

COMMITTEE OF THE WHOLE APRIL 20, 2009

**OFFICIAL PLAN AMENDMENT FILE OP.06.009
ZONING BY-LAW AMENDMENT FILE Z.06.023
1504546 ONTARIO INC.
WARD 2**

Recommendation

The Commissioner of Planning recommends:

“THAT the Ministry of Municipal Affairs and Housing be advised that Vaughan Council supports the Ministry’s request to modify OPA #691 and Zoning By-law 38-2009, and that the Region of York, as the approval authority incorporate the modifications into OPA #691 and forward the Amendment and the zoning by-law to the Ministry of Municipal Affairs for their approval.

Economic Impact

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

Purpose

The purpose of this report is to obtain Council’s endorsement for modifications to OPA #691 and By-law 38-2009 requested by the Ministry of Municipal Affairs and Housing (MMAH) respecting Official Plan Amendment File OP.06.009 and Zoning By-law Amendment Z.06.023 (15045446 Ontario Inc.).

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the south side of Woodbridge Avenue, west of Islington Avenue, being Part of Parcel A on Registered Plan 449, in Part of Lot 7, Concession 7, municipally known as 75 and 83 Woodbridge Avenue, City of Vaughan.

The property is designated "High Density Residential" by OPA #440 and subject to site-specific OPA #691, which was adopted by Council on June 23, 2008. The lands are zoned RA2(H) Apartment Residential Zone with the addition of the Holding Symbol "(H)" by By-law 38-2009, which was enacted by Council on February 24, 2009. The lands are also designated Special Policy Area (SPA) by OPA #440. OPA #691 provide site-specific policies to facilitate development within in SPA, which requires the approval of both the Minster of Municipal Affairs (MMAH) and the Minister of Natural Resources (MNR). On June 23, 2008, Council enacted By-law 157-2008 to adopt OPA #691 and facilitate the development of the property for a residential condominium building which included the following policies, (in part):

- a) permit an increase in the maximum net residential density in the "High Density Residential" designation from 99 to 288 unit/ha, thereby increasing the number of units permitted on the subject lands from 30 to 88 (an increase of 58 units); and,
- b) to increase the maximum permitted building height in the "High Density Residential" designation from 3 to 4 storeys along Woodbridge Avenue and to increase the overall building height from 6 to 7 storeys.

Subsequently, on February 24, 2009, Council enacted By-law 38-2009 to rezone the subject lands from C1 Restricted Commercial Zone to RA2(H) Apartment Residential Zone with the addition of the Holding Symbol "(H)" to implement OPA #691. By-law 38-2009 will not come into effect until OPA #691 is approved by the Provincial Ministries and the Region of York.

On July 7, 2008 OPA #691 was forwarded to the Region of York through the "One Window" review process, which was also subsequently circulated to the Ministry of Municipal Affairs on

July 9, 2008 for Ministerial Approval. A package of supporting material was also sent to the MMAH on July 14, 2009, and included the following:

- a) Emergency Planning Manual (Revised);
- b) Planning Justification Report;
- c) Population Report (Final);
- d) Fire and Medical Risk Analysis Report; and,
- e) A full set of revised plans.

By-law 38-2009 was forwarded to the Region of York on February 26, 2009, and subsequently the Region of York forwarded the By-law to the Ministry of Municipal Affairs through the "One Window" process.

Analysis

The Ministry of Municipal Affairs and Housing has reviewed OPA #691, By-law 38-2009 and the supporting material and has provided the following comments:

i) Technical Review

The MMAH and the Toronto and Region Conservation Authority (TRCA) have reviewed the technical submission and are satisfied that technically the development can proceed without producing adverse flooding effects on neighbouring properties and that the hydrostatic structural design of the basement walls and foundation will meet stability requirements under expected flood conditions. As such, both these agencies are prepared to support the proposal moving to the Phase II review. Phase II will still require TRCA's final review and approval, including final technical study submissions and resolution and endorsement from its Executive Committee.

ii) Official Plan Amendment #691

The Ministry of Municipal Affairs has completed its review of OPA #691, and has requested the following modifications:

OPA#691 Requested Policy Revisions/Modifications

Policy in Council Adopted OPA #691	Requested Modifications to OPA #691 Policies by the Ministry of Municipal Affairs and Housing (MMAH).	Development Planning Department Response to (MMAH) Requested Modifications and Recommendations
<p><u>Part ii)</u> "the maximum permitted building height along Woodbridge Avenue shall be 4 storeys, and the maximum overall building height shall be 7 storeys."</p>	<p>Delete Paragraph ii) and Replace as follows: "ii) the permitted building height along Woodbridge Avenue shall be 4 storeys and the maximum overall building height shall be 6 storeys (excluding that portion of the building used for mechanical and/or penthouse purposes which will be one storey). Further, all residential units will be above the ground floor and mezzanine (1st Floor), which is above the Regional Storm Flood level elevation. All</p>	<p><u>Adopt</u> the MMAH recommendation.</p>

Policy in Council Adopted OPA #691	Requested Modifications to OPA #691 Policies by the Ministry of Municipal Affairs and Housing (MMAH).	Development Planning Department Response to (MMAH) Requested Modifications and Recommendations
	windows and openings will also be above the Regional Flood level."	
<p><u>Part iii)</u></p> <p>"Fully enclosed parking may be located above grade</p>	<p>Delete Paragraph iii) and Replace with the following:</p> <p>"iii) Access to the parking garage, including the underground parking level will be designed for ingress and egress above the Regional Storm Flood level such that during a Regional Storm event the parking garage will not be subject to flooding.</p>	<p><u>Adopt</u> the MMAH recommendation with the following modification:</p> <p>"iii) Access to the parking garage, including the underground parking level will be designed for ingress <i>and egress above the Regional Flood Level and that the building be designed to mitigate against a Regional storm event.</i></p> <p>The proposed modification represents a refinement of the wording which more clearly states expectations.</p>
<p><u>Part iv):</u></p> <p>"The Toronto and Region Conservation Authority (TRCA) shall be satisfied that the proposed development and design of the building conforms to the Woodbridge Special Policy Area flood proofing requirements and that all technical studies be approved to their satisfaction as part of the site plan application."</p>	<p>Delete Paragraph vi) and Replace with the following "</p> <p>"vi) In accordance with Section 6C of this Plan, the implementing Zoning By-law for this site shall include provisions requiring flood proofing measures to protect against risk associated with Regional Storm event. Windows and door openings, including emergency access routes to and from the building and all habitable living space, shall not be permitted below the Regional Storm Flood level.</p>	<p><u>Adopt</u> the MMAH recommendation.</p> <p>The Development Planning Department concurs with the recommended modification.</p>
<p><u>Parts v) and vii)</u></p> <p><u>Part v):</u></p> <p>"A Risk Assessment Study (RAS) shall be submitted in support of a Site Development Application to</p>	<p>Delete Paragraphs v) and vii) with the following:</p> <p>"v) The site plan will be prepared in such a matter that the development design will ensure the findings of the Risk Assessment Study (RAS) and</p>	<p><u>Adopt</u> the MMAH recommendation.</p> <p>The term "<i>Site Plan Agreement</i>" should be replaced with "<i>Letter of Undertaking</i>" to reflect the City's current Site Plan</p>

Policy in Council Adopted OPA #691	Requested Modifications to OPA #691 Policies by the Ministry of Municipal Affairs and Housing (MMAH).	Development Planning Department Response to (MMAH) Requested Modifications and Recommendations
<p>the satisfaction of the City and TRCA.”</p> <p><u>Part vii):</u></p> <p>“An Emergency Management Plan (EMP) shall be submitted dealing with such matters as, but not limited to building evacuation, timing of flood and overall Special Policy Area (SPA) evacuation, prior to approval by the MMAH and MNR to demonstrate that development and site alteration will be carried out in accordance with flood proofing standards, protection works standards, so vehicles and people have a way of safely entering and existing the area during a time of flooding and that the development will not create new hazards, to the satisfaction of TRCA.”</p>	<p>Emergency Management Plan (EMP) will be implemented by the City of Vaughan and where required the building will be designed to meet the City's requirements in order implement the EMP. The findings of the RAS and the EMP will also be incorporated into the site plan agreement.”</p>	<p>Approval implementation document.</p>
<p><u>Part xiii):</u></p> <p>“A fully enclosed parking garage shall be provided, the design of which will be reviewed through the site plan approval process, to the satisfaction of the City.”</p>	<p>Delete Paragraph xiii) in its entirety.</p>	<p>Adopt the MMAH recommendation.</p> <p>The Development Planning Department concurs with the recommended modification.</p>

