

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 644 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, as per Order #2639, dated September 20, 2006.



JOHN D. LEACH
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 23rd day of November, 2006.

ISSUE DATE:

Sept. 20, 2006

DECISION/ORDER NO:

2639



Ontario

Ontario Municipal Board

RECEIVED

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CITY OF VAUGHAN

WORKS DEPARTMENT

Commission des affaires municipales de l'Ontario

Bruno Lisi and Michael Andreatta have 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 land located at 8018, 8026, 8032 and 8048 Kipling Avenue from "Medium Density Residential" to "High Density Residential" to permit the development of a 6-storey, 140-unit tiered residential condominium building with underground parking and 17 town homes fronting on Kipling Avenue

Approval Authority File No. OP.05.011

O.M.B. File No. O050202

Bruno Lisi and Michael Andreatta have 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, as amended, of the City of Vaughan to rezone lands located at 8018, 8026, 8032 and 8048 Kipling Avenue from "R3 Residential Zone" and "M1 Restricted Industrial Zone" to "RA2 Apartment Residential Zone" to permit the development of a 6-storey, 140-unit tiered residential condominium building with underground parking and 17 town homes fronting on Kipling Avenue

O.M.B. File No. Z050166

Bruno Lisi and Michael Andreatta have referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lots 7 and 8, Concession 8, Being Lots 10, 11 and 12, on Plan 546, municipally known as 8018, 8026, 8032 and 8048 Kipling Avenue, in the City of Vaughan

O.M.B. File No. M050151

APPEARANCES:

Parties

Bruno Lisi and Michael Andreatta

City of Vaughan

Canadian Pacific Railway

Counsel

J. Alati

C. Storto

N. Smiley

MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY AND D. BARBIR ON APRIL 28, 2006 AND PARTIAL ORDER OF THE BOARD

The Applicants, Bruno Lisi and Michael Andreatti, have proposed a condominium development on four residential lots located at 8018, 8026 and 8048 Kipling Avenue in the City of Vaughan. This development requires amendment to the Official Plan to re-

designate the subject lands from 'Medium Density Residential' to 'High Density Residential'. A Zoning By-law amendment is also required to rezone the lands from 'R3 Residential Zone' and 'M1 Restricted Industrial Zone' to 'RA 2 Apartment Residential Zone'. Council for the City failed to make a decision on these applications and on this basis, the Applicants have appealed to the Board. Also before the Board is the referral of the Site Plan for determination and settlement of details.


At the commencement of the hearing the Board was advised that a settlement had been reached by the parties.

The Board heard evidence from the Appellant's Planner Michael Goldberg on the details of the proposal, surrounding land uses and on the applicable planning instruments. Mr. Goldberg testified that in his opinion the proposed development represents good planning; it conforms to the Provincial Policy Statement, the York Region Official Plan and is in the public interest. Mr. Goldberg further testified that the proposed use is appropriate to the area, which would benefit considerably from this redevelopment and intensification. Mr. Goldberg provided evidence that the City is satisfied with the associated studies submitted by the Applicant, including traffic, environmental, cultural heritage and noise. Mr. Goldberg's opinion is that there would be no significant impacts on the adjacent lands from the proposed development.

With respect to water and sewage allocation there was a Holding ("H") provision contemplated for the zoning because at the time of the hearing the City had approved only certain units of the proposed development. Subsequent to the hearing, the City informed the Board that an "H" provision would no longer be necessary because on June 26, 2006, Council for the City of Vaughan approved the sewage allocation for the entire project. All parties have consented to the elimination of the "H" provision.

The Board accepts the uncontested evidence of Planner Michael Goldberg and is satisfied that the proposal represents good planning and is in the public interest.

Accordingly, the Board orders as follows:

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1. The Appeal under subsection 22(7) of the *Planning Act* is allowed and the Official Plan of the Vaughan Planning Area is amended as set out in Attachment "1" to this Order;

2. The Appeal under subsection 34(11) of the *Planning Act* is allowed and the City of Vaughan is directed to amend By-law No. 1-88 as set out in Attachment "2" to this Order; and
3. The Board will withhold its Order with respect to the Site Plan marked as Exhibit "4" in this hearing until the completion of the site plan details, including determination of access to the CP Railway site immediately west of the subject property. Those details have yet to be resolved to the satisfaction of all parties.

