

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 164-2022

A By-law to adopt Amendment Number 82 to the Vaughan Official Plan for the Vaughan Planning Area.

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

1. That the attached Amendment Number 82 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, consisting of the attached text and Schedules “1” and “2”, is hereby adopted.
- 2 AND THAT this By-law shall come into force and take effect the day after the last day for filing a notice of appeal.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

AMENDMENT NUMBER 82
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA

The following text and Schedules “1” and “2” constitute Amendment Number 82 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not consisting part of this Amendment is Appendix “1”.

Authorized by Item No.22 of Report No.30
of the Committee of the Whole
Adopted by Vaughan City Council on
June 28, 2022.

I PURPOSE

The purpose of the Amendment to the Vaughan Official Plan 2010 ('VOP 2010') is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 1, Schedule 13 Land Use of the VOP 2010, as amended, to permit an increase in the maximum permitted height from 3 to 4-storeys and maximum permitted Floor Space Index ('FSI') from 1.25 to 1.4 times the area of the lot on lands subject to this Amendment, as shown on Schedules "1" and "2", attached hereto, as "Lands Subject to Amendment No. 82".

This Amendment will facilitate the following with respect to the Subject Lands identified as "Lands Subject to Amendment No. 82" on Schedule "1" attached hereto to permit the development of a 4-storey mixed-use building containing 114 residential apartment dwellings, 6 of which are at grade dwelling units, and ground floor commercial uses.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are shown on Schedule "1", attached hereto, as "Lands Subject to Amendment No. 82".

The Subject Lands are located on the east side of Keele Street, south of Major Mackenzie Drive, and known municipally as 9929 Keele Street.

III BASIS

The decision to amend VOP 2010, is based on the following considerations:

1. Section 3 of the *Planning Act* requires that all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement, 2020 (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development and includes policies to promote efficient cost-effective development and land use patterns to support strong communities, a strong economy and a clean and health environment.

The proposal is consistent with the Settlement Area policies of the PPS, specifically Sections 1.1.3.1, 1.1.3.2, and 1.1.3.3 since it promotes efficient use of an underutilized site that is located approximately 800 m from a Major Transit Station Area for the Maple Go Station and close to Major Mackenzie Drive, which is a transit corridor. The proposed mixed-use building will provide residential apartment units and ground floor commercial uses within the historic Maple

community, which is designated as a “Local Centre” in VOP 2010. The subject lands are currently developed with a single storey commercial plaza and the proposed 4-storey building will offer housing opportunities in the Maple community and support the optimization of land use, infrastructure and community services within the Maple Community.

2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the ‘Growth Plan’), as amended, guides decision making on a wide range of issues, including economic development, land-use planning, urban form and housing. Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Development conforms to the policy framework of the Growth Plan. The Development contributes to the vision and the policy framework of the Growth Plan by supporting the achievement of complete communities to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. The policies of Section 2.2.1.2 of the Growth Plan prioritizes intensification and densities to make efficient use of land and infrastructure and support transit viability and policies of Section 2.2.1.4 and of the Growth Plan support a range and mix of housing options, including second units and affordable housing to serve all sizes, incomes, and ages of households.

The Amendment proposes a mixed-use built form that would utilize the Subject Lands more efficiently than the existing use, make use of the existing infrastructure, and provide housing at densities that are supportive of the Growth Plan objectives. The Amendment will offer housing opportunities within the existing community and the added population will support the existing retail and offices uses and support the optimization of the existing infrastructure and the existing community services within the Maple Community.

Section 2.2.4 of the Growth Plan recognized the importance of major transit station areas and priority transit corridors. The Development is located in close proximity to Higher Order Transit as it is located near the limit for the Major Transit Station Area (MTSA) for the existing Maple Go Station and is within the walking distance of the GO Station. The Development provides an opportunity to

efficiently make use of the existing and planned transit infrastructure within the area while remaining in a low-rise compact built form within the Maple Heritage Conservation District. The Development conforms to and does not conflict with the Growth Plan.

