

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 199-2018

A By-law to adopt Amendment Number 23 to the Vaughan Official Plan 2010 for the Vaughan Planning Area as effected by the Ontario Municipal Board.


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

1. THAT the attached Amendment Number 23 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Ontario Municipal Board Order Issue, dated the 13th day of September 2018 (OMB File No. PL170558), attached hereto as Attachment "1" consisting of the attached text, Schedule "1", "2", "3" and "4" is hereby adopted.

Enacted by City of Vaughan Council this 12th day of December, 2018.



Hon. Maurizio Bevilacqua, Mayor



Todd Coles, City Clerk

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: September 13, 2018

CASE NO(S): PL170558

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

| | |
|-------------------------------|--|
| Applicant and Appellant: | 152533 Ontario Inc. |
| Subject: | Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment |
| Existing Designation: | "Low Density Residential" and "Drainage Tributary" |
| Proposed Designation: | "High Density Residential" and "Open Space" |
| Purpose: | To permit the development of a 9-storey residential building with 88 dwelling units |
| Property Address/Description: | 8265 Islington Avenue/ Part of Lot 9, Concession 7 |
| Municipality: | City of Vaughan |
| Approval Authority File No.: | OP.13.002 |
| OMB Case No.: | PL170558 |
| OMB File No.: | PL170558 |
| OMB Case Name: | 152533 Ontario Inc. v. Vaughan (City) |

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

| | |
|--------------------------|---|
| Applicant and Appellant: | 152533 Ontario Inc. |
| Subject: | Application to amend Zoning By-law No. 1-88, as amended – Neglect of application by the City of Vaughan |
| Existing Zoning: | "R2 Residential Zone" and "OS1 Open Space Conservation Zone" |
| Proposed Zoning: | "RA3 Apartment Residential Zone" and "OS1 Open Space Conservation Zone" |
| Purpose: | To permit the development of a 9-storey residential building with 88 dwelling units |

Property Address/Description: 8265 Islington Avenue/ Part of Lot 9,
Concession 7
Municipality: City of Vaughan
Municipal File No.: Z.13.004
OMB Case No.: PL170558
OMB File No.: PL170559

Heard: August 13, 2018 in Vaughan, Ontario

APPEARANCES:

Parties

1525233 Ontario Inc.
City of Vaughan
Ministry of Municipal Affairs
Regional Municipality of York
Toronto and Region Conservation
Authority

Counsel

A. Brown and N. Mares (student-at-law)
B. Engell and E. Lidakis
U. Popadic and J. Evola (student-at-law)
B. Montgomery
T. Duncan

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
AUGUST 13, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] 152533 Ontario Incorporated ("Appellant") made Official Plan Amendment and Zoning By-law Amendment applications to the City of Vaughan ("City") regarding a proposed development at 8265 Islington Avenue ("subject lands"). The City failed to make decisions on the applications and the Appellant filed appeals under s. 22(7) and 34(11) of the *Planning Act*.

[2] The subject property is located on the east side of Islington Avenue between Willis Road and Hartman Avenue. The subject property is 0.75 hectares with 52.9 metres of frontage on Islington Avenue. It slopes downwards towards the Humber River to the east. The subject property presently has one residential dwelling on it, which is

proposed to be demolished. A mix of residential building types is located along Islington Avenue near the subject property. On the other side of the Humber River is a low-rise residential neighbourhood.

[3] The subject property is designated “Low-Rise Residential (2)” and “Low Rise Residential (1)” under the City’s Official Plan 2010 and is subject to the provisions of the Woodbridge Centre Secondary Plan (“Secondary Plan”). A portion of the subject property is located in a Special Policy Area to address flood plain management issues.

[4] The purpose of the proposed Official Plan Amendment is to alter the density plan and building height maximums set out in Schedules 3 and 4 of the Secondary Plan to permit a residential apartment building containing 74 residential dwelling units with a maximum density of 2.5 Floor Space Index (“FSI”) and a maximum building height of six storeys.

[5] The purpose of the proposed Zoning By-law Amendment is to rezone the subject property from “R2 Residential Zone” and “OS1 Open Space Conservation Zone” in Zoning By-law No. 1-88 to “RA3(H) Apartment Residential Zone with the Holding Symbol (H)” and “OS1 Open Space Conservation Zone”.

[6] A settlement was reached that includes all of the Parties. On August 13, 2018, the Tribunal convened a settlement hearing at which it heard land-use planning evidence in support of the proposed settlement. None of the Participants elected to make a presentation at the settlement hearing.