OPA #691 has been revised to incorporate the modifications requested by MMAH in the manner outlined above. A revised copy of the Amendment is attached as Attachment #2. The modifications, once endorsed by Council will be forwarded to the Region of York and subsequently to the MMAH for approval by the MMAH and MNR. The final version of OPA #691 must be approved by the Region of York.

iii) Additional Information to Support OPA #691

In addition to the requested modifications, the MMAH has also requested additional information and clarifications respecting the "Preamble" section of OPA #691 and the applicant's Justification and Population Reports. In particular, the Ministry is of the opinion that both the Justification Report and certain wording in the preamble of OPA #691 partially does not reflect the policies of the Growth Plan and the PPS as it relates to interpretation and intensification in an SPA.

The PPS, specifically Section 4, "Implementation and Interpretation" provides direction on the interpretation of the PPS. Subsection 4.3 states that "this Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation. However, the MMAH's letter indicates that both the Preamble to OPA #691 and the Justification Report prepared by the applicant failed to interpret the PPS its entirety. The MMAH has pointed out that in cases dealing with Special Policy areas both the PPS policies and definitions must be read together. The definition of an SPA includes the following:

"A Special Policy Area is not intended to allow for new development or intensified development and site alteration, if a community has feasible development outside the flood plain"

The Woodbridge Core area (WCA) is a special and desirable location for redevelopment and intensification. It is an historical settlement that has undergone significant intensification while still retaining elements of its historical past, and has been the recipient of higher density development in the form of medium rise buildings consistent with the proposed development. The City is currently undertaking secondary land use plans for areas adjacent to the Core areas, which are not approved at this time. Although there may be opportunity to develop and intensify outside the (WCA), it is not the intent to expand or to ignore intensification in the WCA area, but rather to recognize it as a distinct place of activity that needs revitalization in the form of intensification so that it may function as viable community.

The Development Planning Department is supportive of intensification to revitalize the WCA with development that is compatible with the surrounding land use context from a built form and density perspective. The subject property is one of the few remaining development sites in the WCA and follows an established pattern of development.

Therefore, although other areas of intensification may exist, they should not preclude a community's core area from intensifying, provided the intent of the Provincial Policy to safeguard public health and safety. In this regard various studies were undertaken (i.e. population analysis, hydrological analysis, a fire and medical risk analysis and a planning justification report) to address the proposed intensification in the SPA within the WCA. The reports concluded that intensification can be accommodated within the SPA within the WCA that would support the viability of the WCA community.

In consideration of the Ministry's comments respecting the interpretation of the PPS the Development Planning Department has revised OPA #691, specifically the "Basis" Section of OPA #691 under Subsection #2 after the fourth paragraph, as shown on Attachment #2

In addition the PPS (2005) definition of a Special Policy Area includes the following:

"A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain."

OPA #240 as amended by OPA #440, established the policy framework for improving the viability and durability of the Woodbridge Core Area through the establishment of high-density land use designations to increase commercial activity and bring more people into the area. Part of the Special Policy Area, along the eastern part of Woodbridge Avenue, is included in this targeted area. The subject property is one of the few remaining development sites in the eastern end of the Woodbridge Core Area and follows a pattern of development established over the years with

mixed use buildings combining residential and commercial uses. The principle of intensification is already established in the Woodbridge Core Area through the applicable official plan policies and existing development which is of a character similar to that being proposed by the applications.

As discussed in the Population Analysis Report, proposed development will be achieved within the population anticipated by the policies established in OPA #240, as amended by OPA #440. The proposed development will support the City's policy objectives while presenting no danger to public to public health and safety.

The MMAH is of the opinion that OPA #691 and the Justification Report mischaracterized the intent of the PPS, specifically the following wording in OPA #691 included under the Basis Section in Paragraph #2:

“Accordingly, intensification is currently permitted within the SPA.”

The MMAH is of the opinion that both the Official Plan and Zoning By-law grant permissions that have already been contemplated within the SPA, while intensification on the other hand, would mean any additional planning permissions above and beyond what has been contemplated. For clarification purposes, it should be noted that only the Official Plan (OPA #440) currently permits intensification on the subject lands and that the current zoning-by-law regulations applicable to the subject lands require amendment to bring the zoning by-law into conformity with the Official Plan. The intent of this wording was to identify that redevelopment rights currently exist in the Official Plan and SPA on the subject lands. In order to reflect current permissions under OPA #440 and respond to the Ministry's concerns, the Development Planning Department recommends revising the wording as follows, which has been included in the revised OPA on Attachment #2:

“Accordingly, a 6 storey building yielding approximately 30 units would be permitted as of right on the subject lands.”

With respect to the MMAH's concerns related to conflicting policies between the Growth Plan and the PPS, the Development Planning Department took an approach which balanced the application of the policies in the analysis of the applicable Provincial policies. The essential difference between the Growth Plan and the PPS is that the PPS includes specific policies dealing with development in areas of natural hazards. Section 1.4 of the Growth Plan states that the Growth Plan, “should be read in conjunction with the PPS” and in cases of competing policies the Growth Plan should prevail, except where the conflict is between policies relating to the natural environment or human health.

The Growth plan does not contain specific policies dealing with Special Policy areas or areas of natural hazards, therefore the policies found in the PPS, specifically Section 1, “Healthy, Liveable and Safe Communities” and Section #3, “Protecting Public Health and Safety” would apply. As part of the approval process for this development the City, together with the Applicant and the TRCA have reviewed and determined that all the related technical documents submitted in support of this development confirm that it can be flood proofed to the hazard elevation, vehicles and people can be safely evacuated, and no new hazards are created.

In consideration of the Ministry's comments respecting the conflicts between the PPS and Growth Plan the Development Planning Department recommends adding the following paragraph to the “Basis” Section of OPA #691 under Subsection 3, after the first paragraph.

“The City together with the Toronto and Region Conservation Authority have reviewed the necessary technical material for this development and confirmed that the proposed development can proceed without causing flood effects on neighbouring properties and that the Medical Risk Analysis and Emergency reports submitted in support of this Amendment are comprehensive documents responding to and preparing for mitigating potential impacts of an emergency. In particular, the Emergency Plan utilizes an all risk approach to emergency management, including the risk of flooding. Therefore, the

proposed development is consistent with the policies of the Growth Plan and with the PPS as it relates to intensification in Special Policy Areas and to the protection of the natural environment and human health”.

This change is incorporated into the modified OPA on Attachment #2.

The applicant has provided a letter dated April 7, 2009, and a justification report (April 9, 2009) addressing the concerns outlined by the Ministry with respect to the interpretation of the PPS, the Growth, the Plan and the Population report. The Development Planning Department has reviewed the supporting material and find it acceptable. The letter along with the justification report will be included in the final package of materials sent to the Region of York. The package will be forwarded to the MMAH for final approval.

Requested Changes to By-law 38-2009

Minor revisions to Zoning By-law 38-2009 have been requested by the MMAH, which are supported by the Development Planning Department and have been incorporated in bold text on Attachment #3, as follows:

- a) **Clause “a11)”:** The words “shall be above the Regional Storm Flood level” have been added after the words “driveway access”;
- b) **Clause “f1)”:** The second bullet point in clause “f1)” states “maximum building height 7 storeys” has been deleted and substituted with the following:

“a maximum building height of 6 storeys (plus one-storey used for the purpose of mechanical and/or penthouse units); and,

- c) **Clause “f1)”:** Adding an additional bullet to the end of clause “f1)” as follows:

“emergency access from the building, all windows and openings, including emergency access routes, and all habitable living space, will be above the Regional Flood Level”.

