


I, JOHN D. LEACH, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 586 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, with modifications, as per Order #1714, dated December 17, 2002.



JOHN D. LEACH
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 22nd day of January, 2003.

ISSUE DATE:

Dec. 17, 2002

DECISION/ORDER NO:

1714



PL010903

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Lanada Investments Limited and Windleigh Millenium Incorporated have appealed to the Ontario Municipal Board under subsection 38 (4) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, against Zoning By-law 441-2001 of the City of Vaughan
OMB File No. R010243

Lanada Investments Limited has appealed to the Ontario Municipal Board under subsection 34 (11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan, as amended, to rezone lands respecting 8334 Islington Avenue from R2-Residential and R3-Residential to RA2-Apartment Residential to permit the development of a 64 unit seniors' apartment building
OMB File No. Z010134

Lanada Investments Limited has appealed to the Ontario Municipal Board under subsection 22 (7) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate lands known municipally as 8334 Islington Avenue from Low Density Residential to High Density Residential to permit the development of a 64 unit seniors' apartment building

OMB File No. 0010166

(09.00-020)

APPEARANCES:

Parties

Lanada Investments Limited

Sierra Club of Canada

Pat Pilleteri

City of Vaughan

Counsel

G. Borean

R. Boutis

F. Souza

O. Fatigati

RECEIVED

DEC 19 2002

CITY OF VAUGHAN
CLERKS DEPARTMENT

**DECISION DELIVERED BY J. de P. SEABORN AND G. C. P. BISHOP
AND PARTIAL ORDER OF THE BOARD**

The matters before the Board are appeals by Lanada Investments Limited (Lanada) from the refusal or neglect of the Council of the City of Vaughan (City) to enact an Official Plan Amendment and Zoning By-law Amendment in connection with a proposal to construct a 64 unit apartment building. In addition, Lanada has also

appealed an Interim Control By-law enacted by the City pursuant to subsection 38(4) of the *Planning Act*.

At the commencement of the hearing the Board was advised that Lanada and the City had reached an agreement and as a result of changes made to the proposal, the parties filed revised planning amendments with the Board and called two expert witnesses who testified in connection with the revised proposal. Given the expiration of the Interim Control By-law, Lanada's appeal of By-law 441-2001 was withdrawn at the outset of the hearing.

By way of background, the appeals before the Board were the subject of previous pre-hearing conferences and joined with similar appeals launched by Pinegrove on the Humber (Pinegrove) and Windleigh Millennium Inc. (Windleigh). The Board had originally intended to hear the three appeals one after another, with witnesses from the City testifying at the outset of the three hearings in connection with a study referred to as the IBI Islington Avenue Corridor Land Use Study (IBI Study). The Board's Decision and Procedural Order issued November 1, 2002 set out the timing and procedures to be followed for the hearing. In light of the settlements reached in connection with the Lanada and Pinegrove appeals, at the request of the parties, the Board heard evidence on those matters and the hearing in connection with the Windleigh appeals will commence on December 9, 2002.

Mr. Levine, a planner retained by the City, explained that the IBI Study was initiated in response to a number of development applications in respect of lands within the Islington Avenue Corridor and as a result of concerns of area residents. The purpose of the IBI Study was to examine existing and future land uses for properties fronting on Islington Avenue from Langstaff Road to Woodbridge Avenue. The study addressed key planning issues, provided a series of recommendations and a land use plan for the area and is intended to form the basis for the preparation of secondary Official Plan policies for the area.

Mr. Weston testified that Lanada owns a 0.608 hectare parcel of land on Islington Avenue, south of Langstaff Road in the City. The lands are currently designated Low Density Residential under OPA 240 and the original proposal was to seek a re-designation to High Density Residential to permit a five storey, 64 unit seniors/empty

nesters apartment complex. The revised planning amendments seek to re designate the property from Low Density Residential to Medium Density Residential, consistent with the City's view of how the Islington Avenue Corridor should be developed. The project has been modified to provide for buildings no higher than 3 ½ storeys, with a maximum permitted density of 0.5 F.S.I., with a provision for bonusing. The number of units have been scaled back from the original proposal and the most likely configuration on the site is for a combination of townhouses and garden court apartments. The final configuration will be addressed as part of the site plan process. The details of the settlement reached between the parties is set out in the proposed Official Plan Amendment, Attachment "1" and zoning regulations, Attachment "2". Mr. Weston testified that the modification to OPA 240 and the proposed zoning regulations have regard to the Provincial Policy Statement and the City's Official Plan and constitute good planning.

