

COMMITTEE OF THE WHOLE MARCH 31, 2009

**OFFICIAL PLAN AMENDMENT FILE OP.07.009
ZONING BY-LAW AMENDMENT FILE Z.07.049
PINE GROVE ON SEVEN INC.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.07.009 and Zoning By-law Amendment File Z.07.049 (Pine Grove on Seven Inc.) BE REFUSED.
2. THAT City Staff and external consultants be directed to attend the Ontario Municipal Board Hearing in support of the refusal.
3. THAT Policy Planning Department be directed to attend the Ontario Municipal Board Hearing in support of OPA #661.

Economic Impact

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

Communications Plan

On February 29, 2008, a Notice of a Public Meeting was circulated to all property owners within 120m of the subject lands, the West Woodbridge Homeowners' Association and two residents that requested notification of the Public Meeting that was originally scheduled for March 25, 2008. Subsequently, on March 6, 2008, a Notice was mailed advising that the Public Meeting scheduled for March 25, 2008 was cancelled at the request of the applicant.

On April 25, 2008, another notice of a Public Meeting was circulated to all property owners within 120m of the subject lands, the West Woodbridge Homeowners' Association, the Vaughanwood Ratepayers' Association, and two residents that requested notification of the Public Meeting.

Public Comments

Several residents appeared at the Public Meeting held on May 20, 2008 and the Development Planning Department has received 2 letters and 4 e-mails expressing concerns respecting the applications, which are summarized as follows:

- i) the proposal will impact the existing and stable low density residential community;
- ii) the proposal will increase traffic along Kipling Avenue and on Regional Road 7, and the ability of emergency vehicles to access the area may be compromised with the increased traffic;
- iii) the proposal is not compatible with the adjacent low density residential development;
- iv) the boundary of the land use designation ("Prestige Areas – Centres & Avenue Seven Corridor") within OPA #661 should be adjusted so that there is no change in the existing land use policies on the lands located between Rainbow Creek and Bruce Street; however, they are most concerned about the land use policies at the intersection of Regional Road 7 and Kipling Avenue;
- v) the City should initiate a change to OPA #661; and,
- vi) residents are not opposed to intensification provided it is located in the appropriate locations; however, the Kipling Avenue and Regional Road 7 intersection is inappropriate for intensification due to the existing stable community, impact on property values, traffic, emergency services, etc.

On March 20, 2009, a Notice for this Committee of the Whole Meeting was sent to all those individuals on record requesting notice or having appeared at the Public Meeting.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachment #1:

1. An Official Plan Amendment Application (File OP.07.009) to amend OPA #240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Land Use Futures Study) specifically to:
 - i) amend Section 8.3(f)(2)(ii) of OPA #661 to increase the overall density target within the Transit Stop Centre from 3.0 to 5.5 FSI;
 - ii) amend Section 8.3(f)(2)(iv) of OPA #661 to increase the maximum height of a building in a Transit Stop Centre from 10-storeys or 32 metres, whichever is less, to 17-storeys or 48 metres; and,
 - iii) amend Section 8.3(f)(2)(v) of OPA #661 to delete the phrase, "For sites that abut a low density residential designation, the maximum height of the development within 30 metres of such designation shall be 4 storeys, or 12.8 metres, whichever is less", and substitute therefor the text, "there shall be an appropriate height transition between development within a Transit Stop Centre to adjacent, sensitive land uses."

The proposed amendments would have the effect of changing the above noted policies for all lands located within the designated Transit Stop Centre.

2. A Zoning By-law Amendment Application (File Z.07.049) to amend By-law 1-88, specifically to:
 - i) rezone the subject lands shown on Attachment #1 from C1 Restricted Commercial Zone and R2 Residential Zone to RA3 Apartment Residential Zone with the following zoning exceptions:

Proposed Zoning Exceptions

Standard	By-law 1-88 Requirement (RA3 Residential Apartment Zone)	Proposed Exceptions to the RA3 Residential Apartment Zone
Permitted Uses	<ul style="list-style-type: none"> - Apartment Dwelling - Day Nursery - Home Occupations - Private Home Day Care - Private Home Tutoring - Church - Community Centre - Public or Private School - Public Library - Recreational Used (As defined in Section 2)	<ul style="list-style-type: none"> - Apartment Dwelling - Bank or Financial Institution - Business or Professional Office - Personal Service Shop - Photography Studio - Retail Store - Video Store - Convenience Retail Store - Pharmacy - Bakery / Coffee Shop - Print Shop
Minimum Building Setbacks	<ul style="list-style-type: none"> a) Front Yard (north)- 7.5 m b) Rear Yard (south) - 7.5 m c) Interior Side Yard (west) – 24.25 m 	<ul style="list-style-type: none"> a) 0 m b) 6 m c) 0 m

Standard	By-law 1-88 Requirement (RA3 Residential Apartment Zone)	Proposed Exceptions to the RA3 Residential Apartment Zone
	d) Exterior Side Yard (east) – 7.5 m e) To Sight Triangle – 7.5 m	d) 0 m e) 0 m
Parking		
Spaces / Unit	1.5	1.05
Visitor Parking	0.25 spaces/unit	0.2 spaces/unit
Commercial	6 spaces/100m ²	4 spaces/100 m ²
Total	Residential – 256 spaces Commercial - <u>28 spaces</u> Total 284 spaces	Residential – 184 spaces Commercial - <u>19 spaces</u> Total 205 spaces
Parking Space Size/ Handicap Parking	2.7 m X 6.0 m/ 3.9 m X 6.0 m	2.6 m X 5.8 m/ 3.65 m X 6.0 m
Handicap Parking	2 spaces	1 space
Maximum Building Height		
Maximum Building Height	44 m	48.5 metres and 17 storey, whichever is less
Minimum Lot Area Per Unit/Total		
Minimum Lot Area Per Unit/Total	67 m ² / unit & 9,782m ²	16.57 m ² / unit & 2,768.8m ²
Minimum Landscaped Area abutting a Street		
Minimum Landscaped Area abutting a Street	6.0 m	0m
Minimum Landscaped Area of Lot		
Minimum Landscaped Area of Lot	10%	8.5%
Minimum Amenity Area Per Unit		
Minimum Amenity Area Per Unit	Bachelor Unit – 15 m ² One Bedroom – 20 m ² Two Bedroom – 55 m ² Three Bedroom – 90 m ²	13 m ² /unit regardless of unit type

Standard	By-law 1-88 Requirement (RA3 Residential Apartment Zone)	Proposed Exceptions to the RA3 Residential Apartment Zone
Minimum Setback to Underground Garage	1.8 m	0 m
Minimum Landscaped Strip Surrounding an Outdoor Parking Area	3.0 m	0 m

The applications would facilitate the development of the subject lands shown on Attachment #1 with a proposed 17-storey mixed-use residential / commercial condominium building comprised of 146 units, 464m² of ground floor commercial uses, and 205 parking spaces as shown on Attachment #2.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the southwest corner of Regional Road 7 and Kipling Avenue, being Lots 10, 11, 12 and 13 on Registered Plan 3762, municipally known as 5263 Regional Road 7 and 7720 Kipling Avenue, in Lot 5, Concession 8, City of Vaughan.

Official Plan

The subject lands shown on Attachment #1 are designated "Prestige Areas – Centres & Avenue Seven Corridor" by OPA #240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Land Use Futures Study Plan). This designation permits a range of uses including office, business, retail, institutional, civic and residential apartment dwellings on the subject lands. The subject lands are also located within 200 m of a designated "Transit Stop Centre" (OPA #661), proposed at the intersection of Kipling Avenue and Regional Road 7, which would permit a maximum building height of 10-storeys or 32 m, whichever is less, subject to a reduced building height of a maximum of 4 storeys within 30 m of a Low Density Residential designation. OPA #661 was adopted by Council on June 25, 2007. The Region of York Council approved a report recommending that the Ontario Municipal Board (OMB) approve OPA #661, with modifications, on June 19, 2008.

Zoning

The subject lands are zoned C1 Restricted Commercial Zone (5263 Regional Road 7) and R2 Residential Zone (7720 Kipling Avenue) by By-law 1-88, as shown on Attachment #1. The property is 0.274 ha in size, with 45.7 m of frontage onto Regional Road 7, and 60.9 m of flankage on Kipling Avenue, and are currently vacant. The lands were previously used for an automobile sales and leasing establishment, which has been demolished. The surrounding land uses are shown on Attachment #1.

Ontario Municipal Board Status - OPA #661/Official Plan and Zoning By-law Amendment Applications

On June 2, 2008, the applicant appealed OPA #661 (The Avenue Seven Futures Land Use Study) to the Ontario Municipal Board (OMB) stating that more than 180 days had elapsed since OPA #661 was received by the Region of York and that the Region failed to give notice of a

decision in respect of all or any part of OPA #661. On October 23, 2008, the Owner appealed the applications to amend the Official Plan and Zoning By-law (Files OP.07.009 and Z.07.049) to the OMB citing that the City has failed to make a decision on the applications within the time frames prescribed by the Planning Act as the reason for appeal. The OMB has scheduled a hearing to consider all three appeals for approximately 4 weeks, commencing on May 25, 2009.

Planning Considerations

The Development Planning Department has reviewed the applications to amend the Official Plan and Zoning By-law and is of the opinion that they do not represent good planning and are not in the public interest for the following reasons:

i) Applications are Not Consistent with the Planning Act

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

- the orderly development of safe and healthy communities;
- the co-ordination of planning activities and public bodies;
- the appropriate location of growth and development; and,
- the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians.