3. The York Region Official Plan ('YROP') 2010 guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by Map 1 Regional Structure by the YROP which guides economic, environmental and community building decisions across York Region. The YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region". The Subject Lands are located on Keele Street, which is identified as a "Regional Transit Priority Network". The Development represents limited intensification within the identified "Local Centre" at Keele Street and Major Mackenzie Drive. The YROP includes policies for the conservation of cultural heritage resources in Section 3.4 of the YROP including encouragement for local municipalities to consider urban design standards in core historic areas that reflect the area's heritage, character and streetscape. Given its location in the MHCD, the Subject Lands are subject to the policies of the MHCD Plan which includes policies to conserve the historical and cultural landscape of the Maple area. The Subject Lands are within the Keele Street Enhanced Streetscape Plan area. The Development has been reviewed in consideration of the cultural heritage policies of the VOP 2010, as directed by Cultural Heritage policies of the YROP. The YROP Housing policies Section 3.5.4 require "local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community." It also states that "the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements". The Development includes apartment units which will diversify housing options in the community since a range of housing types and unit sizes would be provided. Section 7.2.53 of the YROP restricts access from developments adjacent to regional roads, to maximize efficiency of the regional road network. The

development will utilize existing shared driveway with reciprocal easements with the development to the north (9973 Keele Street), for access to Keele Street and proposes a second access to the south.

YROP encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping, and public streetscapes. The Development proposes a pedestrian scale streetscape along Keele Street with a walkway/breezeway, at grade connections through the building to the surface parking area at the rear of the building.

The YROP identifies Major Mackenzie Drive as a Regional Rapid Transit Corridor and Keele Street is designated as a Regional Transit Priority Network and both roads are served by public transit. The Maple Go Train Station, to east of the Subject Lands, is a planned major transit station area ('MTSA') by York Region. Although the Subject Lands are outside the MTSA, it is within walking distance of the station.

Map 7 of the YROP identifies the Oak Ridges Moraine Aquifer Vulnerability Areas and Watershed Boundaries. The Subject Lands are located to the west of the limits of the Area of Low Aquifer Vulnerability and are outside the Oak Ridges Moraine Conservation Plan boundary. Accordingly, the proposal conforms with the YROP.

4. The Subject Lands are located within the "Community Area" of Vaughan Official Plan 2010 ('VOP 2010') and are within a "Local Centre" on Schedule "1" of the VOP 2010. The Subject Lands are designated "Low-Rise Mixed-Use" by VOP 2010 with a maximum height of 3-storeys and a maximum Floor Space Index ('FSI') of 1.25 times the area of the lot identified on Schedule 13 Land Use. This designation permits residential units (including apartments), commercial and office uses in Low-Rise Buildings.

The Development proposes a 4-storey building at 1.4 times the area of the lot and does not conform to the maximum building height and maximum density provisions of VOP 2010. A site-specific Official Plan Amendment File OP.20.016 has been submitted for the Subject Lands, to increase the maximum building height to 4-storeys and the maximum FSI to 1.4, to implement the Development.

The VOP 2010 designates Major Mackenzie Drive as a “Regional Intensification Corridor” and “Regional Rapid Transit Corridor”. The Subject Lands are approximately 160 m south of Major Mackenzie Drive on Keele Street which is designated as a “Regional Transit Priority Network”. While the Subject Lands are in proximity to a Regional Intensification Corridor and Rapid Transit Corridor, they are also within the Maple Heritage Conservation District (‘MHCD’) which exists to preserve the historical and architectural character of the Maple community. The Development is subject to the policies and guidelines of the Maple Heritage Conservation District Plan (‘MHCDP’) which addresses built form, land use, and urban design policies for all development within the MHCD. The MHCD Plan and VOP 2010 limit both limit the maximum height of buildings to 3-storeys. The Owner requested an amendment to VOP 2010 to permit an increase in the building height to 4-storeys and an increase in the maximum Floor Space Index (‘FSI’) to 1.4, to implement the Development.