As a result of the agreement reached between Lanada and the City, the Sierra Club of Canada and Pat Pilleteri each withdrew their objections to the appeals. Mr. Levine testified that the settlement is consistent with the objectives and recommendations of the IBI Study and that the City supports the planning amendments provided to the Board.

Mr. Miller, a participant, provided evidence to the Board indicating that he objects to over intensification of the Islington Avenue Corridor. Mr. Miller is concerned that even under the revised proposal, the number of units that can be built by Lanada exceed those recommended in the IBI Study.

The Board accepts the evidence of Mr. Levine and Mr. Weston and finds that the application, as amended, has regard to the provincial interest and constitutes good planning. In arriving at this conclusion, the Board has considered the evidence of Mr. Miller and notes that the revised project represents considerable work among the parties to arrive at a development proposal that is consistent with the recommendations and conclusions contained in the IBI Study. The IBI Study was conducted with significant public participation from the area residents and Mr. Levine's opinion was that the application, as amended, is consistent with the objectives of the study. The Board relies on the opinion of Mr. Weston that the revised project represents a significant reduction in the density proposed in the original application. There was no expert

evidence offered to the Board to contradict the opinions provided by Mr. Levine and Mr. Weston and the Board finds that the settlement reached represents an appropriate compromise. The decision of the Board is as follows:



1. The Board will allow the appeal under subsection 22(7) of the *Planning Act* and Orders that Official Plan Amendment No. 240 to the Official Plan for the City of Vaughan is modified in the manner set out in Attachment "1", and as so modified is hereby approved.

2. The Board will allow the appeal under subsection 34(11) of the *Planning Act* and By-law 1-88 of the City of Vaughan is amended consistent with the zoning regulations set out in Attachment "2".

At the request of the parties, the Board will withhold the Order with respect to the By-law amendment to permit an opportunity for the precise language to be agreed upon in accordance with the zoning regulations, which are set out in Attachment "2". The parties are to advise the Board of the status of the By-law amendment within six months of the date of this decision. This panel of the Board will remain seized of the matter until such time as the Order is issued in connection with the amendment to the By-law.

So Orders the Board.

"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

"G. C. P. Bishop"

G. C. P. BISHOP
MEMBER

AMENDMENT NUMBER 586
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text and Schedules "1" and "2" to Amendment Number 586 of the Official Plan of the Vaughan Planning Area constitutes Amendment Number 586.

Also attached hereto, but not constituting part of this Amendment are Appendices "I" and "II".

November 28, 2002

I. PURPOSE

The purpose of this Amendment is to further amend the provisions of the Official Plan of the Vaughan Planning Area as amended by Official Plan Amendment No. 240 by redesignating the subject lands from "Low Density Residential" to "Medium Density Residential" in order to permit a residential development consisting of block townhouses and low-rise apartment units. This Amendment is in response to the recent Islington Avenue Corridor Study and emerging Secondary Plan Amendment policies carried out by the City of Vaughan.

II. LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands" are shown on Schedules "1" and "2" attached hereto as "Area Subject to Amendment No. 586". The lands are located on the west side of Islington Avenue, south of Gamble Street, known municipally as 8334 Islington Avenue, in Part of Lot 26, Registered Plan M-1106, in the City of Vaughan.

III. BASIS

The decision to amend the Official Plan to permit the development of the subject lands for medium density townhouse or low-rise apartment residential development is based on the following considerations:

1. The designation in the proposed Islington Avenue Land Use Study, 2002.
2. The proposed development promotes higher densities along an arterial road, thereby utilizing existing infrastructure within the City. A traffic report demonstrates that the existing transportation infrastructure can accommodate the proposed development.
3. The Region of York Official Plan supports residential intensification along arterial roads.
4. Policy in OPA #240 (Section 3.2 (e)) encourages this housing form in close proximity to commercial and public facilities. The proposed development is adjacent to a new 820m² local shopping centre and is located on the south west corner of Islington Avenue and Gamble Street. In addition the subject lands are located within close proximity of the historic "Woodbridge" core area, place of worship (located just north of Hayhoe Lane) and public open space.
5. The proposed development complements the mix of residential, institutional and commercial uses located along Islington Avenue.
6. The subject lands have a key lot shape. The proposed development allows for the opportunity for the surrounding lands along Islington Avenue to be developed in a

comprehensive manner, as recommended in the Islington Avenue Land Use Study, 2002, for medium density residential uses.