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

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

The applications do not represent an orderly development of the subject lands since the scale of the development proposed is not consistent or compatible with the existing community or the planned development envisaged by OPA #661. The *Planning Act* requires that municipalities shall have regard for the appropriate location of growth and development, which the City has done through the land use review along the Regional Road 7 corridor (The Avenue Seven Futures Land Use Study) and is further being studied through the current comprehensive city-wide Official Plan review that will include an intensification strategy as required by Provincial policies. The applications are not consistent with the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe as set out in the following sections, and therefore, do not have regard for the requirements of the *Planning Act*.

ii) Applications are Not Consistent with the Provincial Policy Statement (PPS)

The applications to amend the Official Plan and Zoning By-law were filed with the City on October 19, 2007, and therefore, are subject to and must be consistent with the Provincial Policy Statement (PPS) 2005. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The applications to amend the Official Plan and Zoning By-law 1-88 are not consistent with the following policies of the PPS:

- i) Section 1.1.3.3 - This section states that "planning authorities" shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.

The applications are not consistent with the PPS in this respect since the City has undertaken and approved a land use study to identify and promote opportunities for intensification and redevelopment along the Regional Road 7 corridor, which has been implemented by OPA #661, and recommended for

approval by the Regional Municipality of York. The applications do not conform to the maximum building height and transition policies of OPA #661.

The applications do not take into account the existing building stock or the surrounding area, specifically with respect to the established low density residential community located to the immediate south of the subject lands and the proposed scale of the development as envisioned by OPA #661. Conversely, OPA #661 promotes intensification and takes into account the existing building stock and surrounding land use context through the application of land use, density, building height and setback policies.

- ii) Section 1.1.3.4 - This section states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining levels of public health and safety.

OPA #661 establishes development standards to promote and facilitate intensification along the Regional Road 7 corridor, consistent with the requirements of the PPS and the Avenue Seven Land Use Futures Study. The applications are not consistent with building height and transition requirements for development abutting an existing Low Density Residential designation.

- iii) Section 1.2.1 - This section states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper tier municipal boundaries, including managing and/or promoting growth and development.

The City has undertaken a coordinated, integrated and comprehensive approach to managing and promoting growth with respect to intensification and related planning matters along the Regional Road 7 corridor by undertaking The Avenue Seven Land Use Futures Study, which formed the basis for OPA #661 together with other Official Plan Amendments (#660, #662, #663 and #664), which implemented an intensification strategy for Regional Road 7 across the City of Vaughan. These amendments have been adopted by Vaughan Council and either approved by the Regional Municipality of York or recommended for approval. The applications are not consistent with the PPS in this respect since they do not represent an integrated or comprehensive approach to managing growth related to City planning matters, in particular the intensification of land uses on the Regional Road 7 corridor, and more specifically on the subject lands. The City has also undertaken several other studies which have identified areas that are appropriate for intensification and has adopted Official Plan Amendments to implement these plans including, but not limited to: The Vaughan Corporate Centre (OPA #500); The Steeles Avenue Corridor Keele Street to Jane Street (OPA #620); and The Carville District Centre (OPA #651).

Instead, the applications represent a piecemeal approach to planning on a single development parcel, which is not in the public interest and is inconsistent with the planning initiatives undertaken by the City and recommended for approval by the Region of York.

- iv) Section 1.2.2 - Section 1.2.2 requires that where planning is conducted by an upper-tier municipality, the upper tier municipality in consultation with the lower-tier municipality shall identify, co-ordinate and allocate population, housing and employment for lower-tier municipalities which shall identify where growth will be directed, and targets for intensification. The Places to Grow Plan requires that 40% of annual residential development must be located within the existing built up area and that municipalities are required to develop intensification strategies by June 2009.

On February 4, 2009, The Regional Planning and Economic Development Committee considered a report from the Regional Planning and Development

Services Department, which includes a "York Region 2031 Intensification Strategy" completed as part of the Region's Places to Grow conformity exercise. The strategy clearly identifies that how intensification will occur is based on local intensification strategies. The plan requires that the City complete a local intensification strategy and that the strategy include targets for each locally-identified intensification area to meet municipal intensification targets. This study is currently in progress and is expected to be completed by June 2010.

The City has undertaken a land use review along the Regional Road 7, which implements an intensification strategy along this corridor.

v) Section 1.4.3 – This section states that planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by (in part) permitting and facilitating:

- all forms of housing required to meet the social, health and well being requirements of current and future residents, including special needs requirements; and,
- all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3.

OPA #661 provides for higher density building and housing types within the context of the broader Woodbridge community, which when taken together is consistent with the PPS with respect to providing all forms of housing and residential development consistent with policy 1.1.3.3. As noted above, the applications are not consistent with policy 1.1.3.3.

vi) Section 4.5 - This section states that the Official Plan is the most important vehicle for the implementation of the PPS and that comprehensive, integrated and long term planning is best achieved through municipal official plans. It further states that municipal official plans shall identify provincial interests and set out appropriate land use designations and policies. OPA #661 identifies the importance of the PPS and also reiterates that integrated and long term planning is best achieved through municipal official plans. The integrated approach utilized to establish the development standards in OPA #661 (Avenue Seven Futures Land Use Study), included the review of Provincial Policy, the GTA Urban Structure, The Highway 7 Corridor Land Use and Transit Strategy, the York Region Official Plan, the York Region Transportation Master Plan – Planning 2031, Making it Happen! The York Region Centres and Corridors Study, ROPA #43, Vaughan Vision and City of Vaughan Official Plan Policies. This approach also incorporated public engagement throughout the approval process. In addition, the City is undertaking a further comprehensive city-wide Official Plan review to establish an intensification strategy for the municipality and determine where and how intensification will be accommodated to respond to Provincial and Regional policy requirements.

The applications are not consistent with the PPS as there has been no such integrated or comprehensive review undertaken by the applicant to determine what constitutes good planning for the subject lands in the broader context of the Regional Road 7 Corridor and the City. Accordingly, the applications are not consistent with the PPS.

iii) Applications are Not Consistent With The Growth Plan for the Greater Golden Horseshoe

The applications are required to conform to the Growth Plan for the Greater Golden Horseshoe (GPGGH). The applications do not conform to the GPGGH as follows:

- i) Section 2.2.3 – This section states that all intensification areas will be planned and designed to achieve an appropriate transition of built form to adjacent areas. The applications propose to develop the subject lands with a 17-storey mixed use residential condominium building that does not provide an appropriate transition of built form with the adjacent low density residential community or the planned built form envisaged by OPA #661.

The Key Growth Principles, Issues by the Province of Ontario, dated February 2008 identifies “good urban design” as a key principle to support the Growth Plan and specifically states:

“Development should be attractive, functional and fit the local context.”

The existing surrounding land use context is comprised of low density development primarily one and two storeys in height and includes an existing low density residential community to the immediate south. A 3-storey office building is located on the east side of Kipling Avenue, north of Regional Road 7. In addition, the planned land use context set out in OPA #661 would provide for a maximum 4 storey building within 30 m of a Low Density Residential designation and 10-storeys on other lands located within the Transit Stop Centre located to the east, west and northeast of the subject lands.

The proposed 17-storey building does not fit into the local context and would be in sharp contrast to the existing and planned built form in the surrounding area. The Owner has not submitted a Site Development Application in support of the Official Plan and Zoning Amendment Applications that would identify the exact nature of the development proposed. Furthermore, the draft Official Plan Amendment submitted to the OMB in support of the applications proposes to delete the specific transition policy in OPA #661 and replace it with a general statement that states, “There shall be an appropriate height transition between development within the Centre to adjacent, sensitive land uses,” thereby substantially weakening the intent of the transition policies by providing no guidance with respect to what might constitute an “appropriate height transition” and leaving potential future changes to the proposed plan subject to a zoning amendment application only. In addition, the draft zoning by-law submitted to the OMB in support of the application does not include any transition related zoning standards. Accordingly, the implementing Official Plan Amendment and Zoning By-law do not facilitate development that is designed to achieve an appropriate transition of built form to adjacent areas.

The proposed 17-storey building height and FSI of 5.5 significantly exceeds the maximum planned building height established by OPA #661. The Engineering Department has advised that it is protecting for a 30 m right-of-way for Kipling Avenue and that a 5 m road widening is required from the centre-line of Kipling Avenue. This will reduce the size of the site, thereby increasing the FSI beyond 5.5, and further reduce the suitability of the subject lands for the scale of development proposed. The proposed FSI does not fit into the local context. Accordingly, the applications do not conform to the GPPGH.

- ii) Comprehensive Planning for Intensification

The Places to Grow Act requires that municipal Official Plans must be brought into conformity with the Growth Plan by June 2009. The Ministry is considering extensions to this date. The City is currently undertaking a City-wide Official Plan review to bring the City's Official Plan into conformity with the Growth Plan. As noted above, the Region of York has released an intensification strategy. The City's Official Plan review will, in part, identify and implement an overall City strategy with respect to where and how intensification will be accommodated in the City. As noted above, Section 4.5 of the PPS clearly states that the Official Plan is the most important vehicle for the implementation of the PPS and that

comprehensive, integrated and long term planning is best achieved through municipal official plans.

The Growth Plan and the Region's draft intensification strategy clearly places the onus on the upper tier and local municipalities to decide where and how to accommodate growth and intensification. Through OPA #661 the City has adopted a municipal official plan amendment to promote intensification on the Regional Road 7 corridor. The applications do not conform to the amendment. The City will implement its' intensification strategy in a comprehensive and coordinated manner with the Region of York as required by the Growth Plan.