EVIDENCE, SUBMISSIONS AND FINDINGS

[7] John Zipay was qualified and provided land-use planning opinion evidence on behalf of the Appellant. Mr. Zipay stated that the proposed Official Plan Amendment would not change the existing designations on the subject property. He said they alter only the maximum density and maximum height permitted. He said the Special Policy Area would not change and that although there would be a driveway and underground parking there, none of the proposed development’s habitable space would be in the

Special Policy Area. The proposed uses within the Special Policy Area have been agreed to by the Toronto and Region Conservation Authority ("TRCA"), the Ministry of Natural Resources and Forestry and the Ministry of Municipal Affairs.

[8] The proposed Zoning By-law Amendment sets out site specific zoning requirements for the subject property addressing maximum developable lot area and maximum gross floor area, setbacks, height restrictions, maximum FSI requirements, minimum lot area per unit requirements, and parking and amenity area requirements. Mr. Zipay stated that a site plan will be required and that an agreement under s. 37 of the *Planning Act* for increased height and density has been concluded. The Section 37 Agreement requires the Appellant to pay funds to the City for park and multi-use trail improvements in the area. The Holding Symbol is included in the proposed Zoning By-law Amendment to ensure that issues regarding sanitary sewage, water supply, flood proofing and safe access to the site are addressed.

[9] Mr. Zipay opined that the proposed Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement, 2014 ("PPS") and conform with the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan"), the Regional Municipality of York Official Plan ("Region's Official Plan"), and the City's Official Plan. He said the proposed amendments represent efficient land use providing appropriate intensification. He said the subject property is well-serviced and close to transit and local amenities. He said conditions are included that address sewage and water supply issues and the proposed amendments satisfy the TRCA's requirements for flood protection and safe access to the site. He said the proposed amendments also meet the intensification requirements in the City's Official Plan.

[10] Having considered the uncontradicted opinion evidence of Mr. Zipay, the Tribunal found that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS, and conform with the Growth Plan, the Region's Official Plan and the City's Official Plan. At the settlement hearing, the Tribunal approved both the Official Plan Amendment and Zoning By-law Amendment in principle.

ORDER

[11] The Tribunal orders that:

- a. the official plan amendment appeal is allowed in part, and the proposed Official Plan Amendment No. 23 to the Vaughan Official Plan 2010 of the Vaughan Planning Area is approved in the form attached as Attachment 1 to this Decision;
- b. the zoning by-law appeal is allowed in part, and the proposed Zoning By-law Amendment to amend City of Vaughan By-law No. 1-88, as amended, is approved in the form attached as Attachment 2 to this Decision.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

AMENDMENT NUMBER 23 TO THE VAUGHAN OFFICIAL PLAN 2010 OF THE VAUGHAN PLANNING AREA

The following text and Schedules "1", "2", "3" and "4" constitute Amendment No. 23 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment is Appendix "I"

I PURPOSE

The purpose of this Amendment to Vaughan Official Plan 2010 (VOP 2010) is to amend Schedule "3" – Density Plan and Schedule "4" – Building Height Maximums of the Woodbridge Centre Secondary Plan to permit a residential apartment building containing 74 residential dwelling units, having a maximum density of 2.5 Floor Space Index (F.S.I.) and a maximum building height of 6-storeys (19 metres) on Part "A" of the Subject Lands. No habitable area of the building is permitted within the Special Policy Area identified as "Part "B" on Schedule "2" – Land Use Plan.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are shown on Schedule "1" as Part "A", "B" and "C" attached hereto as "Area Subject to Amendment No. 23". The Subject Lands are located on the east side of Islington Avenue, north of Willis Road, and are municipally known as 8265 Islington Avenue, being Lots 7, 7A and 8, Plan M-117, in the City of Vaughan.

III BASIS

The decision to amend Vaughan Official Plan (VOP 2010) is based on the following considerations:

1. The Statutory Public Hearing on this matter was held on June 11, 2013 for File Nos. OP.13.002 and Z.13.004. The development applications were subsequently appealed by the applicant to the Ontario Municipal Board (Case No. PL170558). The applicant has also appealed VOP 2010. On November 21, 2017 Council endorsed a settlement for files OP.13.002 and Z.13.004 in respect of the Subject Lands.
2. The Provincial Policy Statement, 2014 (PPS) and the Provincial Growth Plan for the Greater Golden Horseshoe 2017 (the Growth Plan), contain policies which promote intensification and efficient use of land, infrastructure and public facilities and promote the use of public transit.