7. The existing and sharply rising lands at the rear of the subject lands acts as an appropriate buffer between the proposed development and the single detached dwellings that front Waymar Heights Boulevard.

IV. DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

The Official Plan of the Vaughan Planning Area (OPA #240) is amended as follows:

1. Amending Schedule "A" of OPA #240 - by redesignating the lands subject to this Amendment No. 586 from "Low Density Residential" to "Medium Density Residential", in the manner shown on Schedule "2", to permit townhouses, garden court and/or low-rise apartment units.
2. Notwithstanding the provisions of paragraph 3.3 (b) of OPA #240, in regard to Neighbourhood 1 the permitted density for Medium Density Residential development on the lands on the west side of Islington Avenue, south of Gamble Street, known municipally as 8334 Islington Avenue, in Part of Lot 26, Registered Plan M-1106, in the City of Vaughan is 35 units per gross hectare for the attached townhouses, and/or at a Floor Space Index of 0.5 for stacked townhouses, garden court units or low-rise apartments. *back to back townhouses*
3. Maximum building height shall be 3.5 storeys with the actual height measurement in the Zoning By-law and at final Site Plan.
4. Add, paragraph 3.4 ~~(b)~~ of OPA #240, lands located on the west side of Islington Avenue, south of Gamble Street, known municipally as 8334 Islington Avenue, in Part of Lot 26, Registered Plan M-1106, in the City of Vaughan shall be developed for block, street or stacked townhouses and/or garden court or low-rise apartment units. *back to back - townhouses or*
5. Adding the following policies to OPA 240 as they relate to this Amendment;

1.0 GOALS

1.1 General

- i) To augment and complement the existing residential community within, and surrounding, the Islington Avenue Land Use Study (2002) area, in a manner which respects the existing scale and residential character of the area.

1.0 GOALS

1.1 General

- i) To augment and complement the existing residential community within, and surrounding, the Islington Avenue Land Use Study (2002) area, in a manner which respects the existing scale and residential character of the area.
- ii) To respond to the development pressures by identifying suitable opportunities for redevelopment, taking into consideration the environmental, traffic, urban design and planning environment.

1.2 Residential

- i) To implement the intent of the Provincial Policy Statements and Regional Official Plan, as it relates to residential intensification.
- ii) To identify suitable locations within the Islington Avenue Land Use Study area to accommodate residential intensification.
- iii) To identify a range of suitable residential densities and built forms that would provide compatible integration to the existing community and respect the areas existing scale and residential character.

1.3 Urban Design

- i. To respect and protect the existing scale and character of the Amendment Area.
- ii. To recognize and protect the existing landscape character of the Study Area, including vegetation.
- iii. To identify Sub-Areas or Pockets within the Islington Avenue Land Use Study area for community enhancement.
- iv. To establish general urban design guidelines to address the form and massing of any new development and the organization and relationship of new development to public and private open space.

1.4 Transportation and Servicing

- i) To ensure that all new development occurs on the basis of full services including sanitary sewers, storm sewers and piped water supply.
- ii) To ensure that municipal services improvements, including transportation improvements required to accommodate new development are in place or will be in place, prior to development proceeding.