The most efficient and appropriate way of addressing the requirements of the Growth Plan respecting intensification is by way of a comprehensive planning analysis that evaluates all the built up areas in Vaughan and recommends an intensification strategy that is sensitive to the needs and requirements of all of Vaughan's existing and future residents.

iv) Applications Do Not Conform to the Region of York Official Plan

The applications are not consistent with the Region of York Official Plan and Council approved OPA #661 as follows:

i) Applications Not Consistent with Regional Direction re OPA #661

Council of the Regional Municipality of York has adopted a recommendation to approve OPA #661, with modifications. The staff report prepared by the Region of York Planning and Development Services Department respecting the series of Amendments that implement the Avenue Seven Futures Land Use Study, which includes OPA #661, undertakes a planning analysis of each amendment including: the planned function of the Regional Road 7 corridor; the urban structure along Regional Road 7; compliance with Provincial and Regional Policies (PPS and Growth Plan); Regional Centres Policies; Regional Corridor Policies; and ROPA 43. Upon consideration of these policies, the Regional Planning and Development Services Department recommended approval of the five Official Plan Amendments, including OPA #661 and concluded:

"The Amendments add a new designation, "Prestige Area – Centres and Highway 7 Corridor". This new designation elevates the existing Corridor to a more intense, dynamic, mixed-use, compact, pedestrian friendly, transit supportive Corridor. The City of Vaughan has studied the Highway 7 Corridor for over six years and the resulting Amendments reflect Vaughan's progressive planning efforts at City Building."

The Regional Planning and Development Services Department also concluded the following with respect to the Official Plan Amendments which implement the Highway 7 Futures Land Use Study, including OPA #661:

"The Highway 7 Amendments are a significant new threshold of City Building for the City of Vaughan. The Amendments (as illustrated on *Attachment 10*) establish a comprehensive basis of a renewed Highway 7, supporting more intense, mixed use, compact development. This section of Highway 7, in Vaughan, is a Regional Corridor and runs through a Regional Centre: the Vaughan Corporate Centre, which is also identified as an "Urban Growth Centre" in the *Growth Plan*. This Regional Corridor will be served by the VIVA rapid transit system and the Regional Centre will be the new terminus of the Spadina Subway. Vaughan has ensured a strong local planning policy framework for this Regional Corridor and Regional Centre with adoption of these Amendments."

Regional review of the amendment to OPA #661 which provides for the transition policies related to building height abutting the low density residential designation concludes:

“The revised boundary of OPA #661 provides for additional protection for the low density residential area from the high density residential development adjacent to Highway 7. This is still in compliance with Regional Official Plan intensification policies.”

The report further goes on to state:

“The revised boundary of OPA #661, around the intersection of Kipling and Highway 7, reflects Vaughan staff being responsive and working to find a balance between intensification and compatibility with surrounding single detached dwellings.”

The proposed development is not consistent with the development transition policies of OPA #661, which has been approved by the City and recommended for approval by the Region of York.

ii) Regional Official Plan Amendment #43 (ROPA 43)

On January 7, 2005, the Region of York approved Regional Official Plan Amendment #43 (ROPA 43) being the Regional Centres and Corridor Amendment the policies of which have since been consolidated into the Region of York Official Plan. The purpose of the amendment was to enhance the existing policies of Chapter 5 – Regional Structure and Growth Management, and Chapter 6 – Regional Infrastructure. The amendment better articulates and more fully implements the Region’s planned urban structure of Regional Centres linked by Regional Corridors, served by rapid transit, and the role of Local Centres and Local Corridors in this structure. The amendment concerns lands comprising the four Regional Centres of Markham, Newmarket, Richmond Hill and Vaughan, and lands in and adjacent to the Regional Corridors connecting them, including Regional Road 7. The Amendment also enhances policies relating to Local Centres and Local Corridors in each of the nine area municipalities.

The Avenue Seven Futures Land Use Study addresses the goals of ROPA 43 in a comprehensive manner. The series of Official Plan Amendments, which includes OPA #661 implements an urban structure consisting of five elements including: the Vaughan Corporate Centre (VCC) which is identified in the Regional Official Plan as a Regional Centre and in the Province’s Growth Plan as an Urban Growth Centre and where the most intense development is to occur; two GO Centres (Concord Centre and the Woodbridge Go Centre); and Transit Centres along the rapid transit route. The series of Amendments provide for a coordinated approach to intensification along the Regional Road 7 corridor, in a manner consistent with the PPS, the Growth Plan and the Regional Official Plan. In addition, the City’s comprehensive city-wide official plan review will build and further elaborate upon this intensification strategy once completed, to conform to the PPS and Places to Grow. The proposed development does not address development of Regional Road 7 in a comprehensive manner, does not have regard for the urban structure established along the corridor, and is therefore not consistent with ROPA #43.

iii) Section 5.2 – Community Building

Section 5.2 of the Regional Official Plan requires:

“That area municipalities, in cooperation with the Region, are required to develop and monitor growth management strategies prior to the expansion of the urban areas shown on Map 5 and/or major growth in towns and villages. These growth

management strategies shall be implemented through official plans and secondary plans and are to be based on the policies of the Plan including (in part):

- a) incorporation of the centres and corridors structure of this Plan;
- b) promotion of infill and redevelopment; that shows consideration for the existing built-form and surrounding land uses of the community through appropriate building design and massing; and,
- c) provision for efficient and mixed-use compact communities.

This section also requires that:

- i) development consider the impact and compatibility of potentially conflicting land uses on each other and the surrounding area including the assessment of noise impacts for land uses adjacent to arterial road and highway facilities; and,
- ii) that the Region work with area municipalities in the completion of comprehensive growth management studies which address the policies and criteria of the Plan.

The City has undertaken a study process which has culminated OPA #661 to address these Regional policies. The City is also working with the Region in the completion of a comprehensive growth management plan. The proposed development does not respond to the building height, density and transition policies of the Official Plan. Section 5.5 of the Regional Official Plan states:

“Regional Corridors are not uniform across their entire length. The character and pace of change varies dramatically. From historical mainstreets to vacant land to modern higher-density buildings, there are a variety of conditions that make-up the character of each Regional Corridor. These conditions can be classified three ways: 1) "greenfield," representing vacant, development-ready lands; 2) "second generation" comprising developed sites ideal for new and intensified development; and, 3) areas unlikely to change, like historical areas and environmentally sensitive features like the Oak Ridges Moraine. Lands adjacent to these corridors are at different stages in the land development lifecycle and should be subject to specialized policies and programs that recognize this. These should provide incentives for redevelopment in appropriate areas, while maintaining the character and integrity of areas where little change is expected.”

The Region Official Plan recognizes that intensification may not occur on every parcel of land located along its' corridors and that new development, particularly intensification, must respect and take into consideration local context, including in this case, an existing stable low density residential community. The Regional Planning and Development Services Department recognized Vaughan's efforts in this respect where in their staff report of June 19, 2008 respecting the series of amendments implementing the Avenue Seven Futures Land Use Study, the following analysis is provided:

“While the main planned function of the Amendments is to encourage intensified transit supportive mixed use developments, the Amendments are also responsive to surrounding low density residential neighbourhoods. Vaughan has carefully considered where redesignating lands for higher densities should be focused, in the context of existing lower density communities. Residential communities located on local streets internal to the existing neighbourhoods are not being redesignated to higher densities. They are physically separated from the transit service on Highway 7 and the potential impact from new development on the Corridor will require careful consideration. As the

Table above indicates, redevelopment on lands within a minimum of 30m of lands designated low density residential, has a maximum height limit of four storeys.”

The proposed development does not respect the local context, and proposes to utilize a 45 degree angular plane “rule of thumb” approach, as stated in the Planning Analysis submitted in support of the application, to assess compatibility of the proposed development with the adjacent low density residential community. This approach is not in keeping with the Regional Official Plan.

York Region Intensification Strategy

On February 4, 2009, The Regional Planning and Economic Development Committee considered a report from the Regional Planning and Development Services Department, which includes a “York Region 2031 Intensification Strategy” completed as part of the Region’s Places to Grow conformity exercise. The strategy clearly identifies that how intensification will occur is based on local intensification strategies. The plan requires that the City complete a local intensification strategy and that the strategy include targets for each locally-identified intensification area to meet municipal intensification targets. The City has undertaken a review along the Regional Road 7 corridor, and is currently undertaking a city-wide intensification strategy review, as required by the draft York Region 2031 Intensification Strategy.

Region of York Transportation Master Plan 2002

The Region of York Transportation Master Plan (TMP) 2002 identifies the potential extension of the GO line through west Vaughan to Bolton. Section 3.2.2 of the TMP identifies a “potential” Woodbridge GO station located north of Regional Road 7 on the proposed Bolton GO line. Table 9 of the TMP identifies the proposed staging of the GO rail improvements and identifies the potential Woodbridge station in a category slated for implementation beyond 2021. Similarly, Figure 23 of the Plan “2021 Transit Network”, which identifies existing and future GO stations, does not indicate a station in the Woodbridge area in the vicinity of Kipling Avenue and Regional Road 7. In addition, the Plan does not identify a Woodbridge GO station within its 5 year transit priorities.

As noted below, OPA #661 requires that a tertiary plan be undertaken respecting a potential GO Centre to determine the appropriate planning policies respecting its’ development and the determination of the potential GO Centre boundaries. Further, in the Region of York Planning and Development Services Department Report of June 19, 2008, respecting the series of Amendment implementing The Avenue Seven Land Use Futures Study, and specifically OPA #661, the Regional Planning and Development Services Department stated:

“There is also a future Woodbridge GO Centre identified, and its location and planned function will require further in-depth study.”

The Region of York is currently undertaking an update of the Transportation Master Plan. The Region at the latest Public Consultation Centre meetings held between November 12 -27, 2008, presented a Draft Transit Network Plan for 2031 which includes a Woodbridge GO station on Kipling Avenue, north of Regional Road 7, being the latest information available at the time of preparation of this report.