3. The following policies in the PPS, among others, are supportive of the proposed amendment:

i) 1.1 Managing and Directing Land Use to achieve Efficient Development and Land Use Patterns and sub-clauses 1.1.1 (a), (b), (c), (d), (e).

ii) 1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

(a) densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
3. minimize negative impacts to air quality and climate change, and promote energy efficiency.

(b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

iii) Policy 3.1.2 and 3.1.4 Development and site alteration may be permitted in Special Policy Area lands where no modifications to the official plan policies, land use designations or boundaries occur and shall be carried out in accordance with *floodproofing standards, protection works standards and*

access standards. No modifications to official plan policies or boundaries to the Special Policy Area are proposed by this Amendment. The building's habitable area shall be located outside of the Special Policy Area.

4. The York Region Official Plan and VOP 2010 contain numerous policies which support intensification through the efficient use of land, resources, infrastructure and promote public transit.
5. The site will be serviced by public transit, with York Region Transit services available within 169 metres of the subject lands, which provides a connection to York Region Rapid Transit (VIVA).
6. There is an adequate level of service infrastructure to accommodate traffic, sewage and water, as demonstrated through the various consultant reports submitted with the application.
7. The proposed use, form, scale, height all demonstrate compatibility with land use and building forms in proximity of the site. Specifically, the Terraces on the Green Development, which is located on the south side of the Subject Lands, has a height of 19 metres whereas the proposed building is 6 storeys or 19 metres, exclusive of the mechanical room.
8. This site-specific amendment, presented to the Ontario Municipal Board on August 13, 2018, permits a residential apartment building use on Part "A" of the Subject Lands with maximum building height of 6 storeys, or 19 metres, exclusive of the rooftop mechanical penthouse, and a maximum FSI of 2.5 times the area of the lot. Part "B" shall only be used for driveway access and underground garage and no habitable area is permitted.
9. This Amendment to VOP 2010 was approved by the Ontario Municipal Board pursuant to Section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13 on August 13, 2018

IV. DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Vaughan Official Plan 2010 (VOP 2010) is hereby amended by amending the following Schedules of Volume 2, Woodbridge Centre Secondary Plan as approved by the Board on February 24, 2015:

1. Amending Section 4.2.2. Residential Policies by adding the following new site specific policy:

(OPA #23) 4.2.2.2. g) 8265 Islington Avenue

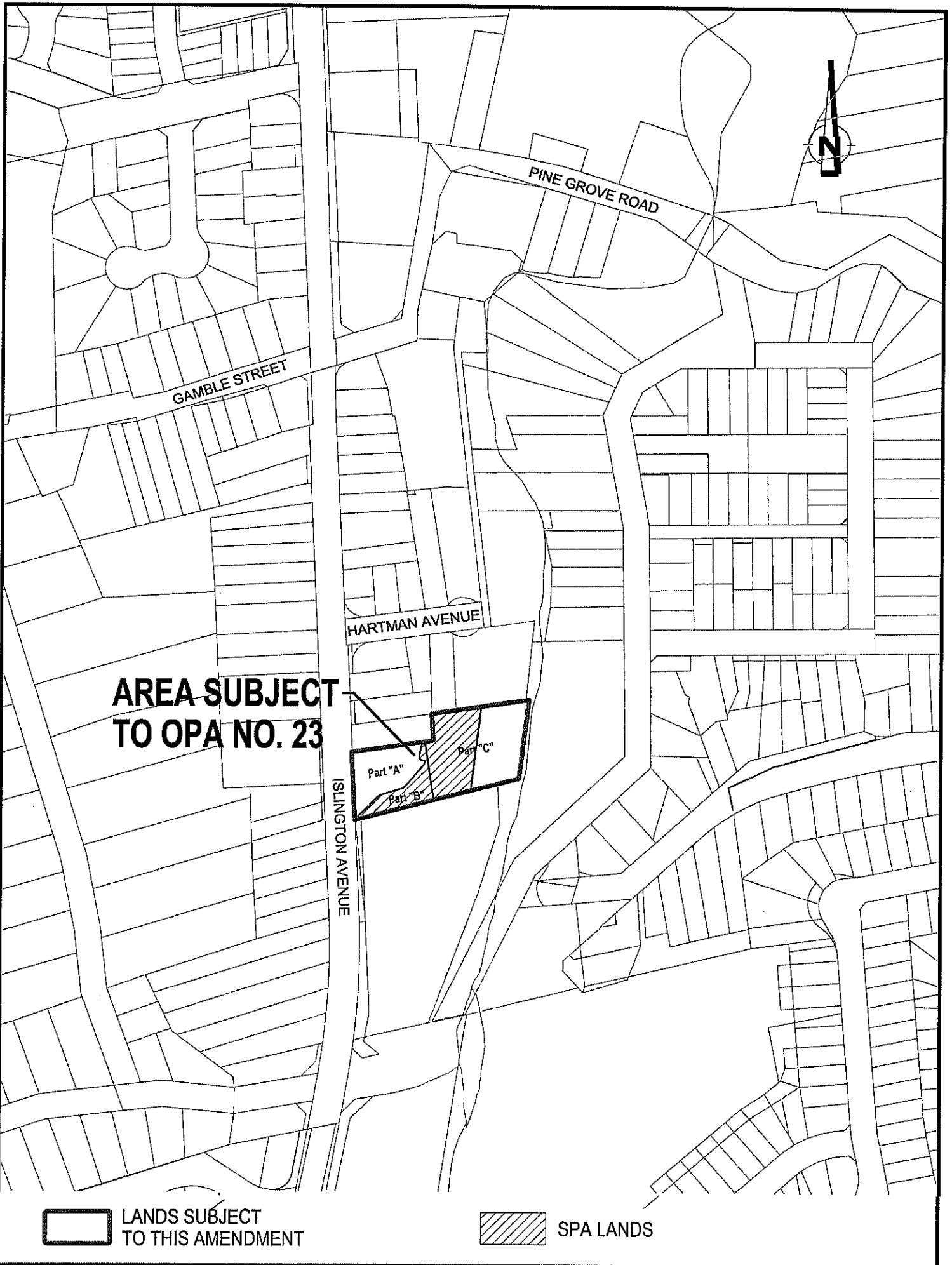
- i) Part "B" identified on Schedule 2 – "Land Use Plan", shall only be used for the purposes of driveway access and underground parking garage and no habitable area of the development is permitted within the Special Policy Area.
 - ii) Parts "A" and "B" identified on Schedule 2 – "Land Use Plan", combined, shall be used for the purpose of calculating the maximum permitted Floor Space Index (FSI) for the Subject Lands, with an overall total maximum permitted FSI of 2.5.
2. Amending Schedule 2, "Land Use Plan", by identifying Parts "A", "B", and "C" on the Subject Lands in the manner shown on Schedule "2" attached hereto.
3. Amending Schedule 3, "Density Plan", by amending the maximum density permitted on Part "A" of the Subject Lands from D 0.5 to D 2.5 in accordance with Schedule "3" attached hereto.
4. Amending Schedule 4, "Building Height Maximums", by amending the maximum permitted height on Part "A" of the Subject Lands, from "H3.5" to "H6" in accordance with the Schedule "4" attached hereto.

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 City of Vaughan Comprehensive Zoning By-law 1-88, and Site Development Approval, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13.