2.0 RESIDENTIAL POLICIES

2.1 General Policies

- i) Prior to site plan approval of residential development a noise report describing noise abatement measures and buffering/screening shall be submitted to the satisfaction of the City, Region of York and Ministry of Environment; a traffic impact study to the satisfaction of the City of Vaughan and Region of York; and, any other or future technical studies i.e., geotechnical, tree inventory etc., required by the City and other agencies. The geotechnical study will particularly address slope stability and final determined toe of slope for the Amendment area.
- ii) In Medium Density Residential areas, the permitted uses shall be en-bloc, stacked or street townhouses, garden-court units or low-rise apartments. Any new residential development within the medium Density Residential designation, as depicted on Schedule 2, shall not exceed 3.5 storeys in height.
- iii) The entire land area of 0.608 hectares shall be used for the purpose of calculating density.
- iv) For the purpose of calculating density in the medium density designations the Floor Space Index (FSI) means the ratio of gross floor area to the lot area. The gross floor area means the total of all floors in a building above or below grade, measured from the outside of the exterior walls but excluding vehicular parking areas within the building.
- v) Street Townhouses and block townhouses shall be permitted at 35 units per hectare.
- vi) Garden court units, low-rise apartments, back-to-back townhouses, and stacked townhouses shall be permitted at a FSI of 0.5.
- vii) Residential development based upon both of the housing forms in paragraphs v) and vi) above may be permitted on a site. The density permitted should be based upon the proportional amount of land area for each housing group.
- viii) Notwithstanding the maximum densities permitted on lands designated Medium Residential Density on Schedule "A", additional bonus density of up to 10% the maximum may be permitted, subject to the criteria identified below.
 - a. Landscaping
 - ai) Provision of linkages from public streets to open space and parkland areas by way of interconnecting walkways and trails.

aii) Landscape areas in excess of the normal minimum required and landscape material in excess of the City's standard requirements.

- b. Provision of public facilities
- c. Provision of additional Parkland or cash-in-lieu of parkland in excess of the required parkland dedication.
- d. Provision of Senior Citizen Housing, where the development includes a central dining facility, with limited den-suite kitchen facilities, and unit size is appropriate for seniors oriented housing.

(ix) ~~ix~~ All Medium Density development shall be subject to site plan control which will ensure, among other things, adequate on-site parking, amenity space, setbacks, landscaping, parking and internal road circulation are provided.

(x) ~~x~~ Prior to the development of the medium-density residential block, a site specific Zoning By-law Amendment must be approved pursuant to the Planning Act.

(xi) ~~xi~~ Development of the medium density residential block will be by Condominium and/or Site Plan Approval pursuant to the Planning Act.

(xii) ~~xii~~ Prior to Site Plan approval the City shall have approved a storwater management plan for the development.

(xiii) ~~xiii~~ Prior to Site Plan approval or any other development approval, the City shall have approved a tree preservation and landscaping plan for the site.

3.0 URBAN DESIGN POLICIES

3.1 General Policies

- a) Urban Design Guidelines shall be approved by Council and all new development shall be reviewed and considered within the context of these guidelines.
- b) The Urban Design policies contained within this section provide design direction for any new development,
- c) Any new development is to be designed in a manner that is complementary to the overall character of the area.
- d) Any new residential development shall have regard to the following design criteria:
 1. Buildings should be sited to promote positive building-to-street relationships;

2. Reverse lot development should be discouraged along Islington Avenue;
3. In areas where "medium-density" is introduced adjacent to single-family housing, there must be an appropriate transition in scale and building form;
4. Buildings should generally be oriented east west to avoid creation of building walls parallel to Islington Avenue. Where lot sizes do not allow this, length of buildings should be limited with visual breaks in between or set back from Islington Avenue;
5. Entrances should be located along Islington Avenue or close to the Islington Avenue frontage to maintain "eyes on the street";
6. Building massing and volumes should respect the existing single-family character predominant in the area;
7. Buildings should be arranged to create pedestrian comfort in courtyards and private/shared open spaces;
8. Common areas such as courtyards or gazebos visible from Islington Avenue should be encouraged;
9. Where possible roofing types and pitches should be consistent with those existing in the Islington Avenue Land Use Study Area;
10. Above-ground parking should not be visible from the street or be located within the front yard setbacks.
11. Under-ground parking shall be encouraged for the following housing types: en-bloc, stacked or street townhouses, garden-court or apartments. Entrances to underground garages should be located away from the street.
12. Landscaping for above-ground parking areas should screen parking from Islington Avenue;
13. A maximum driveway width for medium-density developments should be established and controlled at the time of Site Plan application;
14. Service areas should not be located along Islington Avenue or be visible from the street;
15. Service areas should be integrated into the building or be screened with fencing and landscaping;