In addition, the Region of York Planning and Economic Development Committee on December 18, 2008 considered Regional Official Plan Amendment #56 (ROPA 56). The purpose of this amendment is to clarify, add technical detail to, and update the policies of and schedule related to Section 6.2 – The Transit Network, and to advance the implementation of transit infrastructure and services. A potential Woodbridge GO station was not included in the list of transit related improvements.

Based on the information available at this point in time, a potential Woodbridge GO station does not appear to be included in Regional Transportation plans for the near term (i.e. next 5 years). However, more importantly, when a location for a future Woodbridge GO station is determined, a

proper land use study will be undertaken to assess the appropriate densities, land use policies and other planning issues in a comprehensive manner, consistent with Regional and City policies. Accordingly, using the potential GO station in Woodbridge as a planning basis to support intensification on the subject lands beyond that provided for in OPA #661 and inappropriate at this point in time.

v) GO Transit Strategic Plan - GO 2020

GO Transit (GO) has released its Strategic Plan – GO 2020 which presents their strategic direction to the year 2020, including the vision, objectives and goals, and service strategy. The document, and the program of rapid transit improvements identified in the Metrolinx RTP, will provide the basis for GO Transit's 10-year capital program, three year operating plan and annual business plans and budgets. The GO 2020 Plan identifies capital improvements including a peak-period Bolton line through the City of Vaughan. The Plan does not identify a Woodbridge GO station. The Development Planning Department has met with GO Transit and have been advised that GO is currently undertaking a feasibility study for the Bolton line, including potential station locations in Vaughan, and a station to serve the Woodbridge Community. However, at this point in time a specific station location to serve the Woodbridge community has not been identified. Furthermore, as noted above, and identified by OPA #661, when a GO station location is chosen, a land use study will be undertaken to address the relevant planning issues in a comprehensive manner including its location and planned function.

vi) Applications Do Not Conform to the City of Vaughan Official Plan

The City has adopted OPA #661, which has been recommended for approval by the Regional Municipality of York. The applications do not conform to OPA #661 for the following reasons:

i) Applications Exceed the Maximum Building Height; Propose a High Density; and, do Not Provide For An Appropriate Transition

OPA #661 designates the subject lands as "Prestige Areas – Centres & Avenue Seven Corridor" and identifies a "Transit Stop" at the intersection of Kipling Avenue and Regional Road 7. OPA #661 permits a maximum building height of 10-storeys, or 32.0 metres, whichever is less on the subject lands and requires that there be an appropriate transition between development on the subject lands and adjacent sensitive land uses. The Amendment states that for sites that abut a Low Density Residential designation, the maximum height of development with 30.0 metres of such designation shall be 4-storeys, or 12.8 metres, whichever is less.

The south property line of the subject lands abuts a Low Density Residential designation, as established by OPA #240 (Woodbridge Community Plan). The proposed site plan indicates that the lot depth of the subject lands is 60.91 and 60.971 metres on the west and east sides respectively. Accordingly, under OPA #661 the southerly 30 metres of the subject property can only be developed to a maximum height of 4 storeys or 12.8 metres, whichever is less. The proposed elevations shown on Attachment #4, illustrates that the 4-storey portion of the proposed building has a 6.0 metres setback from the low density residential designation and is 12.8 metres in height, for approximately 6 m (scaled), after which portions of the 5th to 11th floors lie within 30 metres of the low density residential designation. This does not comply with the maximum building height or transition policies of OPA #661.

OPA #661 also establishes a Floor Space Index (FSI) target of 3.0 for the overall Transit Stop Centre, based on the net developable land area as defined in the Amendment. The area of the Centre is generally based on a 200 m distance from the Transit Stop. For the purposes of calculating FSI, OPA #661 states that net developable lands shall not include major distributor roads, City streets, valleys, woodlots, parks, open space (including storm water management ponds), hydro easements, existing development, parks or schools. The subject

lands have a site area of approximately 2768.8m² and the proposed gross floor area for the development is 15,192 m² yielding an FSI of 5.48. The proposed FSI is not consistent with the Hierarchy of Centres structure set out by OPA #661 and inappropriate given the surrounding existing and planned land use context.

ii) GO Centre

OPA #661 recognizes the opportunity for a Woodbridge GO Centre, which under Section 8.1 b), Purpose, of OPA #661 states the following:

"The opportunity for a Woodbridge GO station on the CPR line is recognized in this Plan. The York Region Transportation Master Plan identifies such a station as a long term opportunity that will occur in the 2021 time frame; prior to the implementation of the service, improvements to the rail line and an Environmental Assessment will be required. For the purposes of this Plan, the Woodbridge GO Centre has been shown conceptually to be located in the vicinity of Avenue Seven/Kipling Avenue intersection. However, the Kipling Avenue corridor shall be subject to further, more detailed planning through the preparation of a tertiary plan, which shall be implemented as a further amendment to this Plan, in anticipation of the future establishment of GO service on the CP line, with a GO station sited between Highway 7 and the Woodbridge fairgrounds."

Section 8.2 f) 1) includes several policies respecting the Woodbridge GO Centre including (in part):

- "i) the boundaries of the Centre shall be determined through the tertiary plan study, as directed by Council;"
- "iv) the maximum height of any building shall be 10-storeys or 32 metres, whichever is less, subject to further refinement during the required tertiary planning process."
- "v) there shall be an appropriate height transition between development within the Centre and adjacent, sensitive land uses. For sites that abut a low density residential designation, the maximum height of development within 30 metres of such designation shall be 4-storeys, or 12.8 metres, whichever is less."

Section 8.2 h) 1) 2) 3) and 4) sets out the "Tertiary Plan Requirements" for the Woodbridge GO Centre, which states (in part):

- "1) Prior to the development of the Woodbridge GO Centre, as identified in Section 8.2. of this Plan, or any portion thereof, a Tertiary Plan in the form of an Official Plan Amendment shall have been adopted by Council and approved. The area required for the preparation of such an amendment will be determined through the tertiary Planning study directed by Council."

OPA #661 further sets out the minimum requirements of the Tertiary Plan, the objectives of the Plan, the requirement for an Urban Design Plan for Council's consideration, and minimum requirements for consideration of the Urban Design Plan prepared on the basis of the entire Tertiary Plan study area.

The Planning Analysis submitted by the applicant, prepared by Humphries Planning Group Inc., dated December 2008, utilizes the potential for a GO Centre as a planning basis for supporting increased intensification on the subject lands. However, to date, the location of a potential Woodbridge GO station has

not been identified, the Tertiary Planning study has not commenced, the boundary of the GO Centre has not been determined, an Urban Design Plan has not been prepared, and the proposed 17-storey building exceeds the maximum building height established by OPA #661 within the GO Centre. The rail line has not been expanded and an Environmental Assessment has not been undertaken. Using the potential for a GO Centre located somewhere in the vicinity of the subject lands as a planning basis to support intensification on the subject lands is inappropriate since none of the requirements of OPA #661 with respect to establishing a GO Centre have been undertaken by the City, and the studies submitted in support of the development applications do not in any way represent a comprehensive tertiary planning exercise as envisaged by OPA #661.

The Planning Analysis states:

“that with the development of the Metrolinx Draft Transportation Plan (September 2008) and its identification of a Bolton GO Transit line as a priority within the 5 year capital plan, and confirmation of Provincial funding for the project, the potential for the achievement of intensified residential development in the Highway 7 – Kipling Avenue Transit Stop Centre has significantly increased.”

On November 28, 2008, the Metrolinx Board of Directors voted to adopt a Regional Transportation Plan (RTP) titled “The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Area”. The Metrolinx Plan identifies the top 15 transit priorities of the plan for early implementation within the first 15 years. A GO line expansion through the City of Vaughan to Bolton is identified as a 15 year priority. The Plan identifies a Bolton GO Service Improvement as a “Quick Win” intended to be in service within five years or less. The plan also states that the information displayed on the maps is conceptual only and represents projects proposed for full or substantial completion within 15 years of the Regional Transportation Plan’s adoption and that, additional details such as routing and stations are subject to further analysis.

At this point in time, a Woodbridge GO station in the vicinity of the subject lands has not been identified by the Metrolinx Plan. Therefore, using the Metrolinx plan as a planning basis to support and make planning decisions respecting intensification on the subject lands is inappropriate. When the location for a Woodbridge GO station is identified, proper planning principles would dictate that a comprehensive land use review would be undertaken to define the boundaries of the GO Centre and ensure that the GO station and land uses around it, development policies, urban design requirements and other planning issues are comprehensively addressed and the appropriate planning policies are established to guide its’ development. This approach is clearly established by OPA #661 which requires that a tertiary planning exercise be undertaken. The tertiary planning exercise could ultimately determine that a Woodbridge GO Station would be located far enough north or south of Regional Road 7, that the subject lands may not be located within the potential future GO Centre. To consider the subject lands a candidate for further intensification prior to the completion of the required planning exercise, does not represent good planning and is not in the public interest.

iii) Development Incentive Program

OPA # 661 establishes a “Community Improvement Area” within which the subject lands are located and where the City may offer incentive programs to facilitate the goals and objectives of OPA #661. Prior to any incentives being applied, OPA #661 requires that a Community Improvement Plan be prepared, which has not been undertaken to date. The Planning Analysis submitted in support of the application appears to suggest that additional density can be allocated to the subject lands as a result of the incentive program, as follows:

"Further to the above, policies provide for a development incentive program. Qualifications for such require that an individual site must attain an FSI of 2.0 based on net developable land area."