5. The Development was reviewed by the Heritage Vaughan Committee (‘HVC’) as the Subject Lands are within the MHCD. The HVC considered the application for the “Demolition of the Existing Non-Contributing Building (commercial plaza) and the Construction of a Five Storey Mixed-Use Building”, MHCD on October 20, 2021 along with the Report of the Deputy City Manager, Planning and Growth Management dated October 20, 2021, which recommended the application be denied. HVC passed a motion to issue a Deferral, on the condition that the Applicant provide a letter agreeing to freeze the 90-day timeline related to Council approval. The Applicant did not issue the requested letter and the Development was brought before the HVC on November 24, 2021. At the November 24, 2021 meeting, the HVC endorsed the recommendations of the October 20, 2021, Development Planning Department’s Heritage Report, which recommended refusal of the Heritage Permit application for Subject Lands as it did not meet the MHCD policies and guidelines in height, scale, massing and design.

In a report to the Committee of the Whole, dated December 7, 2021, regarding Demolition of Existing Non-Contributing Building at 9929 Keele Street and

Construction of a 5-Storey Mixed-Use Residential Building, Maple Heritage Conservation District, the HVC recommended refusal of the Heritage Permit application and the approval of the Deputy City Manager, Planning and Growth Management report dated October 20, 2021.

The HVC refusal recommendation was considered at the December 7, 2021, Committee of the Whole meeting along with the Owner's presentation to the HVC on December 7, 2021, indicating that the Development represents a context appropriate development for the Subject Lands which is consistent and conforms with the PPS, Growth Plan, Region of York Official Plan 2010 ('YROP'), VOP 2010 and the Maple Heritage Conservation District policies. The Committee of the Whole recommended that the application to demolish the existing structures on the Subject Lands be approved; that the December 7, 2021, recommendations of the HVC be received;

On December 10, 2021, Vaughan Council considered the Committee of the Whole report and amended the recommendation, to the following:

"By approving that the demolition permit and the heritage permit be approved and that the heritage permit be issued for the proposed new construction under Section 42 of the Ontario Heritage Act, subject to the following conditions:

- a) The Development applications OP.20.016 and Z.20.043 and the future Site Plan application submitted under the Planning Act, R.S.O 1990, receive final approval before the issuance of the heritage permit; and
- b) That a community consultation meeting be facilitated by the applicant to present and discuss the revised proposal."

6. The proposed increase to the maximum building height and density will be achieved through the Section 37 provisions of the *Planning Act*, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act* (the 'Guidelines'), where Vaughan Council may authorize an increase in the building height and/or density in return for the provision of community benefits. Section 10.1.2.9 of VOP 2010 includes a framework to permit bonusing for increased building height and/or density in return for the provision of community benefits in the form of facilities, services or other matters provided that the

development represents good planning. The development of the Subject Lands is considered good planning. This Amendment represents a 1-storey increase in the permitted building height and an density increase from 1.25 FSI to 1.4 FSI times the area of the Subject Lands.

7. The Statutory Public Meeting was held on April 7, 2021. The recommendation of the Committee of the Whole to receive the Public Meeting report of April 7, 2021, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on April 20, 2021.

The comprehensive report for recommending approval of the application was considered by the Committee of the Whole on June 21, 2022. Vaughan Council approved Official Plan Amendment File OP.20.016 (Sharewell Investments Inc.) on June 28, 2022.

8. On March 8, 2021, York Region exempted this Amendment from Regional approval, in accordance with Regional Official Plan Policy 8.3.8 as it does not adversely affect Regional planning policies or interests and is considered a matter of local significance.

IV DETAILS OF THE AMENDMENT

The Vaughan Official Plan ('VOP 2010') is hereby amended by:

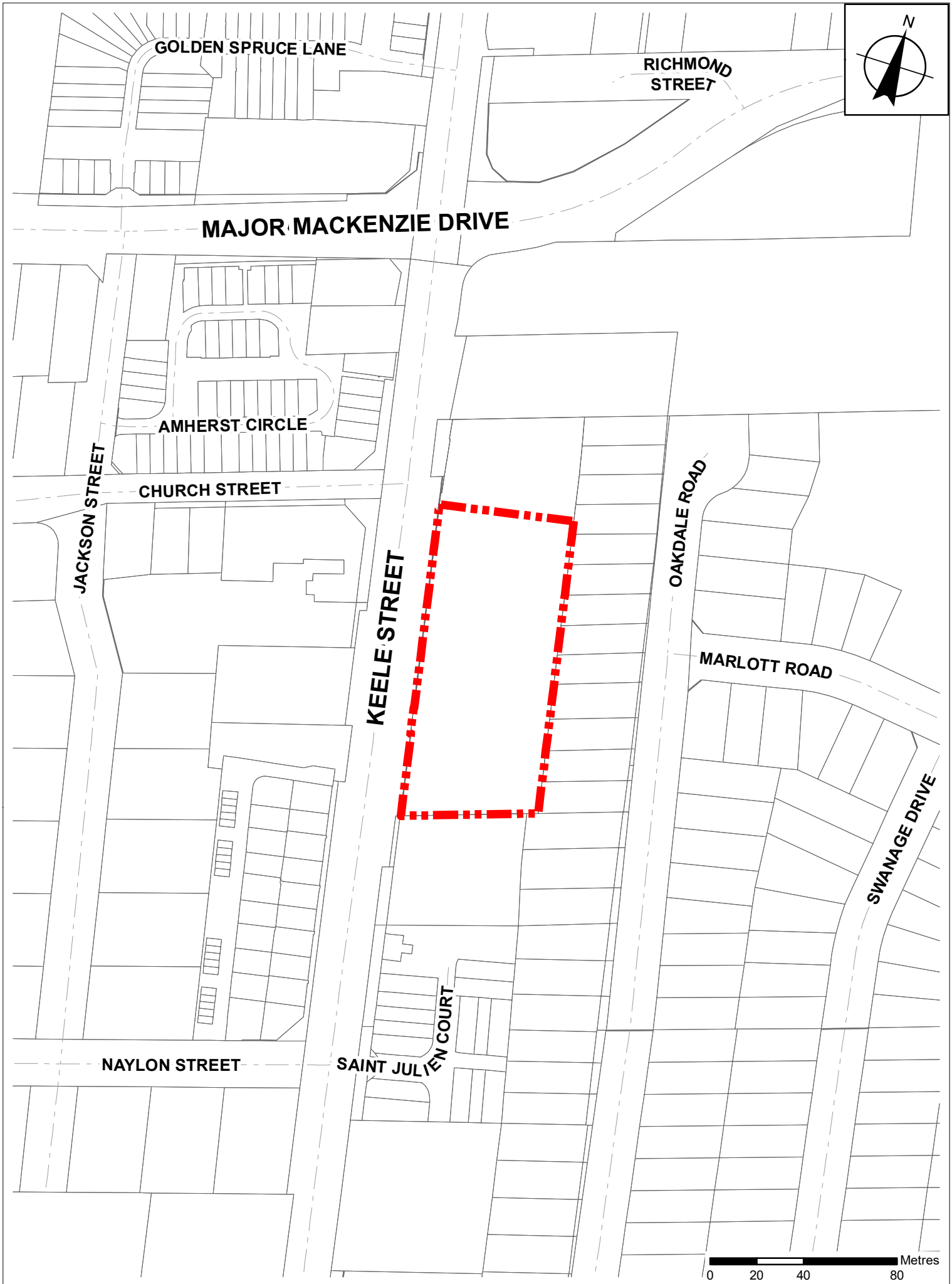
1. Amending Schedule 13 Land Use, attached hereto as shown on Schedule "2" to change the height and density limits identified for the Subject Lands:
 - i) from a Maximum Building Height of 3-storeys "H3", to a Maximum Building Height of 4-storeys "H4", and;
 - ii) from a Floor Space Index ('FSI') of 1.25 "D1.25" to "D1.4" on 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 City of Vaughan Comprehensive Zoning By-law 1-88, and Site Development Approval, pursuant to the *Planning Act*.

VI INTERPETATION

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.