16. Preservation of existing trees should be enforced through By-law and/or Site Plan agreements;

17. Private amenity space or publicly accessible amenity space along Islington Avenue should be encouraged; and

4.1 Servicing

- i) All new development shall be serviced by sanitary and storm water sewers, piped municipal water, hydro and other utilities. The design of these services shall comply with the current standards of the City, to the satisfaction of the City Engineer and to the standards of the various public and private utilities concerned.
- ii) Prior to the City of Vaughan approving any development application, a stormwater drainage plans for the drainage areas in which the proposed development is located shall be prepared to the satisfaction of the City of Vaughan and the Toronto and Region Conservation Authority (T.R.C.A.). Such stormwater management plans shall ensure that downstream flows do not exceed the existing pre-development flows including that resulting from the Regional Storm, unless otherwise approved by the City of Vaughan and the T.R.C.A.
- iii) New development will be dependent upon the availability of sufficient water and sanitary supply. The City and/or the Region of York must confirm capacity and allocation prior to the approval of any new development.

4.2 Transportation

- i) The Road Classification is shown in Official Plan Amendment 240. The design shall be in accordance with current City standards.
- ii) Prior to Site Plan approval or any other development approval, a site specific traffic impact study is required to be submitted to the satisfaction of the City of Vaughan and Region of York. The City of Vaughan shall monitor the overall traffic capacity of the surrounding road network to ensure sufficient capacity exists prior to approving any development.
- iii) Parking and sidewalks on all streets shall be controlled and regulated in accordance with design classification.

V. IMPLEMENTATION

1. It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands should be implemented by way of an

Amendment to the Vaughan Zoning By-law and Site Development Agreement, pursuant to the *Planning Act*.

2. Holding Provisions

a) Council may, in a By-law passed pursuant to the provisions of the Planning Act, R.S.O. 1990, zone lands for their intended purpose and further impose a holding provision by use of the "H" symbol, in accordance with the following provisions, namely:

a. Where the lands are designated Medium or High Density Residential and a plan of condominium has received draft approval or where a proposal has been received which conforms to the intent of this Plan and development is to proceed by means of a Site Plan Agreement.

b) No development of those lands affected by a holding provision shall be permitted and Council shall not remove the Holding Symbol until such time as the proposal has been approved by all relevant Municipal, Regional and Provincial agencies and bodies and the necessary agreements have been registered on title to ensure that all the provisions of this Plan, and, as may be applicable, the conditions of draft approval have been complied with.

3. Site Plan Control

a) It is the policy of this Plan that all the lands within the Secondary Plan Area shall be designated as an area of proposed Site Plan control in accordance with the provisions of The Planning Act, R.S.O. 1990.

b) It is further the policy of this Plan that single family detached dwelling units on lots exceeding 12m in frontage maybe exempt from Site Plan Control.

4. Plans of Subdivision

a) It shall be the policy of this Plan to approve only those plans of subdivision and condominium which comply with the designations and policies of this Plan, and which, to the satisfaction of Council, can be supplied with adequate municipal servicing and community facilities such as schools, fire protection and roads.

VI. INTERPRETATION

- a. 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.

- b. The boundaries between the land use designations shown on Schedule "A" and "B", are approximate, except where they coincide with roads and valleylands or other clearly defined physical features. Minor adjustments will not require an amendment to this Plan as long as the intent of its policies is maintained.

LOCATION: PART LOT 26, REGISTERED PLAN M-1106
DATE: 02 / 11 / 27
SCALE: N.T.S.

