

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 210-2022

A By-law to adopt Amendment Number 66 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Ontario Land Tribunal.

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

1. THAT the attached Amendment Number 66 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 24th day of June, 2022 (OLT Case No. PL171236; File No. PL171236), attached hereto as Attachment “1” consisting of the attached text, Schedule “1”, Schedule “2”, and Schedule “3” is hereby adopted.

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

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 24, 2022 **CASE NO.:** PL171236

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

Applicant and Appellant:	Islamic Shia Ithna-Asheri Jamaat Of Toronto
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	Low-Rise Residential and Natural Area
Proposed Designated:	Mid-Rise Mixed Use and Natural Area
Purpose:	To permit mixed use development on the land which will consist of a mix of residential, commercial, institutional and open space uses.
Property Address/Description:	9000 Bathurst Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.13.013
OMB Case No.:	PL171236
OMB File No.:	PL171236
OMB Case Name:	Islamic Shia Ithna-Asheri Jamaat Of Toronto 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:	Islamic Shia Ithna-Asheri Jamaat Of Toronto
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning:	"A - Agricultural Zone" and "OS1 - Open Space Conservation Zone"
Proposed Zoning:	"RVM1(A) Residential Urban Village Multiple Zone One (Street Townhouse)"; "RVM2 Residential Urban Village Multiple Family Zone Two"; "RA3 Apartment Residential Zone"; "A Agricultural Zone"; and "OS1 Open Space Zone"
Purpose:	To permit mixed use development on the land which will consist of a mix of residential,

Property Address/Description:	commercial, institutional and open space uses.
Municipality:	9000 Bathurst Street
Municipality File No.:	City of Vaughan
OMB Case No.:	Z.13.036
OMB File No.:	PL171236
	PL171237

BEFORE:

STEVEN COOKE)	Friday, the 24 th
)	
VICE-CHAIR)	day of June, 2022

THIS MATTER having come on for a public hearing before the Local Planning Appeal Tribunal (continued as the Ontario Land Tribunal, the “**Tribunal**”);

AND WHEREAS the Tribunal, by way of a decision issued on October 17, 2019 (the “**Decision**”), determined that the appeal under subsection 22(7) and 34(11) of the *Planning Act* (the “**Appeals**”) should be allowed, in part, and approved in principle with its final order withheld pending confirmation from the City Solicitor that the conditions identified in paragraph 51 of the October 17, 2019 Decision be fulfilled;

AND THE TRIBUNAL HAVING BEEN ADVISED that all of the conditions set out in in paragraph 51 of the October 17, 2019 Decision be fulfilled;

AND THE TRIBUNAL being satisfied that its direction as set out in the Decision has been met;

THE TRIBUNAL ORDERS that the Appeals of Islamic Shia Ithna-Asheri Jamaat of Toronto are allowed, and the Official Plan Amendment and Zoning By-law Amendments are approved and are attached to this Order as “Attachment 1”.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 210-2022

A By-law to adopt Amendment Number 66 to the Official Plan of the Vaughan Planning Area.

NOW THEREFORE the Ontario Land Tribunal **ORDERS AS FOLLOWS:**

1. THAT the attached Amendment Number 66 to the Official Plan of the Vaughan Planning Area, consisting of the attached text and Schedules “1”, “2” and “3” is hereby approved.

AMENDMENT NO. 66
TO THE
VAUGHAN OFFICIAL PLAN 2010
OF THE
CITY OF VAUGHAN PLANNING AREA

The following text and Schedules “1”, “2” and “3” constitute Amendment Number 66 to the Official Plan of the Vaughan Planning Area

Also attached hereto, but not constituting part of the Amendment is Appendix “I”, the Decision of the Local Planning Appeal Tribunal, dated October 17, 2019.

Authorized by the Decision of the Local Planning Appeal Tribunal

Dated October 17, 2019 and by the final Order of the Ontario Land Tribunal

Dated June 24, 2022

(Case No. PL171236, File Nos. PL171236 and PL171237)

I PURPOSE

The purpose of this Amendment to the Official Plan 2010 is to amend Volume 1- Schedule 13 and 14-C, and Volume 2 Section 13 – “Site Specific Policies” to change the land use redesignation for the Subject Lands identified as Area Subject to Amendment No. 66 on Schedule “1” from “Low-Rise Residential” to “Mid-Rise Residential” with site-specific policies to facilitate a development consisting of 1 mixed use building with a maximum height of 6-storeys with 265 m² of ground floor retail uses, a maximum of 149 dwelling units with a mix of seniors assisted living units, and seniors independent living units; and 1 residential building with a maximum height of 8-storeys with a maximum of 134 units.

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. 66”. The Subject Lands are located on the west side of Bathurst Street, south of Rutherford Road, and are part of the property known municipally as 9000 Bathurst Street with a legal description of Part of Lot 14, Concession 2, City of Vaughan.