OPA #661 is clear in Section 15 c) which states that the strategy for the application of any financial or other incentives provided by the municipality shall be tied to conformity with the general policies of OPA #661, the applicable Urban Design Guidelines adopted by the City, and the minimum density qualification criteria established by the Plan. The applications do not conform to the policies of OPA #661 and Urban Design Guidelines have not been prepared or adopted by the City. Section 15 of OPA #661 is also clear that a Community improvement Plan must be prepared and in place, neither of which is the case. Therefore, to imply that the incentive program identified in OPA #661 confers additional development density to the subject lands, at this point in time, is incorrect.

vi) Applications are Not Consistent With the Vaughan Vision 2020

The Vaughan Vision 2020 strategic plan sets out a vision and direction for the City over the next decade and beyond. Planning for the future through the strategic plan will position the City to deal with the many pressing issues including those related to growth. The key strategic initiative respecting planning and managing growth is the completion and implementation of a growth management strategy. The city-wide Official plan review represents the growth management strategy identified by the Vaughan Vision 2020 document. This review will include an intensification strategy, as required by the Places to Grow Plan. The review is being undertaken in a comprehensive manner, with full public input, and a review of all planning issues and coordinated with other planning authorities. Approving the applications on a site-specific basis is not consistent with the comprehensive approach undertaken by the City to implement an intensification strategy for the Regional Road 7 corridor.

vii) Applications May Set Precedent

As noted above, the City has undertaken a review of the Regional Road 7 corridor (The Avenue Seven Land Use Futures Study) to identify intensification opportunities to meet Provincial and Regional intensification initiatives. This study culminated in the implementation of OPA #661, which was adopted by Council and recommended for approval by the Region of York on June 19, 2008. The appeals by the applicant represent the first challenges to the policies included in OPA #661 particularly with respect to the maximum building height, density and transition policies of the plan. There have been two other approvals within the "Prestige Areas – Centres and Avenue Corridors" designation of OPA #661 both of which are also located within Transit Stop Centre and comply with the provisions of OPA #661. The first development is located at the southwest corner of Regional Road 7 and Woodstream Boulevard, west of the subject lands, and was approved for two 10 storey buildings with a total of 377 residential apartment units, 14 townhouse units, 912m² ground floor commercial uses, and with an FSI of 3.0, as shown on Attachment # 5. It is noted that this site does not directly abut a low density residential development and to date, the proposed development has not been constructed.

The second development is located on the north side of Regional Road 7, west of Pine Valley Drive. This development consists of two phases. Phase 1 includes a 4-storey apartment building, with 81 units at an FSI of 1.36 as shown on Attachment #6. Phase 2 is comprised of a 6 storey building with a 4-storey portion located within 30 metres of existing low density residential community to the immediate west of the property as shown on Attachment #7. The development consists of 122 residential units at an FSI of 1.34. To date, only Phase 1 of the proposed development has been constructed. Both phase of this development comply with the building height and density provisions of OPA #661.

To permit a 17-storey building on the subject lands would set a precedent for lands within the OPA #661 amendment area, and potentially impact on other low density residential areas that abut the "Prestige Areas – Centres & Avenue 7 Corridor" designation. In addition, approving the proposed development is inappropriate at this time because it may set a precedent for other development that may not conform to the city-wide Official Plan review (Vaughan Tomorrow),

which will implement an intensification strategy as required by the Provincial Growth Plan and emerging Regional policies.

The Development Planning Department cannot support a proposal of this scale on the subject lands as it would set a negative and undesirable precedent that would render OPA #661 ineffective in protecting existing sensitive land uses in this case and other similar situations.

viii) Scale of Development Proposed Does Not Have Regard for Existing or Planned Character of the Area

The proposed scale of the development does not have regard for the existing or planned character of the surrounding area as follows:

i) Surrounding Land Use Context – Existing and Planned

The existing surrounding land context includes an established low density residential community to the south, an automobile gas bar and additional low density residential to the east, a commercial plaza to the west, and generally other commercial and office uses on the north side of Regional Road 7, opposite and in the general vicinity of the subject lands. The existing land uses are primarily characterized by one and two-storey buildings, with the exception of a 3-storey office building located on the east side of Kipling Avenue, just north of Regional Road 7.

The proposed 17-storey building would be in sharp contrast to and does not maintain the character of the local existing built form character. The policies of OPA #661 will facilitate a change in character for the area, however, the proposed development would not comply with the planned land use context from a built form perspective.

OPA #661 states that the Transit Stop Centre is generally defined based on a 200m distance from the Transit Stop. However, it is noted that although the Kipling Avenue and Regional Road 7 intersection is identified as a Transit Stop Centre, Kipling Avenue dead ends south of Regional Road 7, within the existing low density residential community and does not afford the opportunity to provide continuous transit service south of Regional Road 7 that would connect to another arterial or collector road.

In addition, the subject lands are located at the crest of Regional Road 7, which drops in elevation to the west and east of the subject land towards Woodstream Boulevard and Islington Avenue respectively. The proposed 17-storey development would sit at a “high-point” of Regional Road 7 in the area, further accentuating the height and incompatibility of the proposed building relative to the surrounding lands on Regional Road 7.

ii) 45 Degree Angular Plane

The Planning Analysis submitted by the applicant indicates that a 45 degree angular plane has been utilized to determine an appropriate transition between the adjacent lower density development and the proposed development. The Analysis includes the following statements:

“The proposal maintains a 45 degree view plane for the existing residential dwellings to the south.”

and,

“The 45 degree view plane is a rule of thumb used to determine appropriate transition between lower and higher density development to create appropriate building envelopes without abrupt increases in height.”

and,

“It determines the building envelope utilizing a cross-section and drawing a 45 degree angle measured from the property, extending the angle to determine the overall maximum building massing along that property line. Additional building height is then achieved using step backs, with additional height added in stages as distance from the property line increases.”

The angular plane described in the Planning Analysis is shown on the east elevation drawing submitted by the applicant on Attachment #4. The applicant has shown the angular plane starting from the edge of the four storey portion of the building attempting to illustrate that the proposed building is located within the 45 degree angular plane within 30 m of the abutting Low Density Residential designation. However, the elevation clearly illustrates that the 45 degree angular plane is interrupted by the 17 storey portion of the building. The intent of using an angular plane to determine compatibility is to maintain an uninterrupted plane, which is clearly not the case. Therefore, the proposal does not maintain a 45 degree view plane for the existing residential dwellings and does not satisfy the “rule of thumb” test established as a measure of compatibility identified in the Planning Analysis.

In addition, when an angular plane is utilized, it is typically taken from the property line, not from the edge of a building. If the 45 degree angular plane is applied from the south property line, it would be broken at every floor of the proposed building as shown on Attachment #4. Coincidentally, if the 45 degree angular plane is correctly applied from the property line as a measure of compatibility as suggested by the Planning analysis, it would yield a maximum 11-storey building (based on the building design proposed) at the 30 metre distance from the Low Density Residential designation, consistent with the maximum 10-storey building height prescribed by OPA #661.

iii) Proposed Site Plan

Section 5.2 of the Planning Analysis states that, “The proposed development has been carefully designed to fit within the context of its location, adjacent to both a Regional Corridor and a lower density area.” The proposed site plan is shown on Attachment #2, and illustrates the following:

- i) the main driveway access is located at the extreme south end of the property, abutting existing low density residential properties to the south and separated solely by a 1.8 m high board privacy fence;
- ii) there is no landscaping or buffer provided along the south property line to visually screen the proposed development from the rear yard amenity areas of the abutting residential properties;
- iii) the main driveway will be used for all vehicles exiting the site, and likely many accessing the site, including garbage, snow removal, moving and delivery vehicles (some possibly refrigerated) for the proposed commercial uses. Many service vehicles are higher than 1.8 metres in height and therefore, will not be adequately screened from the residential properties;
- iv) the main driveway is partially located opposite the driveway for the residential property at 7721 Kipling Avenue;
- v) the “rear yard” of the subject lands is almost completely paved to accommodate vehicular traffic and parking, save an except for a small water feature, a single tree and a raised planter box abutting the west property line. In effect, a parking lot which will likely be lit and a driveway has been created immediately abutting the low density residential lands;
- vi) according to the Site Servicing and Grading Plan, prepared by Masongsong Associates Engineering Limited (Drawing No. SG-1) submitted in support of the applications, the southerly curb for the access driveway on Kipling Avenue encroaches onto the northeast corner of the adjacent residential property to the south;
- vii) the proposal does not maintain a 45 degree angular plane view as suggested by the Planning Analysis;

- viii) the main residential entrance to the building used for moving new residents in and out of the building is located at the rear of the building towards the low density residential uses, and specifically their amenity areas;
- ix) the ventilation shaft for the underground parking lot has not been identified on the plan but may also likely be located in the rear yard given the 0 m building setbacks proposed for the front and side yards; and,
- x) the site plan does not consider the requirement for a Kipling Avenue road widening.

Furthermore, the Development Planning Department has provided the following comments:

- i) the proposed 48% building coverage and provided surface parking have resulted in exclusion of the landscaping and amenity area from the site plan;
- ii) the 17-storey building height and its massive volume will create overwhelming effects over nearby low-density residential neighbourhood;
- iii) the proposed 6.0m rear yard and 0m interior and exterior side yards cannot be supported;
- iv) a minimum 3 metres landscape buffer should separate the proposed high-density development from its neighbouring lands, where it is adjacent to any low-density residential or commercial sites;
- v) the proposed at-grade parking spaces should be relocated to the underground parking garage in order to dedicate the rear yard to a well landscaped amenity area for the residents;
- vi) to reduce the overwhelming effects on the neighbouring residential uses and public areas, the building height should be reduced from 17 to 10 storeys, and create a 4-storey (with minimum depth of 3 metres) podium along Regional Road 7 and Kipling Avenue;
- vii) to encourage pedestrian activities on Kipling Avenue, all at grade residential units main entrances should open directly to the sidewalk; and,
- viii) the proposed and principal residential entrance should be relocated from the rear yard to the front of the building, preferably, at the intersection of Regional Road 7 and Kipling Avenue.