V1 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 THE
WOODBIDGE CENTRE SECONDARY PLAN
AMENDMENT NO 23**

FILE NO.: OP.13.002
 RELATED FILE NO.: Z.13.004
 LOCATION: 8265 ISLINGTON AVENUE
 NOT TO SCALE
 CITY OF VAUGHAN

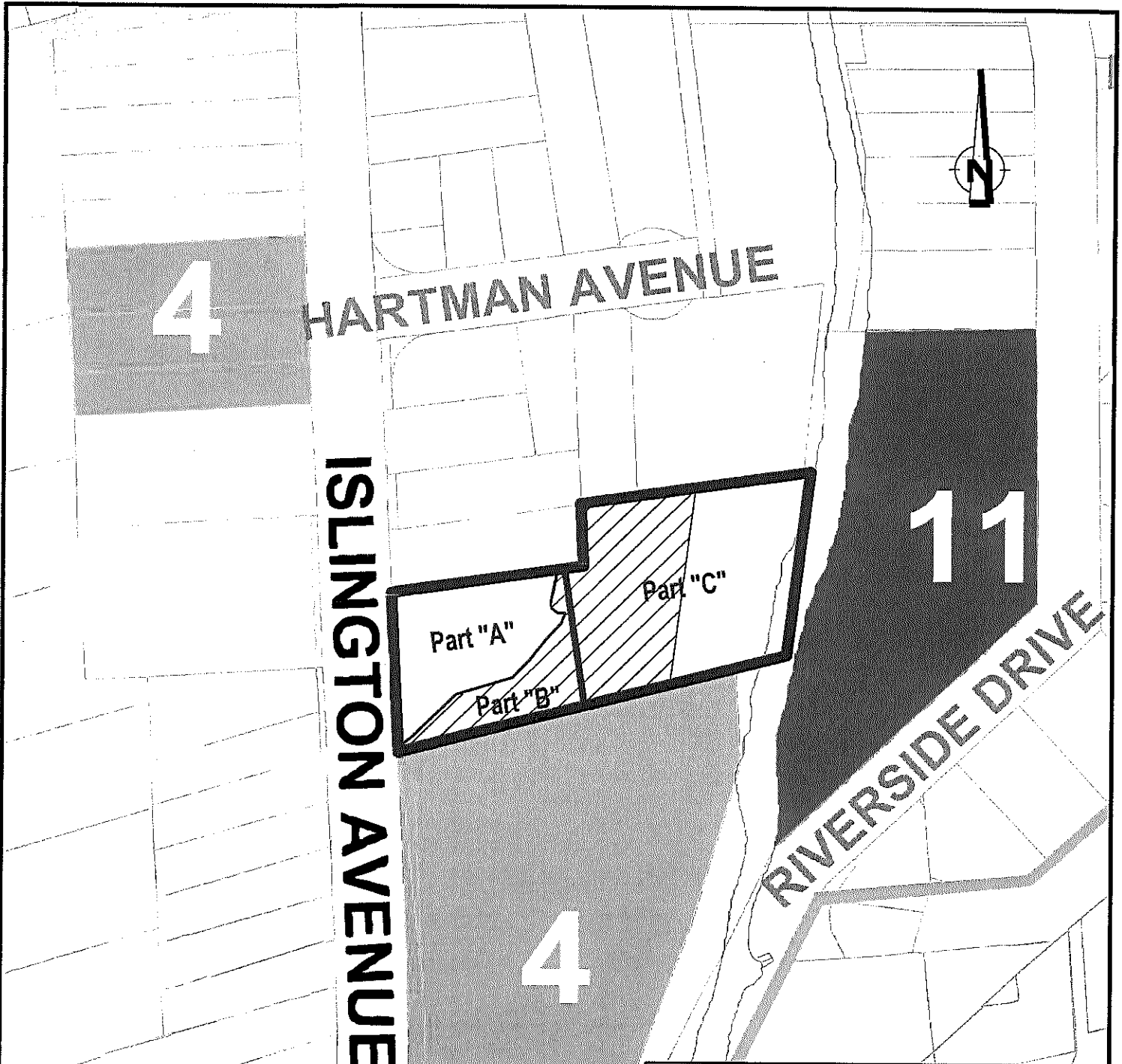
PASSED THE 12th DAY OF DECEMBER, 2018

SIGNING OFFICERS

BOARD ORDER #170558
 September 13, 2018

MAYOR





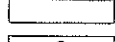
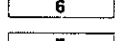
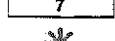





CLERK



 LANDS SUBJECT TO THIS AMENDMENT

 SPA LANDS

Source: Extract from Woodbridge Centre Secondary Plan
Schedule 2 - Land Use Plan

| | |
|--|--|
|  | 1 Mid-Rise Mixed Use |
|  | 2 Mid-Rise Residential |
|  | 3 Low Rise Mixed-Use |
|  | 4 Low Rise Residential (3) |
|  | 5 Low Rise Residential (2) |
|  | 6 Low Rise Residential (1) |
|  | 7 Low Rise Residential |
|  | * Gas Station |
|  | 8 Commercial Mixed Uses(1) |
|  | 9 Private Open Spaces |
|  | 10 Parks |
|  | 11 Natural Areas (Refer to Schedule 13-Q of Volume 1 of the City of Vaughan Official Plan for complete Natural Area mapping) |