III BASIS

The decision to amend the Official Plan to change the land use designation of the Subject Lands from “Low-Rise Residential” to “Mid-Rise Residential” with site-specific policies is based on the following considerations:

1. The Amendment proposes a transit-supportive development that supports Provincial, Regional and Municipal policy objectives.
2. The Provincial Policy Statement (PPS) sets out the overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage new growth to urban areas. The PPS promotes efficient, cost effective development and land use patterns that are based on densities which:
 - i. Efficiently use land, resources, infrastructure, and public service facilities;
 - ii. Avoid the need for unnecessary and/or uneconomical expansion of infrastructure;
 - and,
 - iii. Support the use of public transit in areas where it exists or is to be developed.

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. The proposed development is consistent with the Provincial Policy Statement.

3. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, which was approved by the Province in 2019 is intended to guide decisions on a wide range of issues, including economic

development, land-use planning, urban form and housing. The Growth Plan promotes increased intensification of the existing built-up areas, with a focus on urban growth centres, corridors, and major transit station areas. Concentrating intensification in these areas provides a focus for transit and infrastructure investment to support growth and for building compact, transit-supportive communities. The Subject Lands are well served by public transit with access to the inter-Regional GO Transit system and direct bus connection from Bathurst Street to the Highway 7 Transitway. The proposed development conforms to the Growth Plan by directing growth to a built-up area where the capacity exists to best accommodate the expected population, household and employment growth, and by promoting transit-supportive densities.

4. The York Region Official Plan (YROP) identifies the majority of Vaughan and specifically the Subject Lands, as an *Urban Area*. The objectives of the YROP include targeting growth to existing built-up portions of urban areas, encouraging carefully planned intensification, and providing for a broad range of housing types. The proposed development conforms to the YROP policies.
5. The overall development respects the character of the existing surrounding residential neighbourhood by providing significant setbacks for Low-Rise and Mid-Rise buildings.

The statutory Public Meeting was held on February 4, 2014. The recommendation of the Committee of the Whole to receive the Public Meeting report of February 4, 2014, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on February 18, 2014. Subsequently, on April 11, 2018 Vaughan Council ratified the April 4, 2018 Committee of the Whole recommendation, to advise the Ontario Municipal Board that Vaughan Council endorses the recommendation to approve Official Plan and Zoning By-law Amendment Files OP.13.013 and Z.13.036 (Islamic Shia Ithna Asheri Jamaat of Toronto).

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

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

1. Amending Volume 1, Schedule 13 to change the land use designation on the lands identified on Schedule "1" attached hereto from "Low-Rise Residential" to "Mid-Rise Residential".
2. Amending Volume 1, Schedule 14 – C "Areas Subject to Site Specific Polices" of VOP 2010, by adding the Subject Lands Identified on Schedule "2" to this Amendment attached hereto, being part of the lands municipally known as 9000 Bathurst Street as item #59
3. Amending Volume 2, Section 13.1 "Areas Subject to Site-Specific Policies" by adding the following policy, to be renumbered in sequential order:

“(OPA #66) 13.1.1.59 Part of the lands known as 9000 Bathurst Street are identified on Schedule 14-C as item #59 and are subject to the policies set out in Section 13.60 of this Plan.”
4. Adding the following policies to Section 13 – “Site Specific Policies”, to be renumbered in sequential order, including a location map of the Subject Lands as per Schedule “3”:

“(OPA #66) 13.60 9000 Bathurst Street

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13.60.1 | General |
| 13.60.1.1 | The following policies shall apply to the lands identified on Map 13.60.A |
| 13.60.1.2 | Notwithstanding the policy contained in Section 9.2.2.3, the lands identified on Map 13.60.A shall permit two Mid-Rise Buildings with maximum building heights of 6 and 8- storeys for Buildings A and B respectively, a maximum of 283 dwelling units which includes a maximum of 149 dwelling units in Building A with a mix of seniors assisted living units, and seniors independent living units; and a maximum of 134 residential condominium units in Building B, 265 m ² of ground floor retail uses in Building A, and a maximum site density of 1.94 FSI. Site-specific development standards shall be established in the implementing zoning by-law. |
| 13.60.1.3 | Parking, and associated air shafts and stairways that come above grade, for the 6-storey and 8-storey Mid-Rise Buildings are permitted below lands identified as Part “A” on Map 13.60.A. |

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 City of Vaughan Comprehensive Zoning By-law 1-88, and Site Plan and Draft Plan of Subdivision/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.