The proposed site design has not been "carefully designed to fit within the context of its location", as suggested. In fact, the proposed site plan leads to the conclusion that the site is being overdeveloped and has little regard for the adjacent sensitive land use. The proposed site design locates the most intensive operations associated with the development abutting the low density residential community with no buffering other than a wood fence and, as discussed, and a 45 degree angular plane is not being maintained.

viii) Applications Do Not Represent Good Planning

As outlined above, the applications do not conform to the Planning Act, The Provincial Policy Statement, The Growth Plan, the Region of York Official Plan and the City of Vaughan Official Plan in the form of OPA #661. The applications do not meet the requirement and intent of the PPS which clearly states that the Official Plan is the most important vehicle for the implementation of the PPS and that comprehensive, integrated and long term planning is best achieved through municipal official plans and that municipal official plans shall identify provincial interests and set out appropriate land use designations and policies.

The applications do not respect the local area and are not contemplated in the context of a comprehensive approach to City building. The applications represent piecemeal planning on one development site that is inappropriate and does not represent good planning. The PPS, Growth Plan and Regional planning policies respecting intensification do not mean that intensification can occur anywhere and everywhere on any corridor, at any density, throughout the City regardless of the local planning context. This is the reason why the PPS and Growth Plan and the Regional

Municipality of York clearly require that the municipality establish an intensification strategy respecting where and how intensification will occur. The City has met these tests through the adoption of OPA #661 and is further committed to meeting the requirements of the Growth Plan through its comprehensive city-wide Official Plan review.

ix) **Amendments Being Sought Represent Poor Planning and Are Not Supported**

As noted in the "Purpose" section of this report, the Owner has requested the following specific amendments to OPA #661:

- i) amend Section 8.3(f)(2)(ii) to increase the overall density target within the Transit Stop Centre from 3.0 to 5.5 FSI;
- ii) amend Section 8.3(f)(2)(v) to increase the maximum height of a building from 10 storeys or 32 metres, whichever is less, to 17 storeys or 48 metres;
- iii) amend Section 8.3(f)(2)(v) to delete the phrase, "For sites that abut a low density residential designation, the maximum height of the development within 30 metres of such designation shall be 4 storeys, or 12.8 metres, whichever is less", and substitute therefore, "there shall be an appropriate height transition between development within the Centre to adjacent, sensitive land uses".

The proposed amendments, as requested, would have the effect of changing land use policies for other lands within OPA #661, without any supporting planning analysis or justification. For example, the Transit Stop Centre identified by OPA #661 includes other lands not subject to the applications. The proposed amendment to increase the overall density target within the Transit Stop Centre from 3.0 to 5.5 would have the effect of increasing the maximum FSI for all lands within the Centre. Similarly, the requested increase in building height and the deletion of the transition policy abutting low density residential designations would affect other lands, beyond the lands subject of the applications. The proposed Official Plan Amendment, submitted to the OMB for approval as worded, has not been supported by any planning analysis or other appropriate studies and therefore, do not represent good planning and are not in the public interest. Should the OMB approve the applications, the implementing official plan amendment must be redrafted to ensure that any approvals affect only the subject lands shown on Attachment #1.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has reviewed OPA #661 and recommended that it be approved.

Conclusion

The Development Planning Department has reviewed the application to amend the Official Plan and Zoning By-law to facilitate the development of the subject lands with a 17-storey apartment building consisting of 146 units and 464 m² of at-grade commercial uses. The Development Planning Department is of the opinion that the applications do not conform to the Planning Act, The Provincial Policy Statement, The Growth Plan for the Greater Golden Horseshoe, the Region of York Official Plan and the City of Vaughan Official Plan and therefore, the applications do not represent good planning and should be refused.

Attachments

1. Location Map
2. Proposed Site Plan
3. Proposed Elevations - North and South
4. Proposed Elevations - East and West
5. Proposed Development – Regional Road 7 & Woodstream Boulevard
6. Existing Development – Regional Road 7 (West of Pine Valley Drive) – Phase 1
7. Existing Development – Regional Road 7 (West of Pine Valley Drive) – Phase 2

Report prepared by:

Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/LG



Legend

- C1 - RESTRICTED COMMERCIAL ZONE
- C2 - GENERAL COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- R1 - RESIDENTIAL ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE

Subject Lands

Not to Scale

Location Map

Part of Lot 5,
Concession 8
APPLICANT:
 PINEGROVE ON SEVEN INC.
N:\DFT\ ATTACHMENTS\OP\op-07-009z.c7-049r.dwg



Development Planning Department

Attachment 1

FILE Nos.:
 OP.07.009
 Z.07.049

March 17, 2009

Official Plan Amendment

Amendment to:

- i) increase the overall density within a 'Transit Stop Centre' from 3.0 to 5.5 FSI;
- ii) increase the maximum permitted building height from 10 storeys & 32m (whichever is less) to 17 storeys & 48m and;
- iii) delete transition policy for lots abutting a Low Density Residential Designation (maximum 4 storeys or 12.8m) and substitute the clause "there shall be an appropriate height transition between development within the centre to adjacent sensitive land uses".

Zoning Amendment

Rezone the Subject Lands from 'C1' Restricted Commercial Zone & 'R2' Residential Zone to 'RA3' Residential Apartment Zone with commercial uses on the ground floor & site specific zoning exceptions to implement the proposed plan.

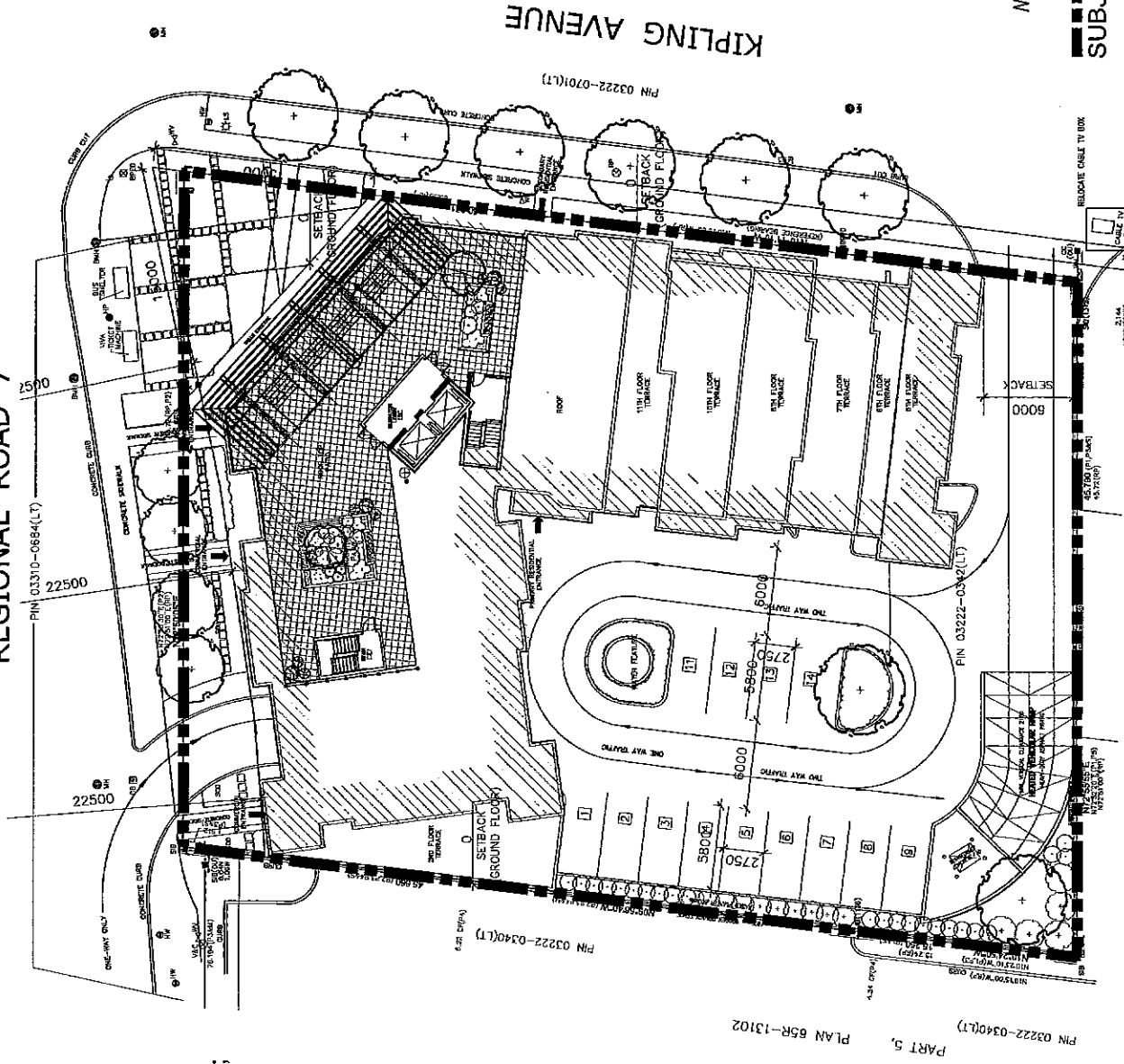
Proposed Site Plan

Part of Lot 5,
Concession 8

APPLICANT:
PINEGROVE ON SEVEN INC.