THIS IS SCHEDULE '2' TO THE WOODBIDGE CENTRE SECONDARY PLAN AMENDMENT NO 23

PASSED THE 12th DAY OF DECEMBER, 2018

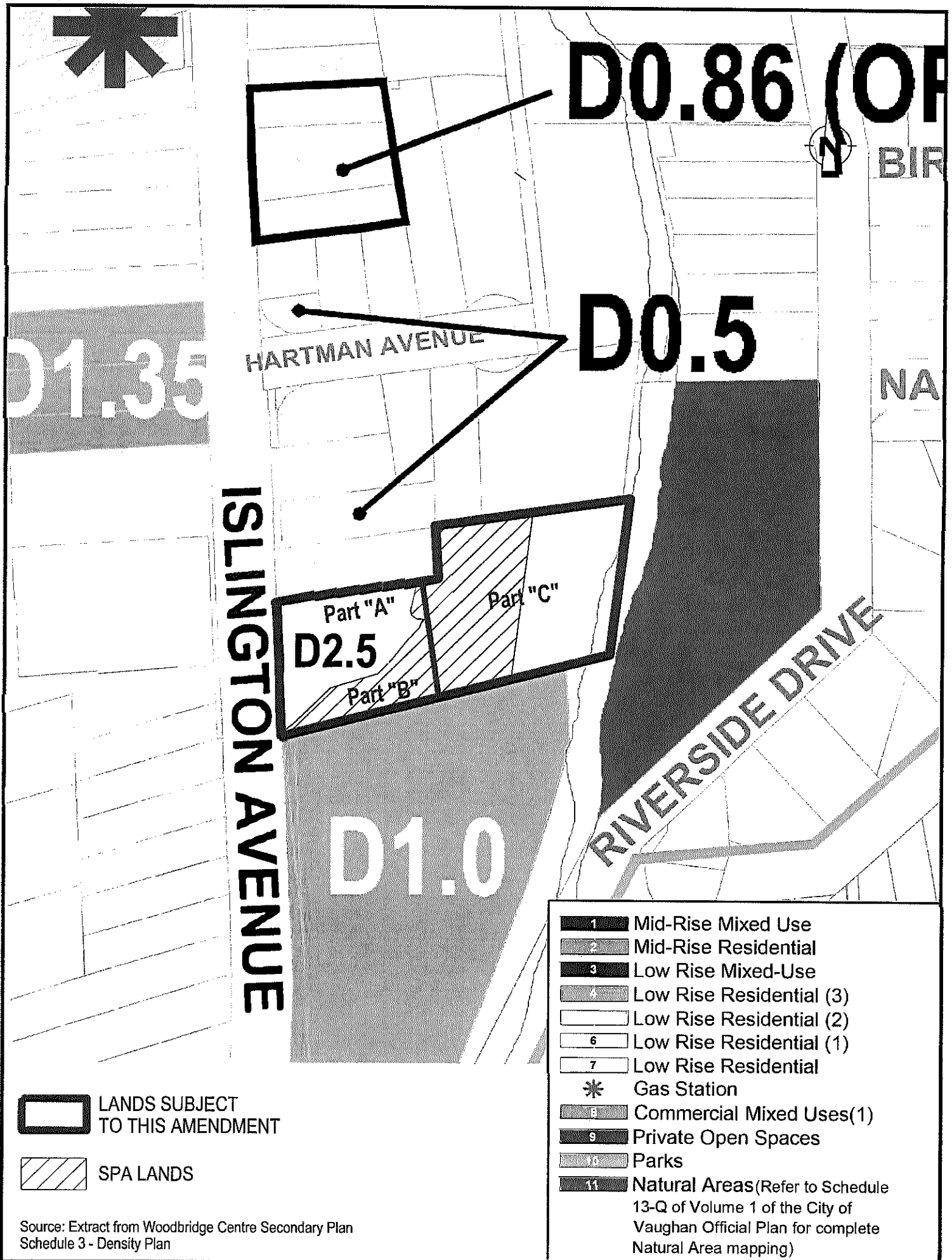
SIGNING OFFICERS

FILE NO.: OP.13.002
RELATED FILE NO.: Z.13.004
LOCATION: 8265 ISLINGTON AVENUE
NOT TO SCALE
CITY OF VAUGHAN

BOARD ORDER #170558
September 13, 2018

MAYOR

CLERK



**THIS IS SCHEDULE '3' TO THE
WOODBRIDGE CENTRE SECONDARY PLAN
AMENDMENT NO 23**

PASSED THE 12th DAY OF DECEMBER, 2018

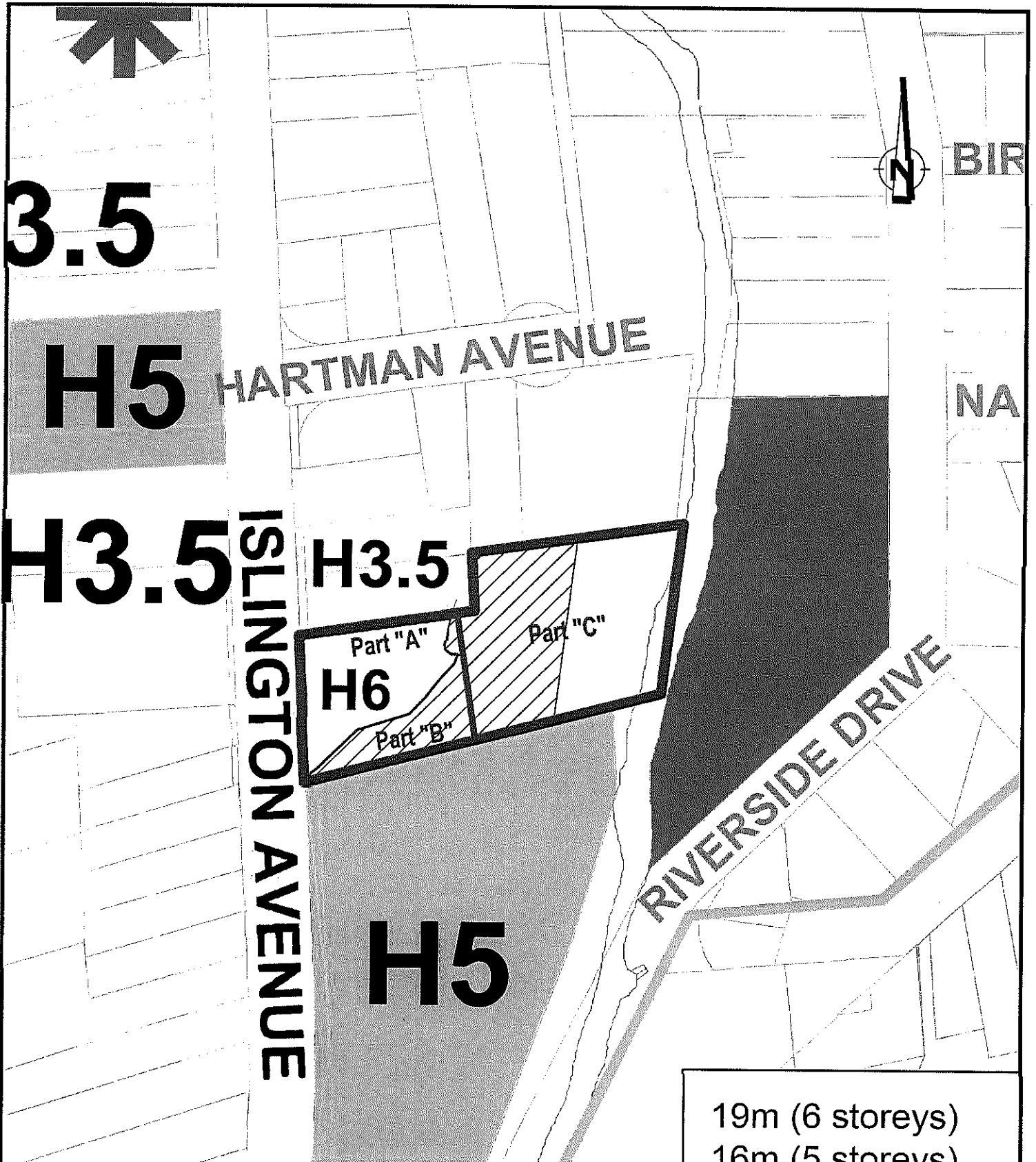
SIGNING OFFICERS



FILE NO.: OP.13.002
RELATED FILE NO.: Z.13.004
LOCATION: 8265 ISLINGTON AVENUE
NOT TO SCALE
CITY OF VAUGHAN

BOARD ORDER #170558
September 13, 2018

MAYOR

CLERK



-  LANDS SUBJECT TO THIS AMENDMENT
-  SPA LANDS

Source: Extract from Woodbridge Centre Secondary Plan
Schedule 4 - Building Heights Maximum

| |
|-------------------|
| 19m (6 storeys) |
| 16m (5 storeys) |
| 13m (4 storeys) |
| 12m (3.5 storeys) |
| 11m (3 storeys) |
| 9.5m (2 storeys) |

