - “bi) no landscape strip, earthen berm, or evergreen hedgerow shall be required within the lot as a buffer or screening around the periphery of an outdoor parking area.”

This zoning provision permitted the outdoor rear parking area to abut the northerly property line and the Cosmetic Surgery lands without need for a landscape strip. The subject lands are relatively shallow and configured in a modified ‘L’ shape, making room for a building, parking and significant landscaping difficult.

We understand the City has introduced a general policy requiring a 10.0m buffer strip for development adjacent to open space or environmentally sensitive areas. We note lands to the north are zoned Agricultural at this time and form the front lawn of the Cosmetic Surgery Hospital rather than a natural, ‘ravine’ setting. Application of the 10.0m buffer requirement across the rear of these lands would significantly impact and restrict their development potential.

Through on-going dialogue with the TRCA over the past 6 months, we have arrived at a mutually agreeable solution by providing a 3.0m buffer strip along the north property line. In addition, we have suggested additional planting within the

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Cosmetic Surgery lands to offset the reduced buffer width. TRCA's attached letter confirms their agreement to this position and provides comments on the site specific OPA and rezoning application.

Having regard for the existing approvals in place permitting no buffer at all, the TRCA position, and the unique situation applying to the site, we would respectfully request that the City agree to the 3.0m buffer area as appropriate for these lands.

We appreciate the opportunity for continued discussions on these lands and for input on OPA 661. We trust that the proposed modification to the building height as outlined above reflects our continued desire to work in good faith with all parties and reach a mutually beneficial solution.

Prior to OPA 661 returning to Council for approval, please provide staff comments on the matters outlined in this letter. We are hopeful staff is supportive and that we may move forward together on this application.

If you would like to meet to discuss any portion of this letter, please do not hesitate to contact us.

Yours truly,


RICE DEVELOPMENT COMPANY INC.



Roger Howard

encs.

c. Councillor Tony Carella
Eugene Fera
J. C. Rice

TORONTO AND REGION

Conservation
 for The Living City

May 2, 2007

CFN 37374.10

VIA MAIL AND FAX (905) 832-6080

Mr. Eugene Fera
 City of Vaughan
 2141 Major Mackenzie Drive
 Vaughan, ON L6A 1T1

Dear Mr. Fera:

Re: **Official Plan Amendment Application OP.06.013**
Zoning By-law Amendment Application Z.06.035
Municipally known as 4700 Highway 7, City of Vaughan
(1643750 Ontario Limited (Rice Development))

Thank you for your circulation of the above noted applications. Staff at the Toronto and Region Conservation Authority (TRCA) have now had an opportunity to review the proposed amendments and wish to provide the following comments.

Purpose of the Applications

We understand that the purpose of the applications is to permit the construction of an 8 storey residential condominium building comprised of 122 residential units. It is also our understanding that the applicable site-specific Official Plan policies and Zoning By-law provisions currently permit a residential building having a maximum height of 4 storeys.

Site Context and Limits of Development

TRCA staff have provided comments, conditions and permits for previous proposals on the subject lands and for surrounding lands because the site is adjacent to the Jersey Creek- a tributary of the Humber River. The closeness of the subject lands to the Jersey Creek and its associated valleylands results in portions of the site being located within the Regional Storm Flood Plain and are therefore susceptible to flooding during a Regional Storm. It is important that the Limits of Development of the site respect the natural hazard posed by the flood plain with the need to protect the ecological integrity of the Jersey Creek valley corridor. It is within this context that we have evaluated the proposed Official Plan and Zoning By-law amendment applications.

Having reviewed our files, the subject lands were created by consent (Application No. B1/01) which was previously reviewed and approved by TRCA staff. During our review of the consent application TRCA staff assisted in the establishment of the lot lines vis-a-vis the adjacent Jersey Creek valleylands and requested that a Hydraulic Cut and Fill Analysis be undertaken in order to remove the lands from the Regional Storm Flood Plain via the placement of fill material. The Hydraulic Cut and Fill Analysis report was completed in 2001 to satisfy the consent and a previous site plan application for the site.

Since that time TRCA has updated flood plain modelling information for the Jersey Creek. In addition, it is important to ensure that the grades proposed for this new site plan application ensure that the site will be outside of the Regional Storm Flood Plain. In summary, we recognize that TRCA assisted in and agreed to the limits of development adjacent to the Jersey Creek through the previous consent application subject to the provision of an acceptable Hydraulic Cut and Fill Analysis Report. Additionally, the applicable site specific Official Plan Amendment and Zoning By-law did not contain any provisions for an environmental buffer in a separate block.



Mr. Eugene Fera

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May 2, 2007

Recommendation

In considering the present amendment applications we are satisfied that it will be feasible to develop the subject lands to the provision of a revised Hydraulic Cut and Fill Analysis by the applicant based upon the latest flood plain information.

Given the closeness of the subject lands to the Jersey Creek valleylands it will be important to ensure that a subsequent site plan application provides adequate environmental buffering through the provision of a naturalized, vegetated buffer as part of the site plan. Based on discussions between TRCA staff and Rice Developments (Rice), Rice has agreed to provide a minimum 3 metre vegetated buffer along the Jersey Creek valleylands. Given previous TRCA approvals, we are satisfied that a vegetated buffer could be provided within the existing lot configuration. We therefore have **no objection** to the Official Plan and Zoning By-law amendment applications as submitted.

TRCA Requirements for Site Plan Approval

By copy of this letter, we wish to advise the applicant of our requirements for any site plan applications prepared to develop the subject site. The subject lands are within the Regulated Area pursuant to Ontario Regulation 166/06 (TRCA Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). *A permit from TRCA is therefore required before any Development, including grading or site alteration, may take place on the subject lands.* In order to meet our requirements for site plan approval and in order to obtain a permit from TRCA pursuant to Ontario Regulation 166/06, the applicant will be required to provide the following to the satisfaction of TRCA staff:

1. A revised Hydraulic Cut and Fill Analysis Report utilizing the latest topographic, hydraulic and hydrologic information for the Jersey Creek subwatershed;
2. A site plan and landscape plans which provide for a vegetated buffer strip with naturally self-sustaining vegetation for those portions of the site that are adjacent to the Jersey Creek valleylands;
3. A stormwater management design report and brief which describes the proposed stormwater management system for the site, including detailed design drawings;
4. Sediment and Erosion Control plans, which meet the latest TRCA guidelines, for site during each construction phase; and
5. TRCA permit applications for any filling within the Regional Storm Flood Plain and stormwater outfalls to the Jersey Creek.

We trust that this provides clarity with respect to TRCA's position on the proposed amendment applications. Please contact the undersigned, at Extension 5306, if any clarification is required.

Yours truly,



Bill Kiru, MCIP, RPP
Manager, Development Planning and Regulations
Planning and Development

BK/cj

cc: Roger Howard, Rice Development (via FAX 905-796-6360)