By-law 38-2009 was enacted by Council on February 24, 2009, but is not in full force and effect. The draft amended Zoning By-law incorporating the requested revisions is included as Attachment #3, and will be forwarded to the Region of York for Ministerial approval.

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, as the approval authority, will implement the changes requested by the MMAH as modifications to OPA #691 and forward a final Amendment and the additional supporting information to the Ministry of Municipal Affairs and Housing.

Conclusion

The Development Planning Department has reviewed the modifications to OPA #661 and By-law 38-2009 proposed by the Ministry of Municipal Affairs and Housing and are satisfied that the revisions meet the intent of the Official Plan and Zoning By-law as adopted by Council, subject to the comments in this report. Accordingly, the Development Planning Department can support the modifications to OPA #691 and By-law 38-2009, which are incorporated into the modified documents shown on Attachment #2 and #3.

Attachments

1. Location Map
2. OPA #691, (Revised with modifications)
3. Draft By-law 38-2009

Report prepared by:

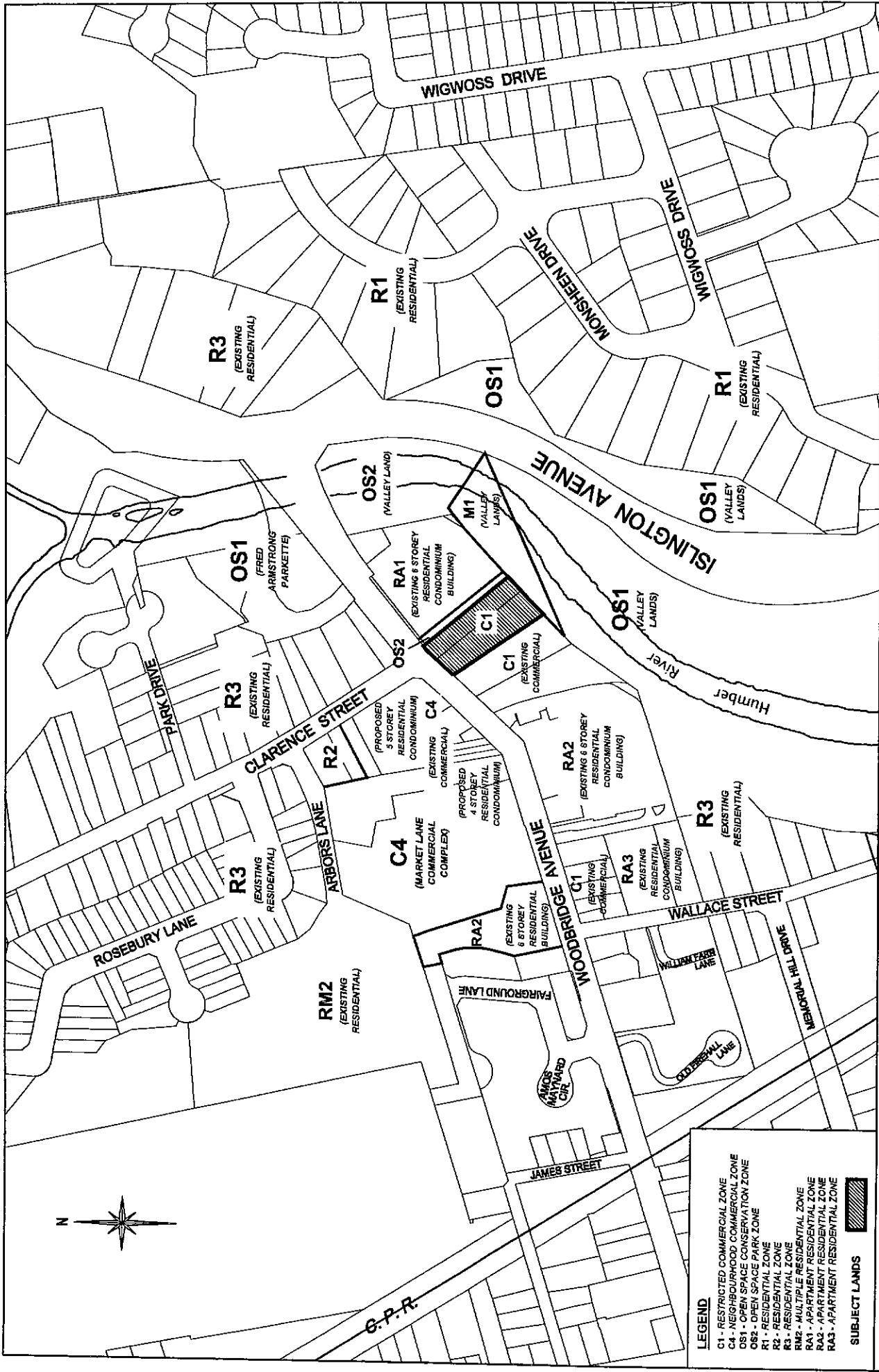
Eugene Fera, Planner, ext. 8064
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG



LEGEND

- C1 - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- R1 - RESIDENTIAL ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE
- RM2 - MULTIPLE RESIDENTIAL ZONE
- RA1 - APARTMENT RESIDENTIAL ZONE
- RA2 - APARTMENT RESIDENTIAL ZONE
- RA3 - APARTMENT RESIDENTIAL ZONE

SUBJECT LANDS

ATTACHMENT NO. 2

AMENDMENT NUMBER 691 TO THE OFFICIAL PLAN OF THE VAUGHAN PLANNING AREA

The following text and Schedule "1" to Amendment Number 691 to the Official Plan of the Planning Area constitutes Amendment Number 691.

Also attached hereto but not constituting part of the Amendment are Appendices I and II.

I PURPOSE

The purpose of this Amendment is to amend the provisions of the Official Plan of the Vaughan Planning Area respecting Amendment No. 240 (OPA #240 - Woodbridge Community Plan), as amended by OPA #440 (Woodbridge Historic Commercial Centre Plan) to: permit an increase in the maximum net residential density on the Subject Lands from 99 units per hectare (uph) to 288 uph, thereby increasing the total number of residential units permitted on the Subject Lands from 30 units to 88 units; to increase the maximum permitted building height in the "High Density Residential" designation from 3 storeys to 4 storeys along Woodbridge Avenue and the overall building height from 6 storeys to 7 storeys; and, to permit fully enclosed parking to be located above grade. The Amendment also contains development policies that requires supporting information and reports to be submitted to facilitate the proposed development.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are shown on Schedule "1" attached hereto as "Area Subject to Amendment No. 691". The Subject lands are located on the south side of Woodbridge Avenue, west of Islington Avenue, and known municipally as 75 and 83 Woodbridge Avenue, being Part of Parcel A on Registered Plan 449, in Part of Lot 7, Concession 7, City of Vaughan.

III BASIS

The decision to amend OPA #240 (the Woodbridge Community Plan) as amended by OPA #440 (Woodbridge Historic Commercial Centre Plan) to: permit an increase in the maximum net residential density on the Subject Lands from 99 uph to 288 uph, thereby increasing the number of residential units from 30 units to 88 units; to increase the maximum permitted building height in the "High Density Residential" designation from 3 storeys to 4 storeys along Woodbridge Avenue and the overall building height from 6 storeys to 7 storeys; and, to permit fully enclosed parking to be located above grade is based on the following considerations:

1. The Amendment maintains the “High Density Residential” land use designation approved by OPA #440, however, amends the development policies to facilitate the development of a 4 to 7 storey tiered building, with a maximum of 88 residential units, thereby increasing the maximum net residential density on the Subject Lands from 99 uph to 288 uph (an increase of 58 units).

2. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS includes policies that direct new growth to urban areas, which contributes to the creation of strong and safe communities, healthy environments and long term economic growth.