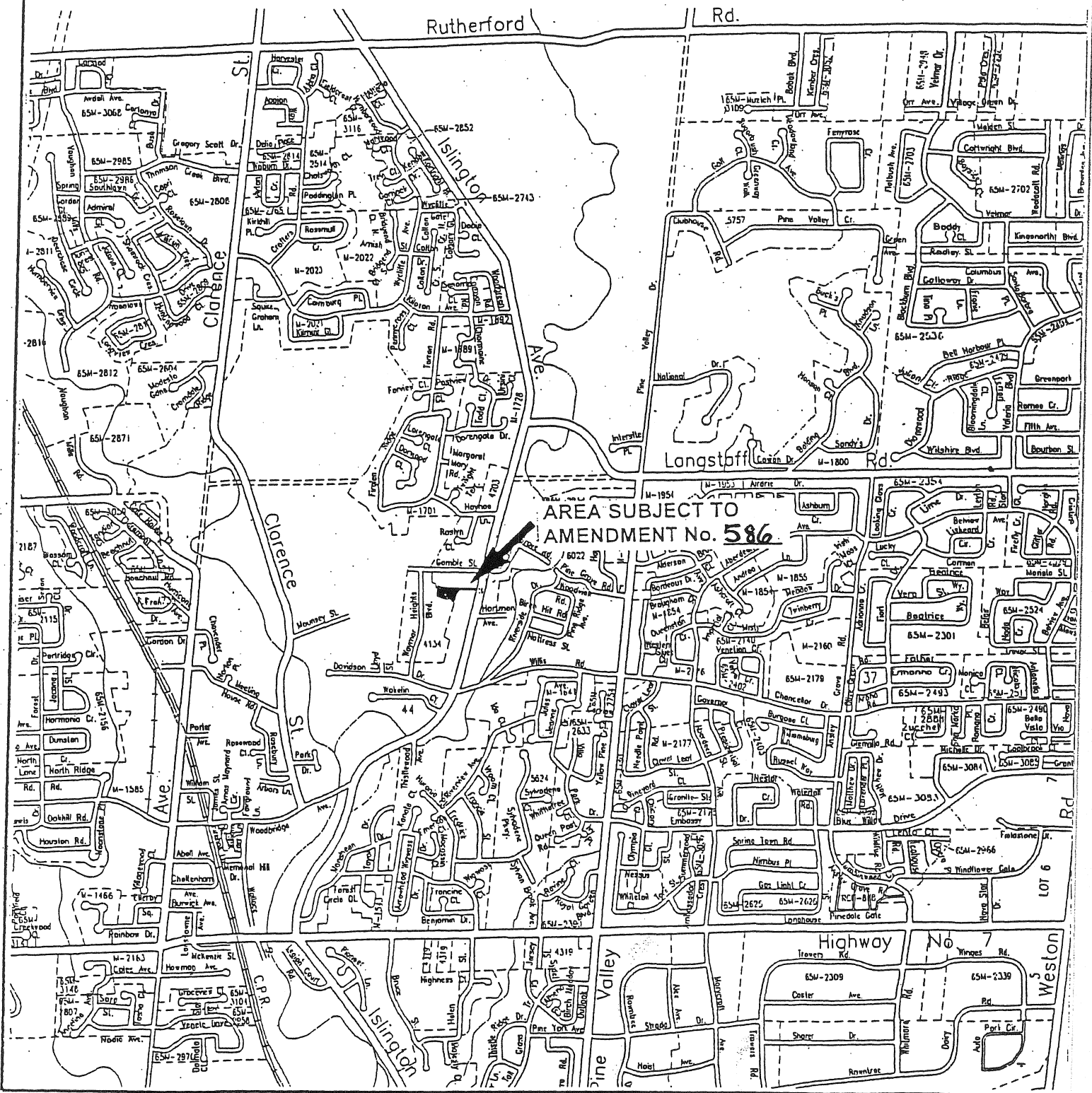
THIS IS SCHEDULE '1'
TO AMENDMENT No. 586
ADOPTED THE ___ DAY OF ___, 2002

SIGNING OFFICERS

BOARD ORDER #1714
December 17, 2002

MAYOR

CLERK



LOCATION: PART LOT 26, REGISTERED PLAN M-1106
DATE: 02 / 11 / 27
SCALE: N.T.S.