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REGIONAL ROAD 7



Not to Scale

SUBJECT LANDS

Attachment 2

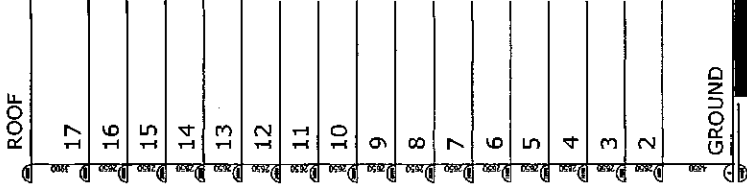
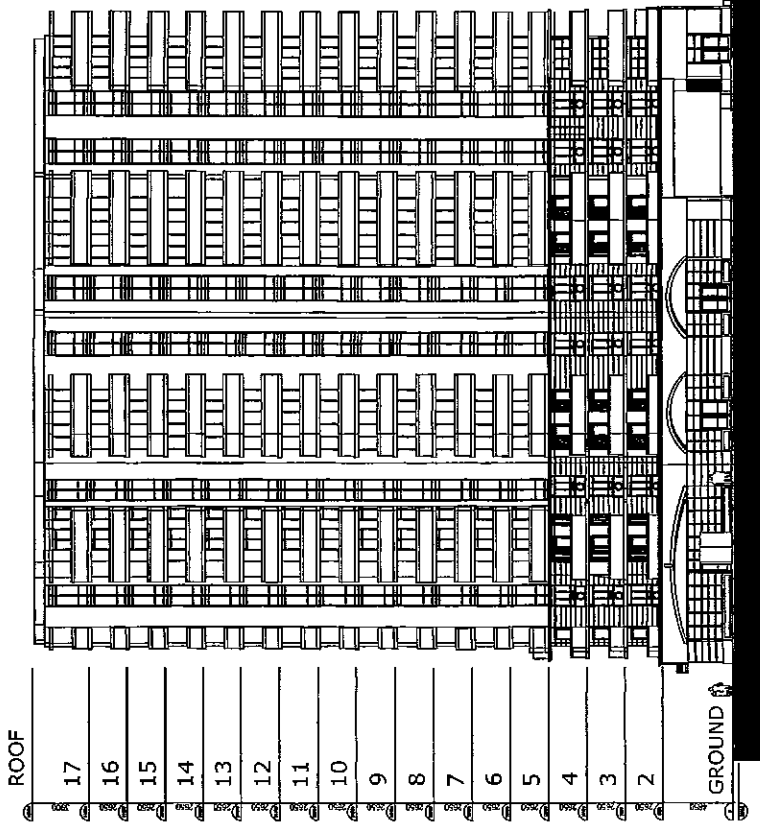
FILE Nos.:
OP.07.009
Z.07.049

March 17, 2009

CITY OF
Vaughan

The City Above Toronto

Development Planning Department



NORTH ELEVATIONS (FACING REGIONAL ROAD 7)

SOUTH ELEVATIONS

Not to Scale

**Proposed Elevations -
North & South**

APPLICANT:
PINEGROVE ON SEVEN INC.
Part of Lot 5,
Concession 8



Development Planning Department

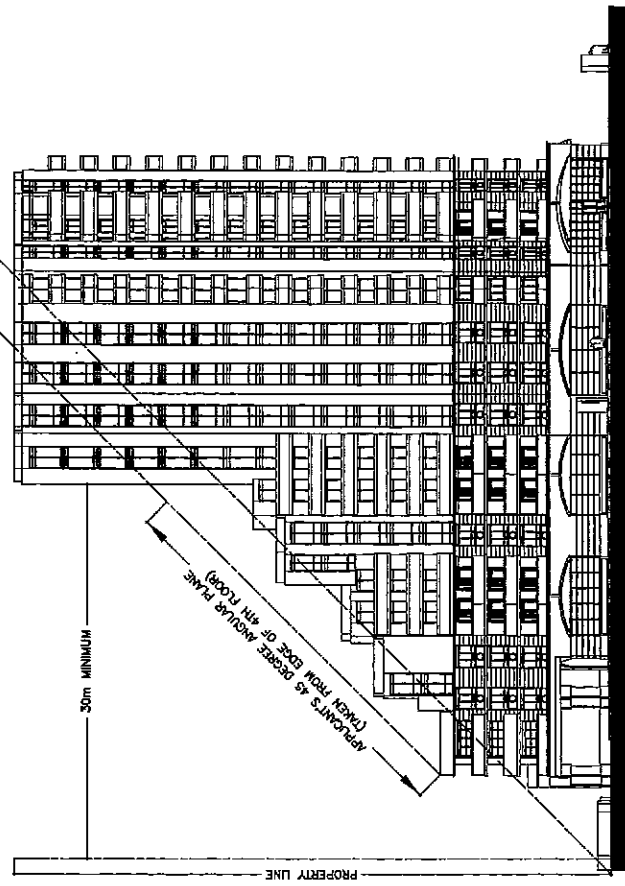
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3**

FILE Nos.:
OP.07.009
Z.07.049

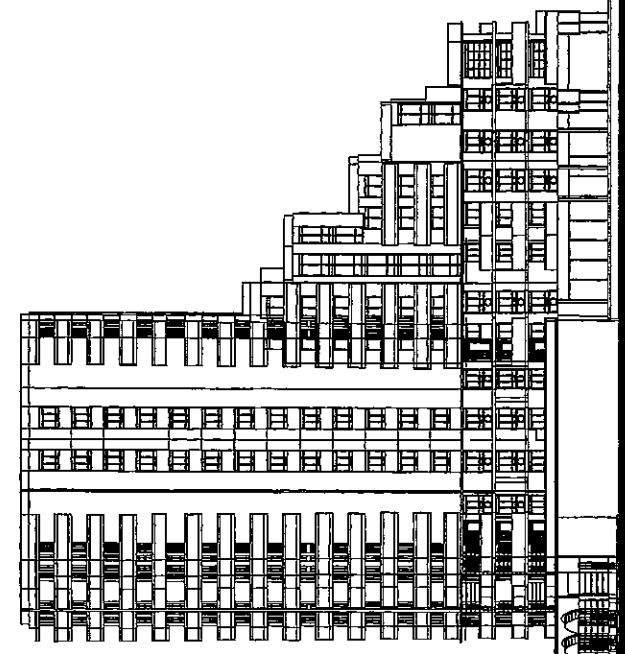
March 17, 2009

TRUE 45 DEGREE ANGULAR PLANE
(TAKEN FROM PROPERTY LINE)

ROOF
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
GROUND



ROOF
17
16
15
14
13
12
11
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6
5
4
3
2
GROUND



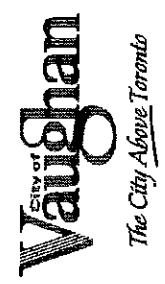
EAST ELEVATIONS (FACING KIPLING AVENUE)