Policy 1.1.1 states (in part), that healthy, liveable and safe communities are sustained by:

- i) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term;

- ii) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;

- iii) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

- iv) avoiding development and land use patterns which would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and,

- v) promoting cost effective development standards to minimize land consumption and servicing costs.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units.

Furthermore, the PPS Policy 3.1.1 states (in part), that development shall generally be directed to areas outside of hazardous sites adjacent to rivers and streams which are impacted by flooding hazards and/or erosion hazards and that any site alteration or development shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has a safe access appropriate for the nature of the development and the natural hazard.

The Owner proposes to amend the “High Density Residential” policies of OPA #240, as amended by OPA #440, to increase the maximum net residential density and building height permitted on the Subject Lands. Intensification of the Subject Lands would allow for a more efficient use of the Subject Lands, which would contribute to a more vibrant Woodbridge Core Area (WCA) by replacing two unattractive and outdated vacant buildings on an underutilized site. The Subject Lands are also located within a Special Policy Area (SPA). The policy foundation for the WCA is established by OPA #440, which establishes the WCA as a growth area, as it includes intensification policies to support the establishment of the WCA and public transit. ***Accordingly, a 6 storey building yielding approximately 30 residential units would be permitted as-of-right on the Subject Lands.***

The Woodbridge Core area is a special and desirable location for re-development and intensification. It is an historical settlement which has undergone significant intensification while still retaining elements of its historical past, and has been the recipient of higher density development in the form of medium rise buildings consistent with the proposed development.

Although there may be future opportunity to develop and intensify outside the core area, the levels of intensification are not the same with respect to the mix of uses. These new secondary plans propose higher intensification, but were not intended to expand or to ignore intensification in the core area, but rather to recognize it as an existing hub of activity that needs revitalization in the form of intensification so that it may function as a viable community.

The Development Planning Department is supportive of intensification to revitalize the Woodbridge Core Area (WCA) with new development that is compatible with the surrounding land use context from a built form and density perspective. The subject property is one of the few remaining development sites in the WCA and follows a pattern of development established over the years.

The Owner has undertaken various studies (i.e. population analysis, hydrological analysis, fire and medical risk analysis, and a planning justification report) to address the proposed intensification within the WCA and the SPA. The reports conclude that intensification can be accommodated on the Subject Lands, located within the SPA, through the use of building construction techniques and building design, a lower than planned population within the WCA and SPA, and by providing safe ingress and egress to the site in order that intensification can occur on the Subject Lands without additional risk to future residents. In this respect, the application is consistent with the intent of the PPS. The Toronto and Region Conservation Authority (TRCA) and the City of Vaughan shall be satisfied that the proposed development and design of the building conforms to the Woodbridge Special Policy flood proofing requirements as set out in OPA #400 as part of the Site Plan process.

3. The Province approved the Places to Grow Plan in 2006, which sets out a framework to provide overall leadership and guidance to municipalities as they plan for growth in their communities. The Plan sets out policy on a wide range of issues including, managing growth, general intensification, and infrastructure planning among other policies. The Places to Grow Plan promotes the intensification of land in the existing built-up areas, and provides a target that 40% of all new residential development is

to occur within a community's existing built-up area. The Plan states that intensification makes more efficient use of land by accommodating growth within existing urban areas and that intensification is key to revitalizing city centres and making them more people-focused and liveable. Concentrating intensification in these areas provides for a focus for transit and infrastructure investment to support growth and for building compact, transit-supportive communities.

The City together with the Toronto and Region Conservation Authority have reviewed the necessary technical material for this development and confirmed that the proposed development can proceed without causing flood effects on neighbouring properties and that the Medical Risk Analysis and Emergency reports submitted in support of this Amendment are comprehensive documents responding to and preparing for mitigating potential impacts of an emergency. In particular, the Emergency Plan utilizes an all risk approach to emergency management, including the risk of flooding. Therefore, the proposed development is consistent with the policies of the Growth Plan and with the PPS as it relates to intensification in Special Policy Areas and to the protection of the natural environment and human health.

The subject lands are located within the Woodbridge Community Plan (OPA #240), as amended by OPA #440 which designates the subject lands as "High Density Residential", and permits intensification on the subject lands to a maximum of 99 uph, and a maximum building height of 6-stories. The proposed development is consistent and supportive of the Growth Plan with respect to directing growth and intensification to a designated built-up area. The WCA is an existing historical built-up area intended to provide the opportunity for intensification that would compliment and support the commercial/residential mixed-uses of the WCA and allow residents to live, shop and work within the community. The WCA is also where the capacity exists to best accommodate the expected population, household and employment growth, and promoting transit-supportive densities.

4. The Region of York Official Plan (YROP) identifies the Subject Lands, as an "Urban Area". The objectives of the Regional Plan include targeting growth to existing built-up portions of urban areas, encouraging carefully planned intensification, and providing for broad range of housing types. The

proposed development is consistent with the Regional Official Plan with respect to directing growth to an urban area. The proposed intensification is also consistent with the Regional Official Plan since it would facilitate the more efficient use of the existing infrastructure and promote a wider range of housing choices.

5. The Subject Lands are presently designated "High Density Residential" by OPA #240 as amended by OPA #440, which permits an apartment use that does not exceed the permitted net residential density of 99 uph, and commercial uses. A general goal of OPA #240 is to create a distinct residential community of scale and character which relates well to the existing village quality of Woodbridge, and towards a strong community identity. With respect to housing, OPA #240 provides for a predominantly low density community with some higher densities to accommodate senior citizens and other family housing needs. This Amendment is consistent with the goals of OPA #240 as it provides growth in the built-up area of an additional 58 units, and maintains the existing village quality within the WCA.
6. Having received a statutory Public Hearing held on April 16, 2006, Vaughan Council on June 23, 2008, **adopted** Official Plan Amendment File OP.06.009 (1504546 Ontario Inc.), to permit the proposal.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

The Official Plan of the Vaughan Planning Area as amended by OPA #240, as amended by OPA #440 is hereby further amended as follows:

1. Adding the following policies to Section 4.2.7, "Site Specific Policies":
 - "q) (OPA 691) The lands located on the south side of Woodbridge Avenue, west of Islington Avenue, in Lots 7, Concession 7, and municipally known as 75 and 83 Woodbridge Avenue,

City of Vaughan, and "Lands Subject to Amendment No. 691" shall be subject to the following:

- i) the maximum permitted net residential density in the "High Density Residential" designation shall be 288 units/ha, and a maximum of 88 residential units;
- ii) ***the permitted building height along Woodbridge Avenue shall be 4 storeys, and the maximum overall building height shall be 6 storeys, excluding that portion of the building used for the mechanical and/or penthouse purposes, which shall be one-storey. Further, all residential units will be above the ground floor and mezzanine (1st Floor), which is above the Regional Storm Flood Level elevation. All windows and openings will also be above the Regional Flood level;***
- iii) ***access to the parking garage, including the underground parking level will be designed for ingress and egress above the Regional Storm Flood Level and such that the building is designed to mitigate against a Regional storm event;***
- iv) ***in accordance with Section 6C of this Plan, the implementing Zoning By-law for this site shall include provisions requiring flood proofing measures to protect against risk associated with the Regional Storm event. Window and door openings, including emergency access routes to and from the building and all habitable living space, shall not be permitted below the Regional Storm Flood level;***
- v) ***The site plan will be prepared in such a matter that the development design will ensure the findings of the Risk Assessment Study (RAS) and Emergency Management Plan (EMP) will be implemented by the City of Vaughan and***

where required the building will be designed to meet the City's requirements in order to implement the Emergency Plan. The findings of the Risk Assessment Study and the Emergency Management Plan will also be incorporated into the Letter of Undertaking.