**THIS IS SCHEDULE '4' TO THE
WOODBRIIDGE CENTRE SECONDARY PLAN
AMENDMENT NO 23**

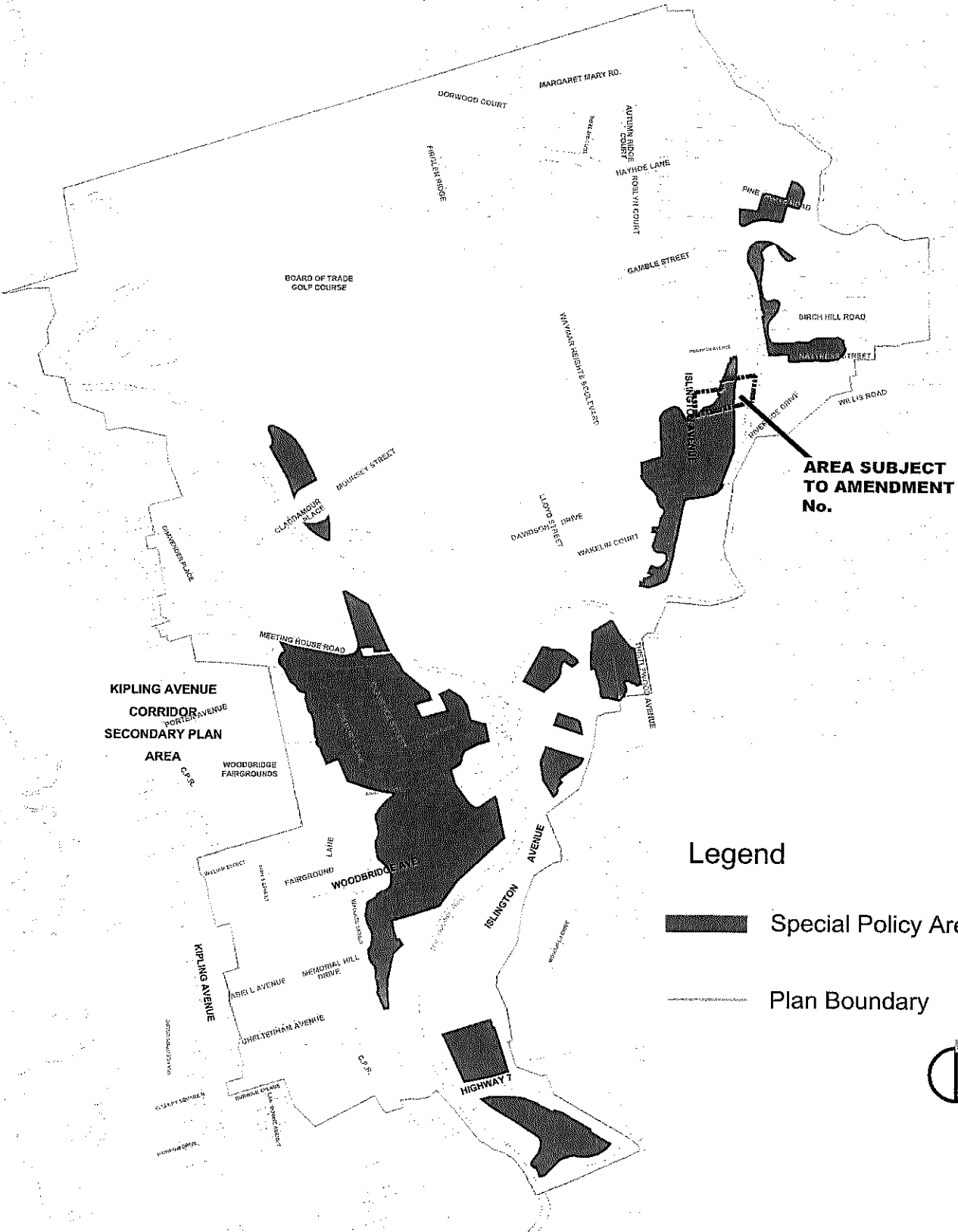
PASSED THE 12th DAY OF DECEMBER, 2018

SIGNING OFFICERS

FILE NO.: OP.13.002
RELATED FILE NO.: Z.13.004
LOCATION: 8265 ISLINGTON AVENUE
NOT TO SCALE
CITY OF VAUGHAN



| | |
|---|-------|
| BOARD ORDER #170558 September 13, 2018 | MAYOR |
| | CLERK |

Special Policy Area - Schedule 9



AREA SUBJECT TO AMENDMENT No.

Legend

-  Special Policy Area
-  Plan Boundary



APPENDIX I VOP 2010 - WOODBRIDGE CENTRE SECONDARY PLAN OFFICIAL PLAN AMENDMENT No.23

AREA SUBJECT TO
AMENDMENT NO 23



SIGNING OFFICERS

FILE No. OP.13.002 RELATED FILE: Z.13.004
LOCATION: Lot 7, 7A, & 8, PLAN M-1110,
8265 ISLINGTON AVENUE
CITY OF VAUGHAN

BOARD ORDER #170558
September 13, 2018

MAYOR

CLERK