WEST ELEVATIONS

Not to Scale

**Proposed Elevations -
East & West**

APPLICANT:
PINEGROVE ON SEVEN INC.
Part of Lot 5,
Concession 8

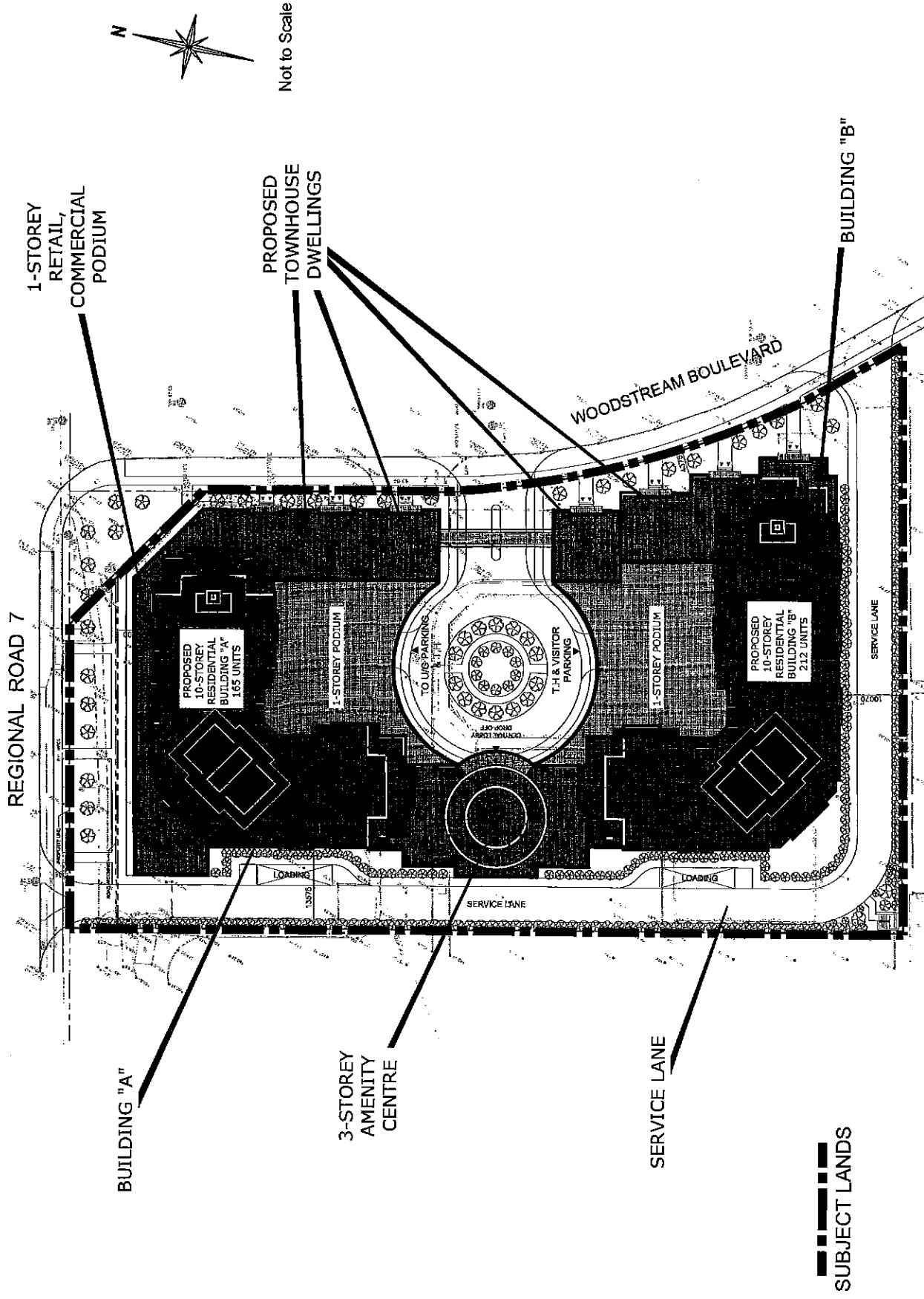


Development Planning Department

**Attachment
4**

FILE Nos.:
OP.07.009
Z.07.049

March 17, 2009



Proposed Development - Regional Road 7 & Woodlawn Boulevard

APPLICANT:
PINE GROVE ON SEVEN INC.
Part of Lot 5,
Concession 8

NA\DTA 1 ATTACHMENTS\2.07.053



Development Planning Department

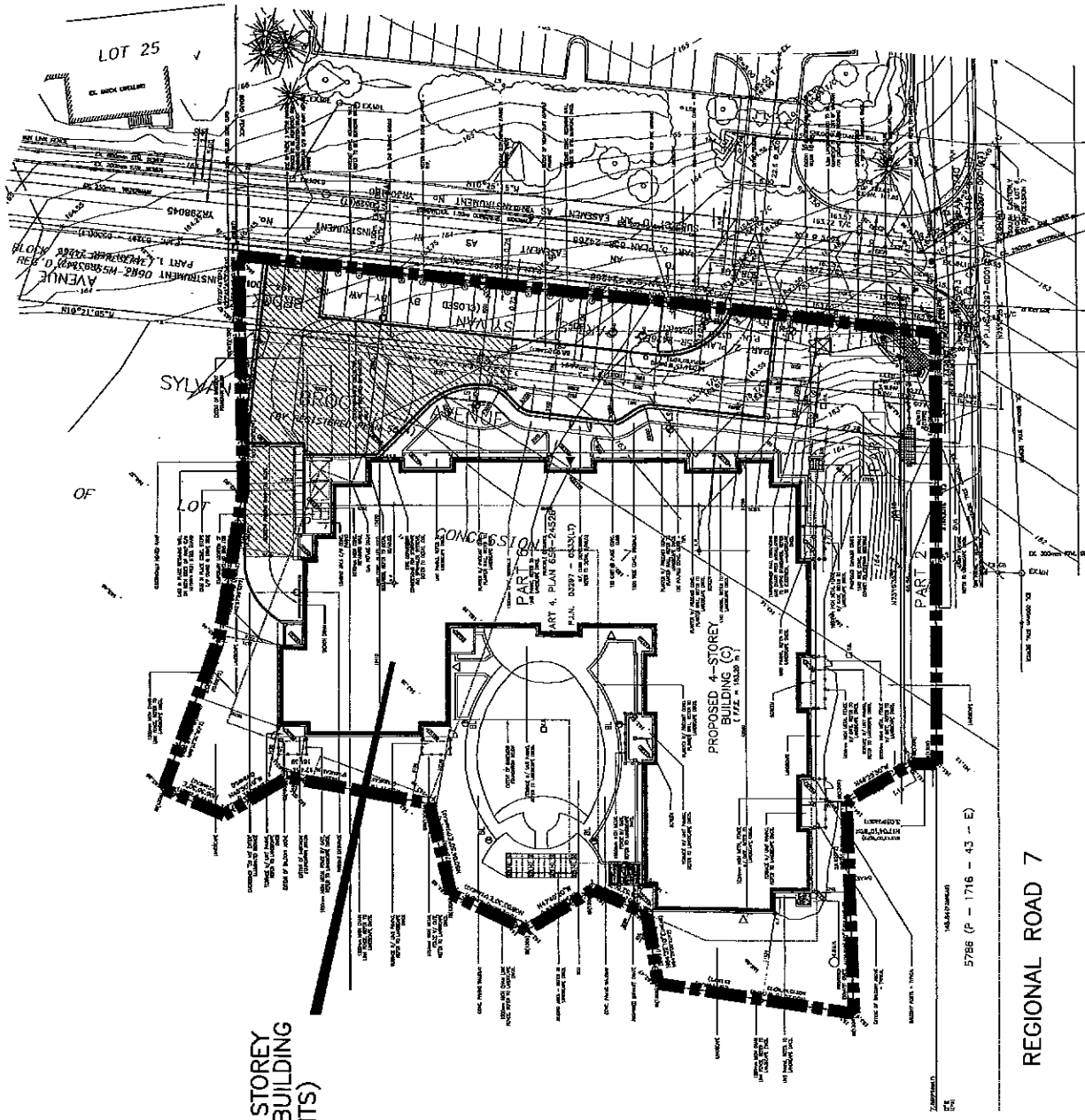
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March 17, 2009



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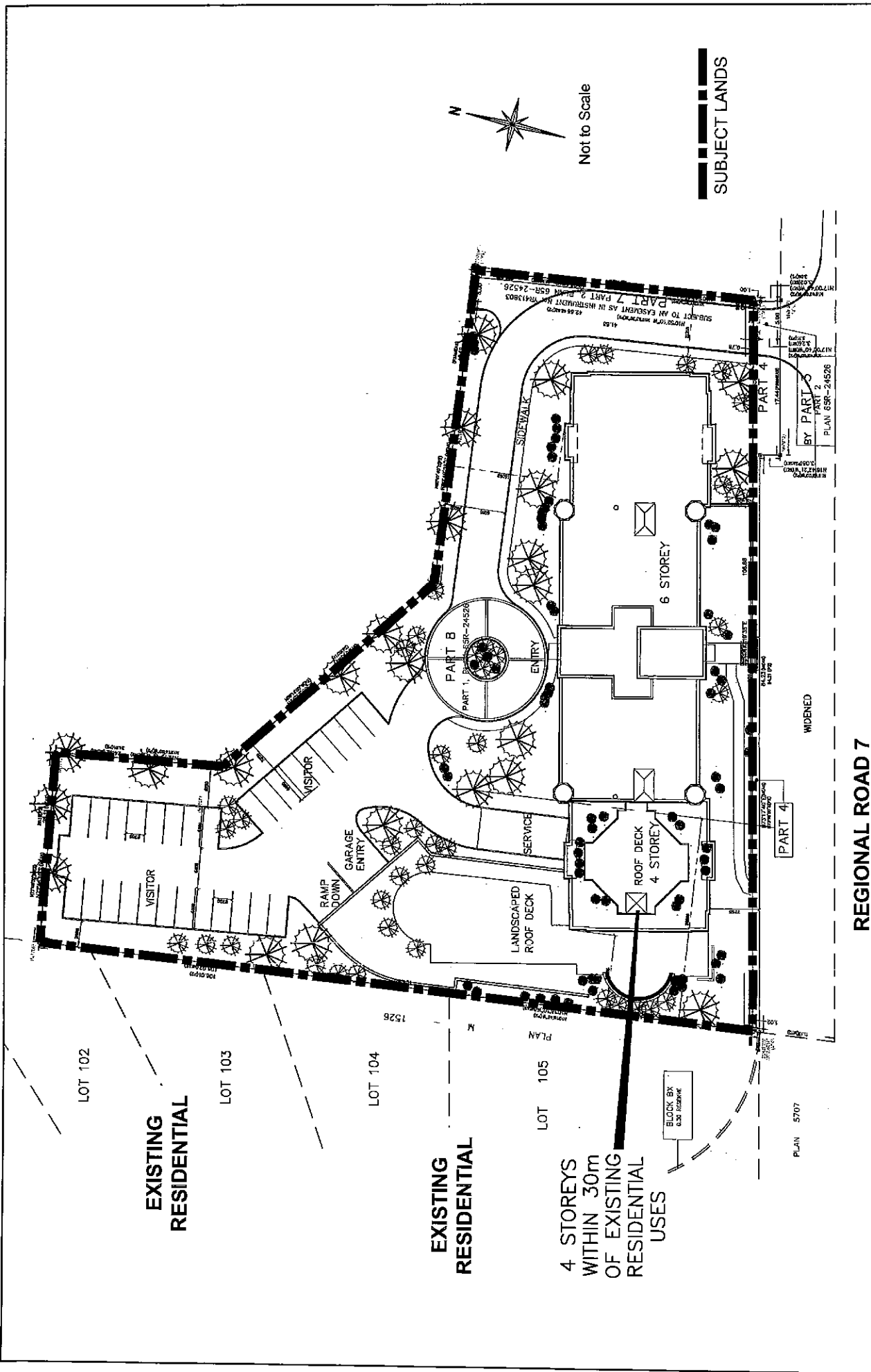
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 SUBJECT LANDS
 (PHASE 1)



**EXISTING 4 STOREY
 APARTMENT BUILDING
 (81 UNITS)**

REGIONAL ROAD 7

5786 (P - 1716 - 43 - E)



Attachment 7

FILE NOS.:
OP.07.009
Z.07.049

City of Vaughan
The City Above Toronto
Development Planning Department

March 17, 2009

REGIONAL ROAD 7

Proposed Development - Regional Rd. 7 (West of Pine Valley Dr.) - Phase 2

APPLICANT:
PINE GROVE ON SEVEN INC.
Part of Lot 5,
Concession 8

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