- vi) a Record of Site Condition shall be registered and acknowledged by an Officer of the Provincial Ministry of the Environment, prior to the execution of a Site Plan Letter of Undertaking;
- vii) the tiering of the building elevations from all yards shall be required;
- viii) a minimum 6.8 m setback from the rear property line in order to provide a proper landscape interface between the proposed development and North Johnson Park shall be provided;
- ix) sustainable building and site design features shall be incorporated into the development, to be reviewed through the Site Development Application process;
- x) a 3 m road widening along Woodbridge Avenue, if determined to be necessary by the City of Vaughan Engineering Department, shall be provided;
- xi) a traffic impact, access and parking study shall be submitted and approved, prior to the implementing by-law being enacted, in support of the Site Development Application; and,
- xii) the appropriate development standards shall be established in the implementing Zoning By-law.”

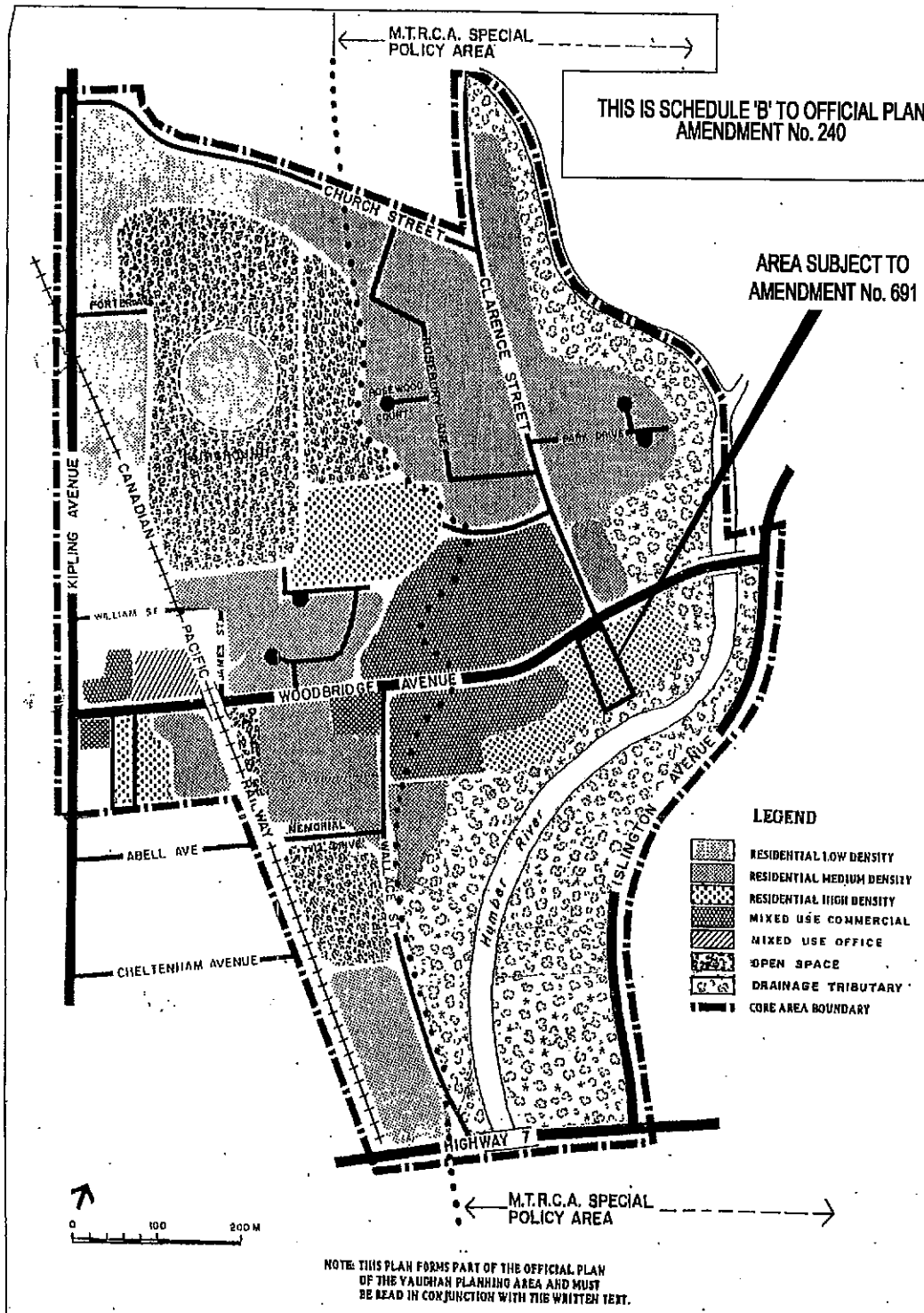
2. Prior to approval of a Site Development Application, the City shall confirm that water and sewage allocation is available for the Subject Lands.

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the Zoning By-law, and Site Plan and Draft Plan of Condominium approvals, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.



**THIS IS SCHEDULE '1'
TO AMENDMENT No. 691
ADOPTED THE ___ DAY OF ___, 2008**

FILE No. OP.06.009
 RELATED FILE: Z.06.023
 LOCATION: Lot 7, Concession 7
 APPLICANT: 1504546 ONTARIO INC.
 CITY OF VAUGHAN

SIGNING OFFICERS

_____ MAYOR

_____ CLERK

APPENDIX I

The subject lands are located on the south side of Woodbridge Avenue, west of Islington Avenue, being Part of Parcel A on Registered Plan 449, in Part of Lot 7, Concession 7, municipally known as 75 and 83 Woodbridge Avenue, City of Vaughan.

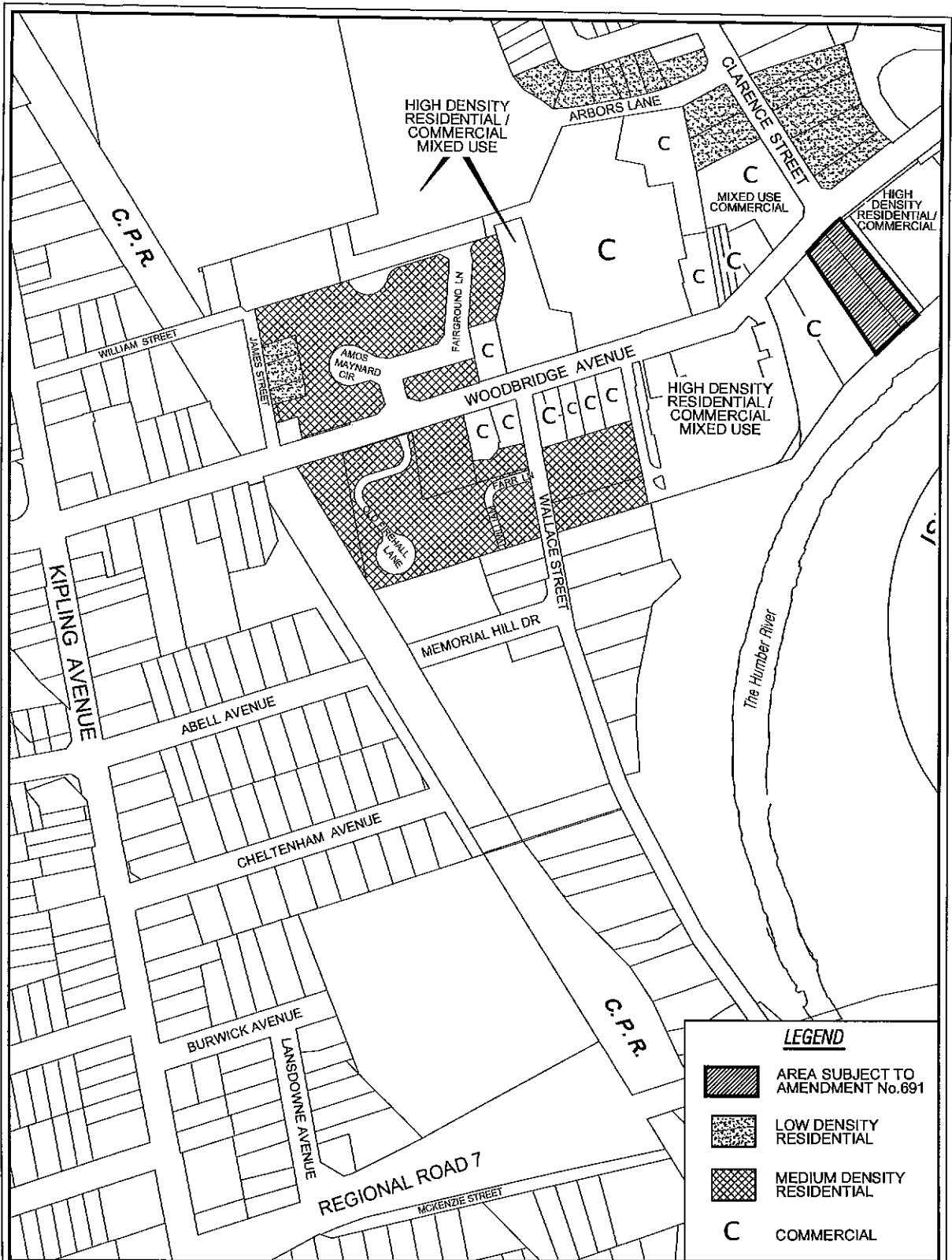
On June 23, 2008, Vaughan Council considered applications to amend the Official Plan and Zoning By-law (Files OP.06.009 and Z.06.023) and resolved the following:

- "1. THAT Official Plan Amendment File OP.06.009 (1504546 Ontario Inc.) BE APPROVED to amend OPA #240 (Woodbridge Community Plan), as amended by OPA #440, on the subject lands shown on Attachment #1, specifically to:
- i) permit an increase in the maximum net residential density in the "High Density Residential" designation from 99 units/ha to 288 units/ha, thereby increasing the number of units on the subject lands from 30 to 88 (increase of 58 units);
 - iii) increase the maximum permitted building height in the "High Density Residential" designation from 3-storeys to 4-storeys along Woodbridge Avenue and to increase the overall building height from 6 storeys to 7-storeys;
 - iii) permit fully enclosed parking to be located above grade;
 - iv) include the following policies into the implementing Official Plan Amendment:
 - a) the Toronto and Region Conservation Authority (TRCA) shall be satisfied that the proposed development and design of the building conforms to the Woodbridge Special Policy Area flood proofing requirements and that all technical studies be approved to their satisfaction as part of the site plan application process;
 - b) require that a Risk Assessment Study be submitted in support of a Site Development Application to the satisfaction of the City and TRCA;
 - c) require a Record of Site Condition to be registered and acknowledged by an Officer of the Provincial Ministry of the Environment, prior to the execution of a Site Plan Letter of Undertaking;
 - d) require an Emergency Management Plan to be submitted dealing with such matters as, but not limited to, building evacuation, timing of flood and overall SPA evacuation, prior to approval by the Ministers of Municipal Affairs and Housing and Natural Resources to demonstrate that development and site alteration will be carried out in accordance with flood proofing standards, protection works standards, so vehicular and people have a way of safety entering and existing the area during time of flooding and that the development will not create new hazards to the satisfaction of the TRCA;
 - e) require tiering of the building elevations from all yards;
 - f) require a minimum 6.8 m setback from the rear property line in order to provide a proper landscape interface between the proposed development and North Johnson Park;
 - g) require that sustainable building and site design features be incorporated into the development, to be reviewed through the Site Development Application process;




- h) include a provision requiring a 3 m road widening along Woodbridge Avenue, if determined to be necessary by the City of Vaughan Engineering Department;
- i) require that a traffic impact, access and parking study be submitted and approved, prior to the implementing by-law being enacted, in support of the Site Development Application; and,
- j) require that the parking garage be fully enclosed the design of which will be reviewed through the site plan approval process, to the satisfaction of the City.

2. THAT Zoning By-law Amendment File Z.06.023 (1504546 Ontario Inc.) BE APPROVED, specifically to amend By-law 1-88, to rezone the subject lands shown on Attachment #1 from C1 Restricted Commercial Zone to RA2(H) Apartment Residential Zone with the Holding Symbol "(H)" to facilitate the development of the subject lands with a 7-storey, 88 unit residential condominium apartment development with the following zoning exceptions:

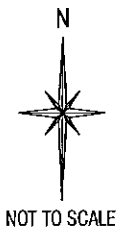
- i) a minimum front yard setback of 0 m, whereas the By-law requires a minimum front yard setback of 7.5 m;
- ii) a minimum rear yard setback of 6.8 m, whereas the By-law requires a minimum rear yard setback of 7.5 m;
- iii) a minimum interior side yard setback of 0.3 m, whereas the By-law requires a minimum interior side yard setback of 13.3 m;
- iv) a minimum lot area per unit of 34.8 m² per unit (based on a maximum of 88 units), whereas the By-law requires a minimum lot area of 80 m² per unit ;
- v) permit a minimum of 121 parking spaces, whereas the By-law requires a minimum of 154 parking spaces;
- vi) a reduced amenity area of 1,180 m², whereas the By-law requires a minimum amenity area of 3510 m²;
- vii) an increased lot coverage of 81%, whereas the By-law permits a maximum lot coverage of 50%;
- viii) access to the development shall be shared and off-site, whereas the by-law requires that an access be maintained on the same lot;
- ix) a reduced setback to portions of the building below grade of 0 m, whereas the By-law requires a minimum setback of 1.8 m to portions of buildings below grade;
- x) permit any other zoning exceptions that may be required to implement the final site plan, as may be approved by Council;
- xi) require that the Holding Symbol "(H)" not be removed until the sewer and water capacity have been identified and allocated by Council for the development of the subject lands."



LEGEND

-  AREA SUBJECT TO AMENDMENT No.691
-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
- C** COMMERCIAL

APPENDIX II EXISTING LAND USE OFFICIAL PLAN AMENDMENT No. 691



FILE No. OP.06.009
 RELATED FILE: Z.06.023
 LOCATION: Lot 7, Concession 7
 APPLICANT: 1504546 ONTARIO INC.
 CITY OF VAUGHAN

ATTACHMENT NO. 3

BY-LAW NUMBER - 2009

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are not in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

NOW THEREFORE the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as "Subject Lands" on Schedule "1", attached hereto from C1 Restricted Commercial Zone to RA2(H) Apartment Residential Zone with the addition of the Holding Symbol "(H)", in the manner shown on the said Schedule "1".
 - b) Adding the following Paragraph to Section 9.0 "EXCEPTIONS"
 - "(1341) A. The following provision shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1442", until the Holding Symbol "(H)" is removed pursuant to section 36(3) or (4) of the Planning Act:
 - i) Lands zoned with the Holding Symbol "(H)" shall be used only for a use legally existing as of the date of the enactment of By-law - 2009, or the production of field crops. The removal of the Holding Symbol "(H)" is contingent upon all of the following:
 - (i) The City of Vaughan and the Regional Municipality of York confirming the allocation of servicing capacity for the Subject Lands; and

(ii) a Site Development Application shall be approved by Council."