THIS IS SCHEDULE '2'
TO AMENDMENT No.
ADOPTED THE ___ DAY OF ___, 2002

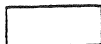


SIGNING OFFICERS

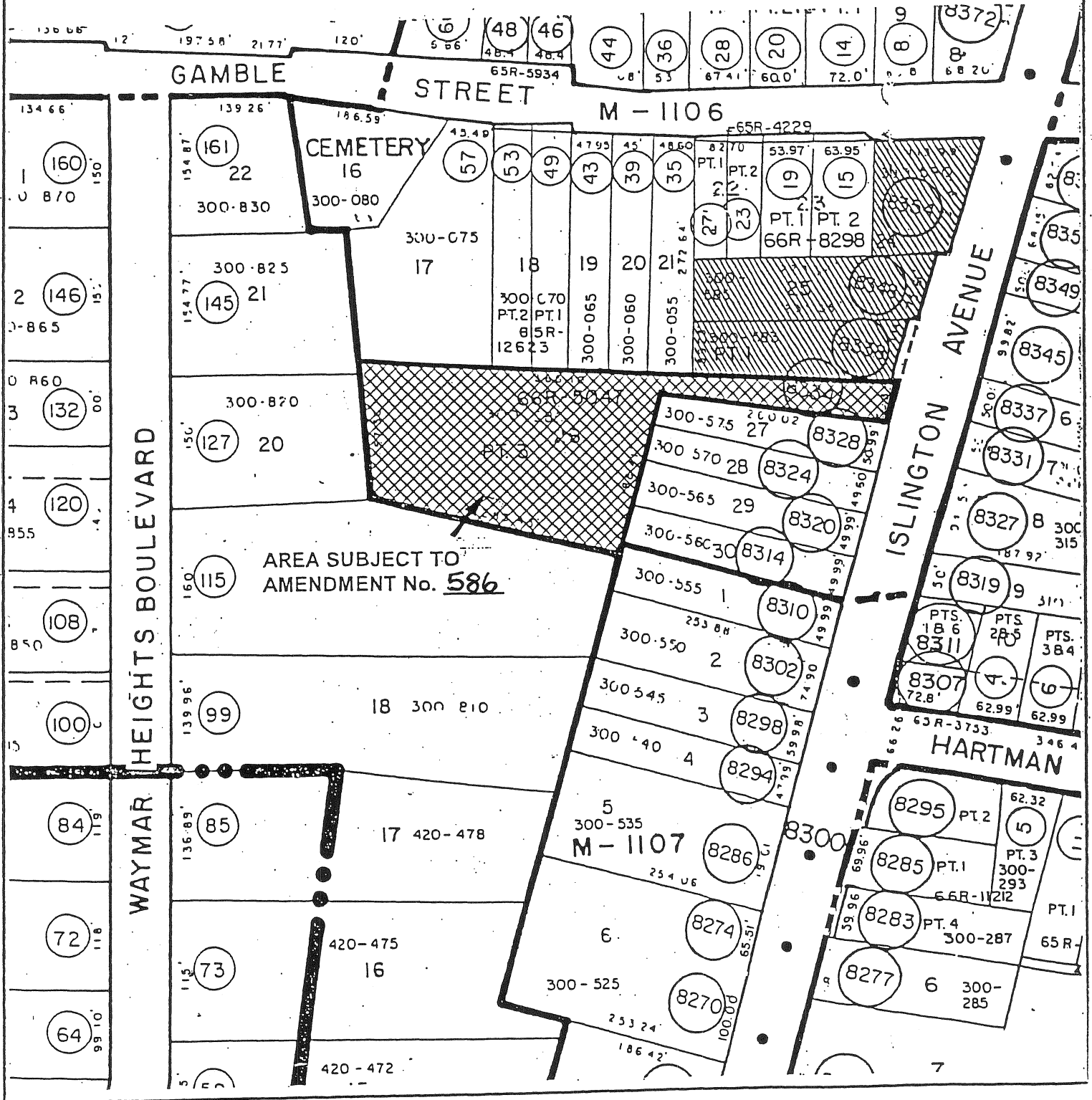
BOARD ORDER #1714
December 17, 2002

MAYOR

CLERK

LEGEND

-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  COMMERCIAL



APPENDIX I

The subject lands are located on the west side of Islington Avenue, south of Gamble Street, known municipally as 8334 Islington Avenue, in Part of Lot 26, Registered Plan M-1106, in the City of Vaughan.

The subject lands have a lot area of approximately 0.608 hectares and are currently designated "Low Density Residential" by OPA #240. The purpose of the amendment is to redesignate the subject lands from "Low Density Residential" to "Medium Density Residential" to permit a development for townhouses, garden court units and/or low-rise apartment units.

APPENDIX II




EXISTING LAND USE

OFFICIAL PLAN AMENDMENT No. 240
CITY OF VAUGHAN

LOCATION: PART LOT 26, REGISTERED PLAN M-1106

DATE: 02 / 11 / 27
SCALE: N.T.S.

LEGEND

-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  COMMERCIAL