The Board may be approached should difficulty arise with respect to site plan details.

This panel remains seized.

This is the Order of the Board.

"K. J. Hussey"

K. J. HUSSEY
MEMBER

"D. Barbir"

D. BARBIR
MEMBER

ATTACHMENT 1

DRAFT OFFICIAL PLAN AMENDMENT NO. (644)
(Bruno Lisi)
FILE: OP.05/011
OMB Hearing

**AMENDMENT NUMBER (644)
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number (644) to the Official Plan of the Vaughan Planning Area and Schedule "1" constitute Amendment Number (644).

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

PURPOSE

The purpose of this Amendment to the Official Plan is to amend the provisions of the Official Plan of the Vaughan Planning Area respecting Amendment No. 240 (the Woodbridge Community Plan), as amended by OPA#356. The subject Amendment will redesignate the lands shown as "Area Subject to Amendment No. 644 on Schedule "1" hereto from "Medium Density Residential" to "High Density Residential" to permit a 5-storey condominium building with 102 residential units, fourteen (14) 3-storey semi-detached residential units and one (1) 3-storey single detached dwelling and provide the appropriate development policies to ensure quality development compatible with the surrounding land uses.

LOCATION

The lands subject to this Amendment (hereinafter referred to as "Subject Lands), are shown on Schedules "1" attached hereto as "Area Subject to Amendment No. 644". The subject lands are located on the west side of Kipling Avenue, north of Woodbridge Avenue, being Lots 10, 11 and 12 on Plan 546, in Lots 7 and 8, Concession 8, (municipally known as 8018, 8026, 8032 and 8048 Kipling Avenue), City of Vaughan.

BASIS

The decision to amend the Official Plan to redesignate the Subject Lands from "Medium Density Residential" to "High Density Residential" to permit a 5-storey condominium apartment building, fourteen (14) semi-detached residential units and one (1) single detached dwelling unit is based on the following considerations:

1. The proposal is consistent with the Provincial Policy Statement (PPS) which supports efficient land use, a range and mix of housing types and densities, residential intensification and the use of public transit. The proposal is also consistent with the PPS, which encourages the preservation and integration of significant heritage structures or facilities that are important to the history and character of the community.
2. The proposal is consistent with the Region of York Official Plan, which designates the Subject lands as "Urban Area", and served by an urban transportation corridor and transit system. An objective of the Regional Plan is to target growth to existing built-up portions of the urban areas, to encourage carefully planned intensification, and provide for a broad range of housing types and higher density development.
3. The Subject Lands are presently designated "Medium Density Residential" by OPA#240 (Woodbridge Community Plan), as amended by OPA#356, which permits single detached, semi-

detached, quadplex and street, block and stacked townhomes, and other building forms that do not exceed the maximum permitted density of 35 units/ha. The Official Plan further requires that the housing form Kipling Avenue be a single detached dwelling unit. In light of the evolving character of the surrounding area, and the location of the Subject Lands just outside the Woodbridge Core Area, which promotes higher intensity mixed use developments the proposed development is appropriate for the area.

4. The Woodbridge Core Area is primarily centred along Woodbridge Avenue located in close proximity to the Kipling Avenue Corridor Area and is experiencing redevelopment in the form of higher densities and built form. As noted, buildings in the range of 4-7 storeys are being developed in the Woodbridge Core Area. Given its proximity to the Core the Kipling Avenue Corridor could accommodate higher than currently permitted, but lower than the Woodbridge Core Area. A traffic Study has been provided and approved by the City of Vaughan, which supports the proposed development and the intensification of the area.
5. Having received a statutory Public Hearing held on May 13, 2005, Vaughan Council on April 18, 2006 approved Official Plan Amendment Application OP.05.010 (Bruno Lisi/Michael Andreatta), in accordance with the resolution contained in Appendix "1" attached hereto.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No.240 as amended by OPA#356 to the Official Plan of the Vaughan Planning Area, is hereby amended by:

1. Deleting Schedule "A" to Official Plan Amendment No. 240 as amended by OPA#356 attached thereto, and substituting therefor the Schedule "A" attached hereto as Schedule 1, thereby redesignating the Subject Lands shown as "Area Subject to Amendment No. 644 from "Medium Density Residential" to "High Density Residential " under OPA#356.
2. Adding the following policies to Section 3.4 Residential Specific Policies:

3.4.22) The subject lands shown as "lands Subject to Amendment No 644 on Schedule "A" and located on the on the west side of Kipling Avenue, north of Woodbridge Avenue, being Lots 10, 11 and 12 on Plan 546, in Lots 7 and 8, Concession 8, (municipally known as 8018, 8026, 8032 and 8048 Kipling Avenue), City of Vaughan, shall be subject to the following development policies:

- A 5 storey 102 unit residential condominium building and containing two suites for the sole use of visitors shall be permitted on the Subject Lands at a maximum density of 134units/ha based on a site area of approximately .88ha.
- if required, studies, including but not limited to noise, sun/shadow parking study etc., shall be submitted in support of the Site Development Application, and approved by the City.
- the proposed gazebo/monument structure housing a Historical Plaque shall be approved by the City;
- a maximum of fourteen (14), 3-storey semi-detached units and one (1) single detached residential unit shall be permitted;

The following among other Urban Design Principles shall apply:

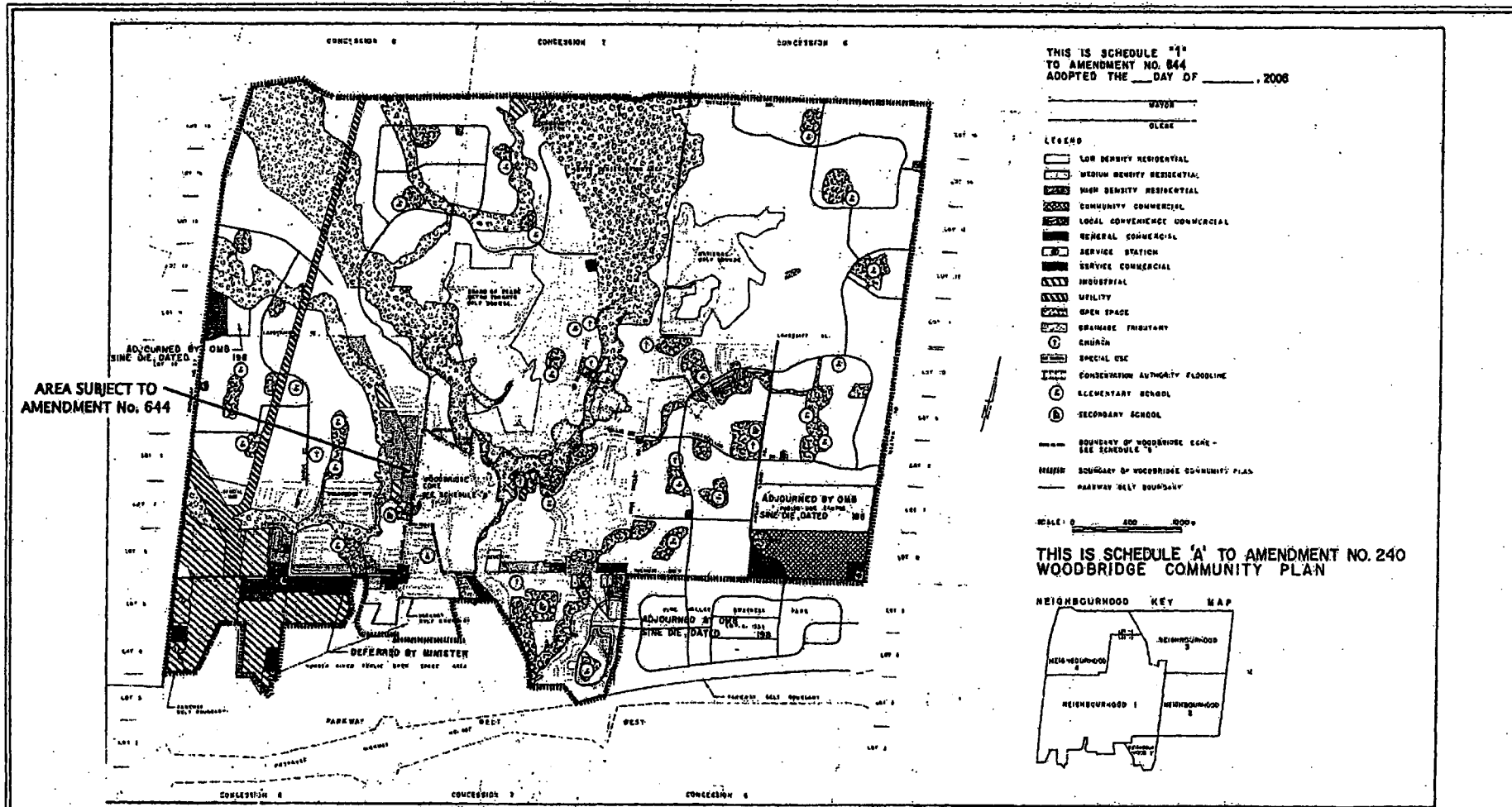
- the development shall establish a distinctive high quality urban environment defined by architecture, building material and landscape treatment that are sympathetic to the Heritage character of the area. Buildings are encouraged to be sited to create as interesting and attractive streetscape along Kipling Avenue with attention to integration of transit facilities and a high quality streetscape and open space;
- pedestrian access to buildings will be integrated with adjacent public streets to ensure access is convenient and safe;
- The development shall be designed to visually screen and minimize the impact of on-site parking and service areas;
- The development shall provide safe, efficient and convenient vehicular access in a pedestrian -friendly manner. Access shall be coordinated with and internal access route that ties in future adjacent properties.
- the built form shall conform to the Woodbridge Core Guidelines and be compatible with the existing and proposed development within the area; and
- appropriate development standards shall be included in the implementing zoning by-law