B. Notwithstanding the provisions of:

- a) Section 3.8 a respecting Minimum Parking Requirements;
- b) Section 3.13 respecting Minimum Landscaped Area;
- c) Section 3.17 respecting Portions of Buildings Below Grade;
- d) Section 4.1.6 (a) respecting Minimum Amenity Area;
- e) Section 4.1.8 and Schedule "A", respecting Minimum Zone Requirements in an RA3 Apartment Residential Zone;
- f) Section 4.11 and Section 4.1.7 respecting Uses Permitted in an RA3 Apartment Residential Zone;

the following provisions shall apply to the lands shown as "Subject Lands "on Schedule "E-1442 ";

- ai) the minimum apartment residential dwelling parking standard shall be provided at a rate of 1.375 spaces/unit, which includes visitor parking;
- aii) the driveway access **shall be above the Regional Storm Flood level and** may be located off-site and shared with the property to the east as shown on Schedule "E-1442";
- bi) the minimum landscape area shall be 9% of the lot area;
- bii) the minimum landscape strip abutting a street line (Woodbridge Avenue) shall be 0 m;
- ci) the minimum setback from the front lot line to the nearest part of a building below finished grade shall be 0 m (Woodbridge Avenue);
- di) the minimum amenity area shall be 3,290 m²;
- ei) the minimum lot area shall be 3063.75 m² and 34.8 m²/unit;
- eii) the maximum lot coverage shall be 82%;
- eiii) the minimum required yards shall be:
 - Front Yard (Woodbridge Avenue) - 0 m

- Interior Side Yard (east and west) - 0.3 m
- Rear Yard (south Humber River) - 6.8 m

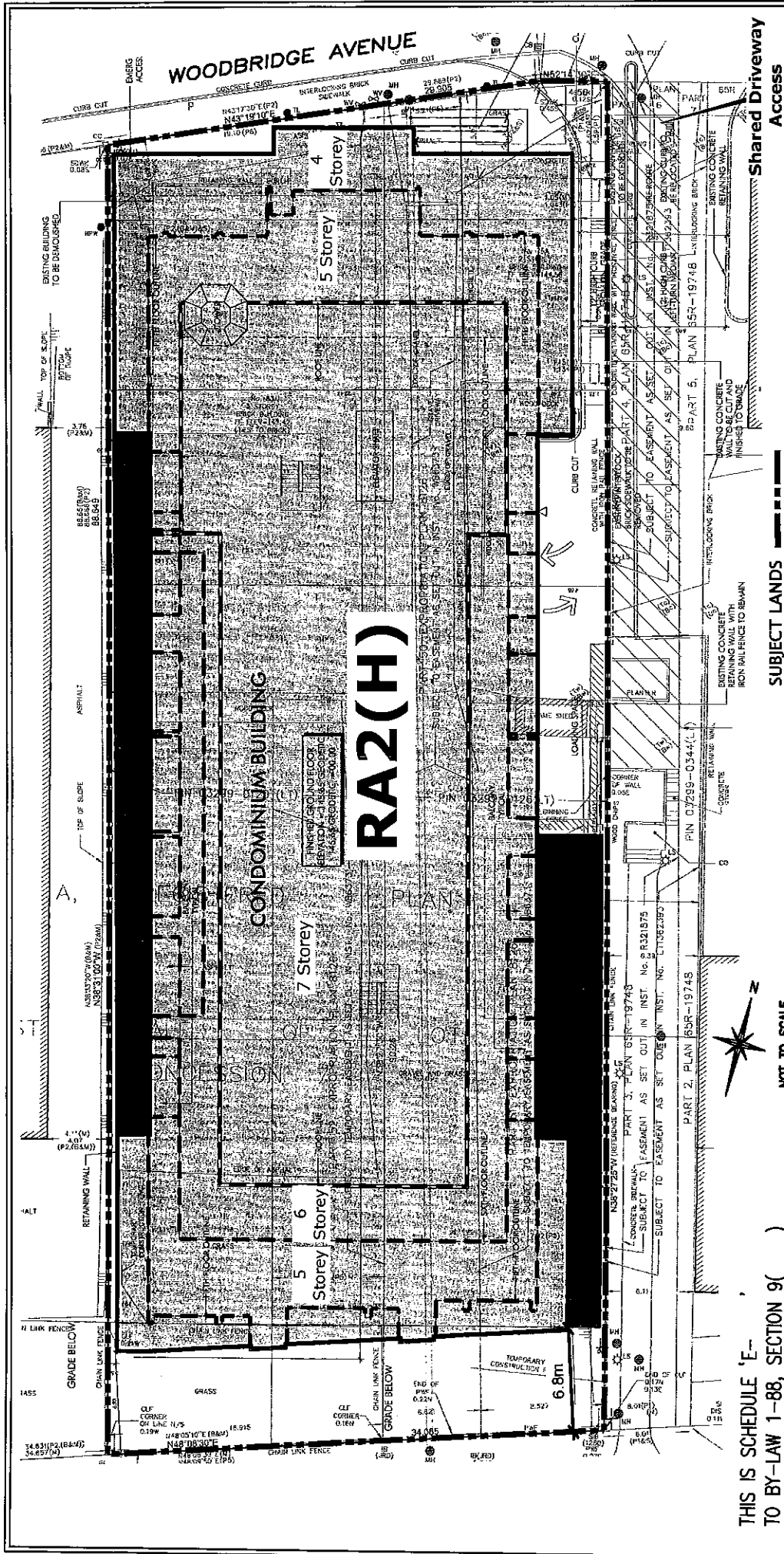
fi) the following uses shall be permitted:

- one tiered apartment residential dwelling as shown on Schedule "E-1442" attached hereto as Schedule "1":
 - 4-storeys along Woodbridge Avenue;
 - **maximum building height 6-storeys (excluding that portion of the building used for mechanical and/or penthouse units which shall be one-storey);**
 - gradual tiering in the rear with heights decreasing towards the open space area;
 - the maximum number of residential units shall be 88 units;
 - **emergency access from the building, all windows and openings, including emergency access routes, and all habitable living space, shall be above the Regional Flood Level.**

c) Adding Schedule "E-1442 " attached hereto as Schedule "1".

d) Deleting Key Map 7B and substituting therefor Key Map 7B attached hereto as Schedule "2".

2. Schedules "1" and "2" shall be and hereby form part of this By-law.

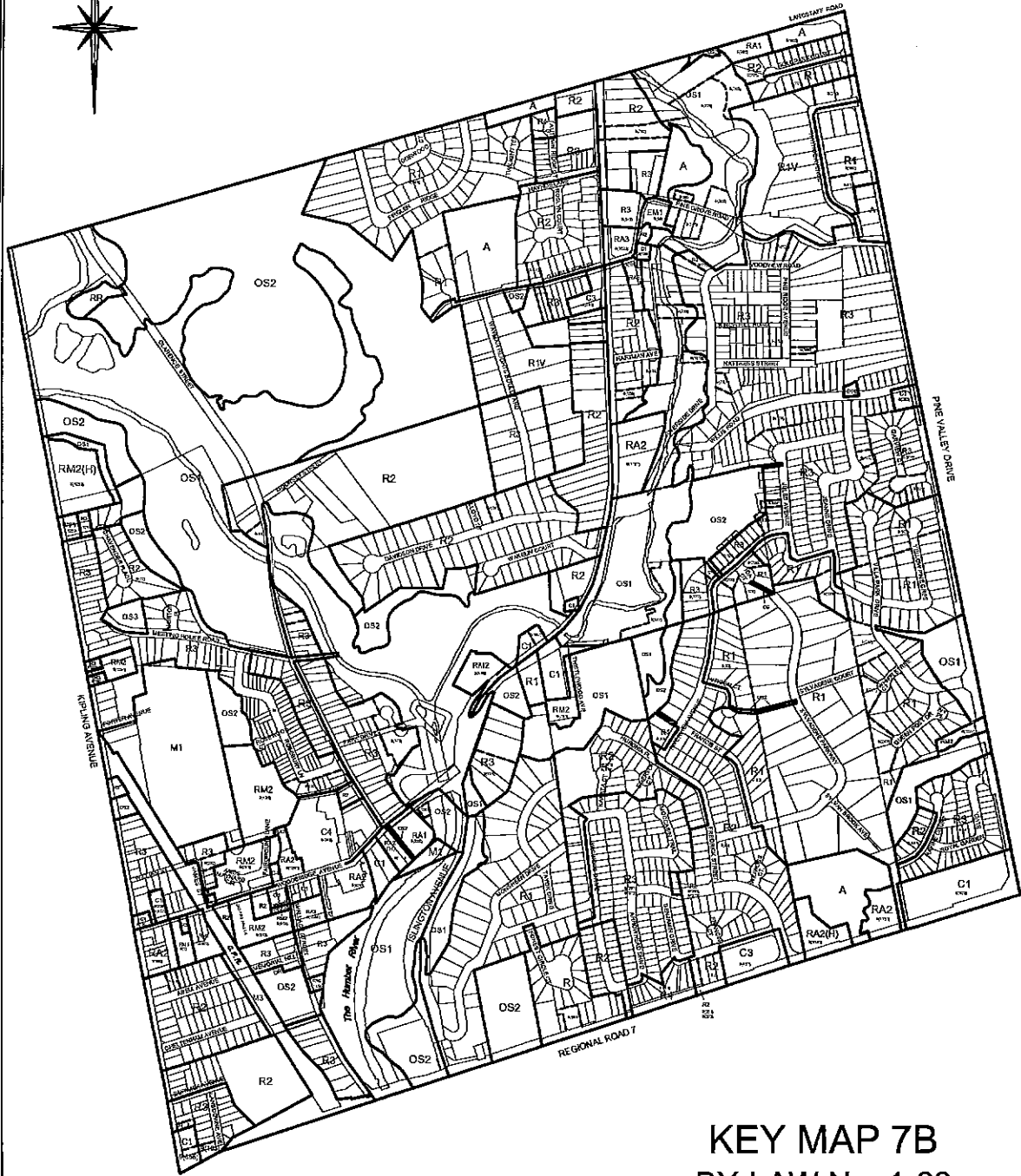
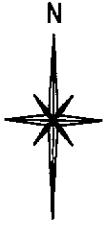