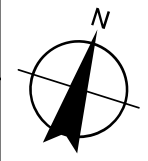


THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT No. 82
ADOPTED THE 28TH DAY OF JUNE, 2022

FILE: OP.20.016
RELATED FILE: Z.20.043
LOCATION: Part of Lot 20, Concession 3
APPLICANT: Sharewell Investments Inc.
CITY OF VAUGHAN

 **LANDS SUBJECT TO
AMENDMENT No. 82**

Map 13 - 9929 Keele Street
This is Part of Schedule 13 - Land Use
To Vaughan Official Plan 2010, Volume 1



THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT No. 82
ADOPTED THE 28TH DAY OF JUNE, 2022

FILE: OP.20.016
RELATED FILE: Z.20.043
LOCATION: Part of Lot 20, Concession 3
APPLICANT: Sharewell Investments Inc.
CITY OF VAUGHAN

 Lands Subject to
Amendment No. 82

APPENDIX 1

The Subject Lands are located on the east side of Keele Street, south of Major Mackenzie Road, municipally known as 9929 Keele Street, in the City of Vaughan.

The purpose of this Amendment is to permit an increase in the maximum permitted building height to 4-storeys and to permit the maximum permitted density of 1.4 FSI times the area of the lot to allow a mixed-use building with 114 dwelling units with ground floor commercial units and ground floor residential units fronting Keele Street.

On June 28, 2022, Vaughan Council ratified the June 21, 2022 recommendation of the Committee of the Whole, to approve Official Plan Amendment File OP.20.016 (SHAREWELL INVESTMENTS INC.), as follows:

1. THAT Official Plan Amendment File OP.20.016 (Sharewell Developments Inc.) BE APPROVED, to amend Vaughan Official Plan 2010 for the subject lands shown on Attachment 1, to increase the maximum permitted building height from 3 to 4-storeys and the maximum permitted Floor Space Index from 1.25 to 1.4 times the area of the lot;
2. THAT Zoning Amendment File Z.20.043 (Sharewell Development Inc) BE APPROVED, to amend Zoning By-law 1-88 to rezone the subject lands from “C1 Restricted Commercial Zone” subject to site-specific Exception 9(157), to “RA2(H) Apartment Residential Zone”, subject of the “(H)” Holding Symbol, as shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report as red-lined on Attachment 2;
3. THAT the implementing zoning by-law include the following provisions:
 - a) Site-specific parking requirements for Restaurant use shall be 6 spaces/ 100 m² GFA;
 - b) Site-specific parking requirement for Visitor Parking shall be 0.2 space/unit; and,
 - c) the canopy overhang for the main building entrance to be permitted to encroach a maximum of 2 m into the front yard setback
4. THAT the implementing Zoning By-law Amendment include the provision for a monetary contribution of \$200,000.00 pursuant to Section 37.1 of the *Planning Act* towards the following potential community benefits, to be finalized and implemented through a Section 37 Density Bonusing Agreement executed between the Owner and the City of Vaughan in return for the increase in the maximum permitted building height and Floor Space Index, to the satisfaction of the City for:
 - i. recreational improvements for the Maple Community Centre to contribute to the provision of equipment to provide for an outdoor synthetic ice surface in the area of the existing tennis courts; and
 - ii. the remaining unused portion of the above noted contribution shall be placed into the account identified for Public Art Reserved for a future art, design and sculpture for future public art within the identified areas of the Maple Core
5. THAT prior to the enactment of the implementing Zoning By-law, the Owner shall enter into and execute a Section 37 Bonusing Agreement with the City to secure the contribution and pay to the City the Section 37 Agreement surcharge fee in accordance with the in-effect Tariff of Fees for Planning Applications;

6. THAT the implementing Zoning By-law Amendment include the Holding Symbol “(H)” which shall not be removed from the subject lands, or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
 - i. Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Protocol assigning capacity;
 - ii. the Owner shall submit and obtain approval of a Site Development Plan Application to facilitate the development, addressing all the comments provided through Official Plan and Zoning By-law Amendment Files OP.20.016 and Z.20.043 of the subject lands and satisfy all requirements of York Region;
 - iii. The Owner shall submit a Noise Report for the development;
7. THAT The Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning By-law.