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands will be implemented by way of an amendment to the Vaughan Zoning By-law, Site Plan approval and Draft Plan of Condominium 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.



AREA SUBJECT TO
AMENDMENT No. 644

FILE No. OP.05.011
RELATED FILE No. Z.05.019
LOCATION: Part of Lot 7 & 8, Concession 8
APPLICANT: BRUNO LISI / MICHAEL ANDREATTA
CITY OF VAUGHAN

THIS IS SCHEDULE "1"
TO AMENDMENT No. 644
ADOPTED THE ___ DAY OF ___, 2006

SIGNING OFFICERS
BOARD ORDER
#2639 - SEPT. 20/06
MAYOR
CLERK

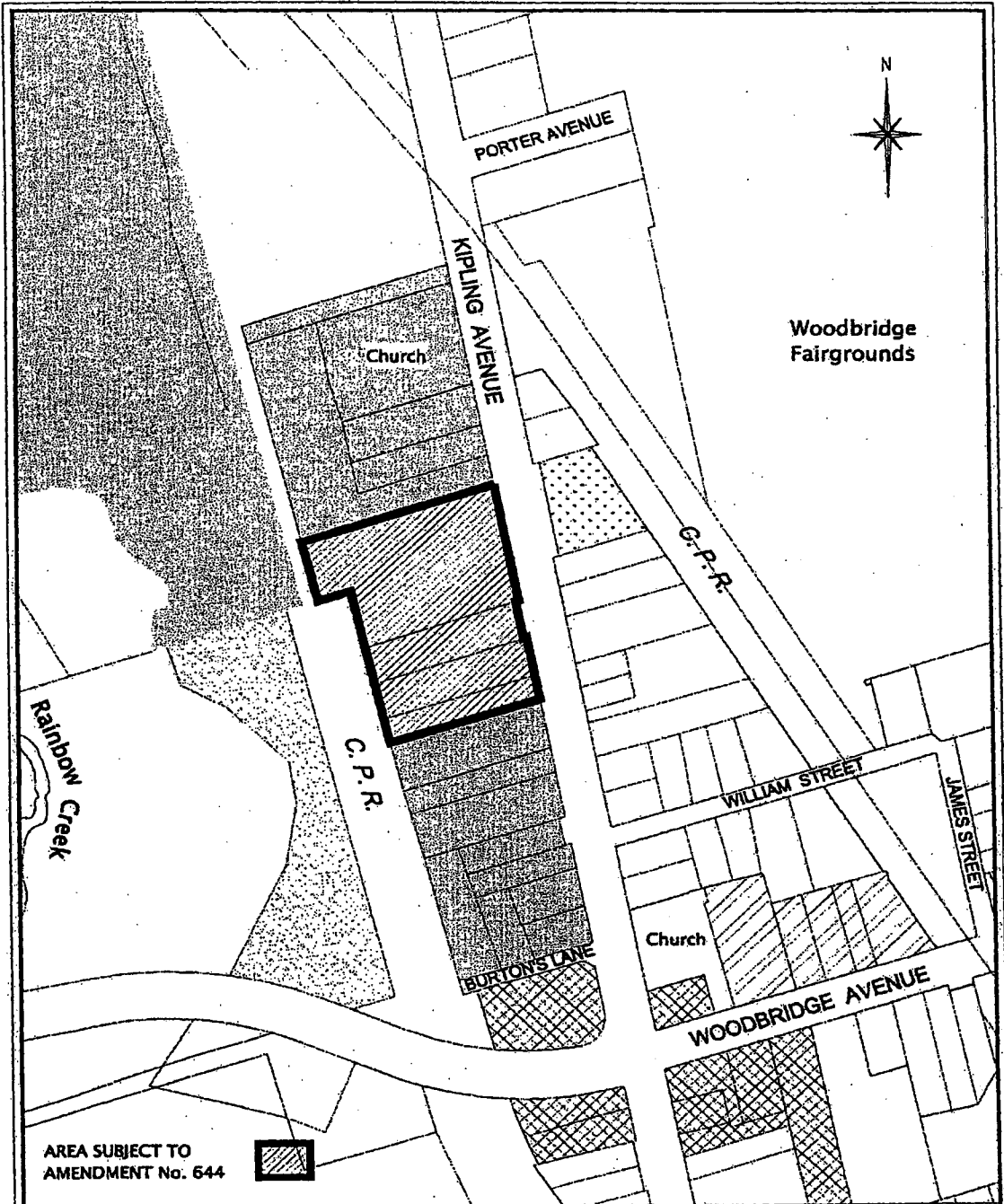
APPENDIX I

The subject lands are and located on the on the west side of Kipling Avenue, north of Woodbridge Avenue, being Lots 10, 11 and 12 on Plan 546, in Lots 7 and 8, Concession 8, (municipally known as 8018, 8026, 8032 and 8048 Kipling Avenue) City of Vaughan.

On April 18, 2006 Council considered and endorsed an application to amend the Official Plan and resolved the following:

(Example)'1. **THAT the Ontario Municipal Board BE ADVISED THAT COUNCIL ENDORSES Official Plan Amendment Application OP.05.011 (Bruno Lisi and Michael Andreatta) to redesignate the subject lands from "Medium density Residential" to High Density Residential" to facilitate the development of a 5 storey, 102 unit residential condominium apartment building, 14 semi-detached units, and 1 detached unit on the subject lands, subject to the following:**

- a) **The necessary studies (ie traffic, environmental sun/shadow etc. shall be submitted and approved in Support of the Site development Application; and**
- b) **that the implementing Official Plan Amendment include urban design policies to ensure a high quality built form in conformity with the Woodbridge Core Urban Design Guidelines and compatible with existing and proposed development within the area.**



**APPENDIX II
EXISTING LAND USE
OFFICIAL PLAN AMENDMENT No. 644**

FILE No. OP.05.011
 RELATED FILE No. Z.05.019
 LOCATION: Part of Lot 7 & 8, Concession 8
 APPLICANT: BRUNO LISI / MICHAEL ANDREATTA
 CITY OF VAUGHAN

- NOT TO SCALE
- LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - MIXED USE OFFICE
 - COMMERCIAL & MIXED USE COMMERCIAL
 - INDUSTRIAL
 - OPEN SPACE