SIGNING OFFICERS
 _____ MAYOR
 _____ CLERK

THIS IS SCHEDULE '1'
 TO BY-LAW _____, 2009
 PASSED THE _____ DAY OF _____, 2009

THIS IS SCHEDULE 'E'
 TO BY-LAW 1-88, SECTION 9()

FILE No. Z06.023
 RELATED FILE No. OP.06.009
 LOCATION: Part of Lot 7, Concession 7
 APPLICANT: 1504546 ONTARIO INC.
 CITY OF VAUGHAN



KEY MAP 7B
BY-LAW No. 1-88

NOT TO SCALE

THIS IS SCHEDULE '2'
TO BY-LAW _____ - 2009
PASSED THE _____ DAY OF _____, 2009

FILE No. Z.06.023
 RELATED FILE No. OP.06.009
 LOCATION: Part of Lot 7, Concession 7
 APPLICANT: 1504546 ONTARIO INC.
 CITY OF VAUGHAN

SIGNING OFFICERS

MAYOR

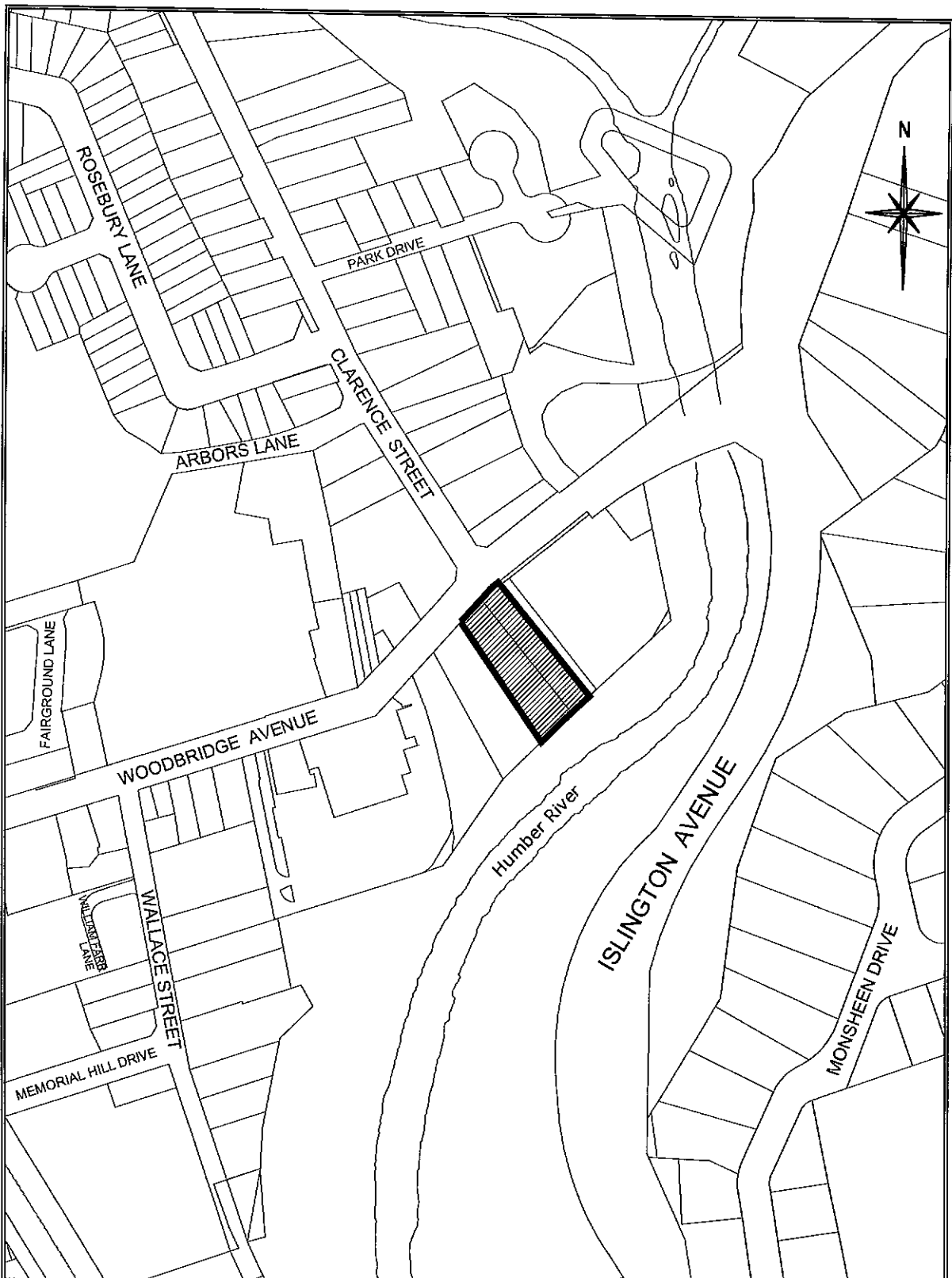
CLERK

SUMMARY TO BY-LAW - 2009

The subject lands are located on the south side of Woodbridge Avenue, west of Islington Avenue, being Part of Parcel A on Registered Plan 449, in Part of Lot 7, Concession 7, municipally known as 75 and 83 Woodbridge Avenue, City of Vaughan.

The purpose of this By-law is to rezone the subject lands from C1 Restricted Commercial Zone to RA2(H) Apartment Residential Zone with the addition of a Holding Symbol "(H)" to permit a residential development comprised of one tiered residential apartment dwelling with maximum building height along Woodbridge Avenue and gradually tiering to a maximum building height of 6-storeys (plus one additional storey used for mechanical and penthouse units), and then gradually decreasing in heights along the open space. In addition, the By-law priorities for the following exceptions:

- permit a maximum of 88 residential apartment dwellings
- the minimum lot area shall be 34.8m²
- minimum yard requirements as follows:
 1. Front Yard - 0 m along Woodbridge Avenue
 2. Interior Side Yards (east and west) - 0.3 m
 3. Rear Yard - 6.8 m
- provides for the addition of the Holding Symbol "(H)" until servicing is been allocated, a Site Development Application has been approved by Vaughan Council, and Official Plan Amendment OPA #691 comes into full force and effect
- minimum lot area and amenity area
- parking to be provided at a rate of 1.375 residential apartment dwelling
- this By-law shall not come into full force and effect until such time as OPA #691 is approved by the Provincial Ministries and the Region of York, and is in full force and effect



NOT TO SCALE

LOCATION MAP TO BY-LAW _____ - 2009

FILE No. Z.06.023
RELATED FILE No. OP.06.009
LOCATION: Part of Lot 7, Concession 7
APPLICANT: 1504546 ONTARIO INC.
CITY OF VAUGHAN