APPENDIX I

Summary to Official Plan Amendment No. 66

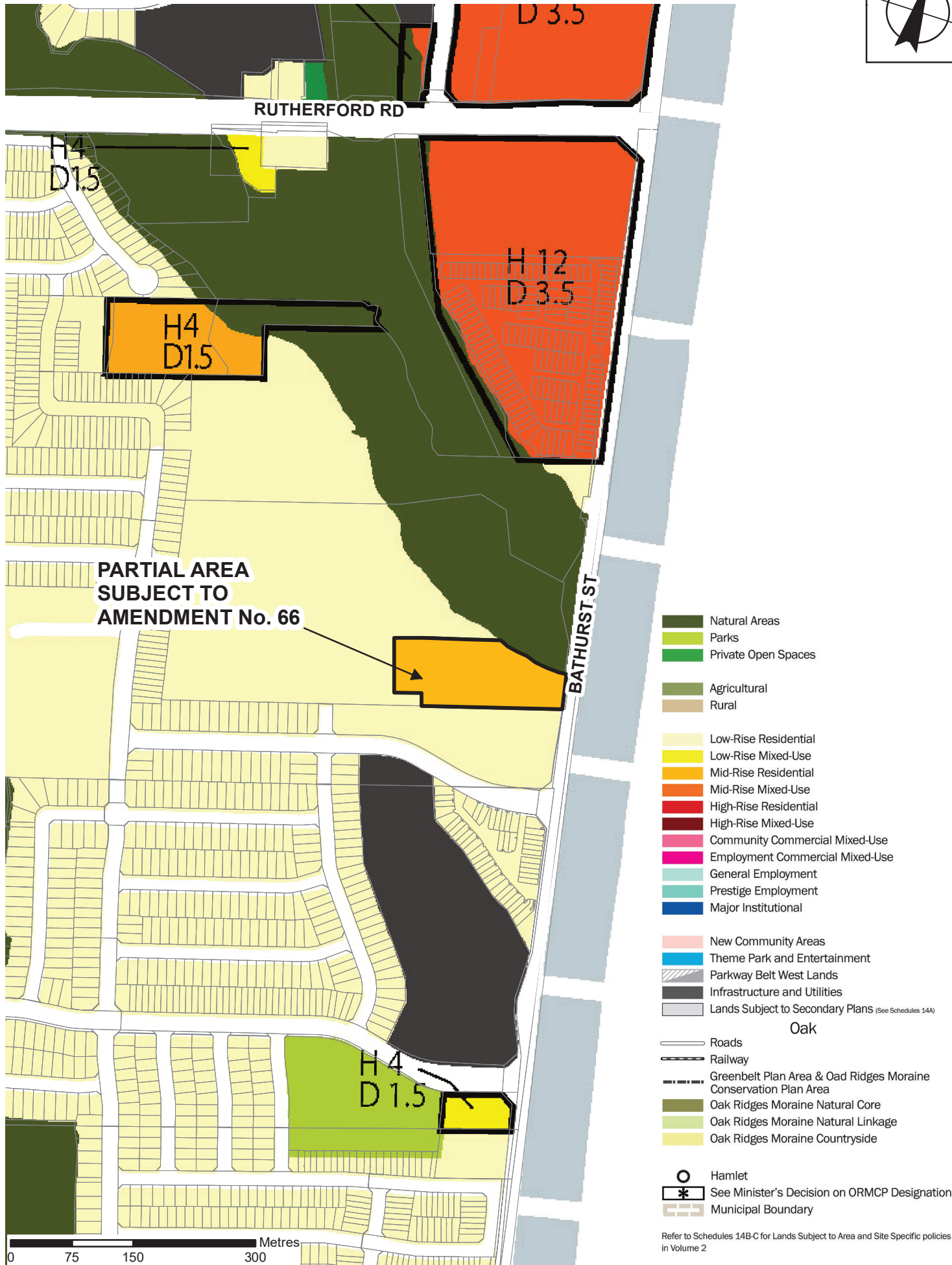
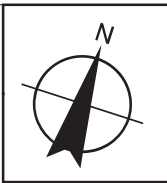
The lands subject to this Amendment are located on the west side of Bathurst Street, south of Rutherford Road, and are part of the property municipally known as 9000 Bathurst Street, in Part of Lot 14, Concession 2, City of Vaughan.

The purpose of this Amendment is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically to amend Volume 1 – Schedule 13 and Schedule 14 – C, and Volume 2 Section 13 – “Site Specific Policies” to redesignate the Subject Lands from Low Rise Residential to Mid-Rise Residential to permit a Building A, a 6-storey residential building with 265 m² of ground floor retail uses fronting Bathurst Street, and a maximum of 283 dwelling units which includes a maximum of 74 seniors assisted living units and a maximum of 75 condominium units; and Building B an 8-storey residential condominium building with a maximum of 134 units.

The Owner submitted Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) Applications Files OP.13.013 and Z.13.036 on October 15, 2013, to the City of Vaughan. On November 9, 2017 the Owner appealed the OPA and ZBA to the Ontario Municipal Board the (the ‘OMB’) (now the Ontario Land Tribunal and formerly the Local Planning Appeal Tribunal), pursuant to Subsection 22(7), and Subsection 34(11), respectively, of the *Planning Act* citing that the City failed to make a decision within the prescribed time.


A Local Planning Appeal Tribunal Hearing was held from July 8 to 10, 12 and 16 to 18, 2019.

The Decision of the Local Planning Appeal Tribunal dated October 17, 2019 regarding the Subject Lands located at 9000 Bathurst Street being Part of Lot 14, Concession 2, City of Vaughan, to approve the Official Plan Amendment and Zoning By-law Amendment Applications, is attached.



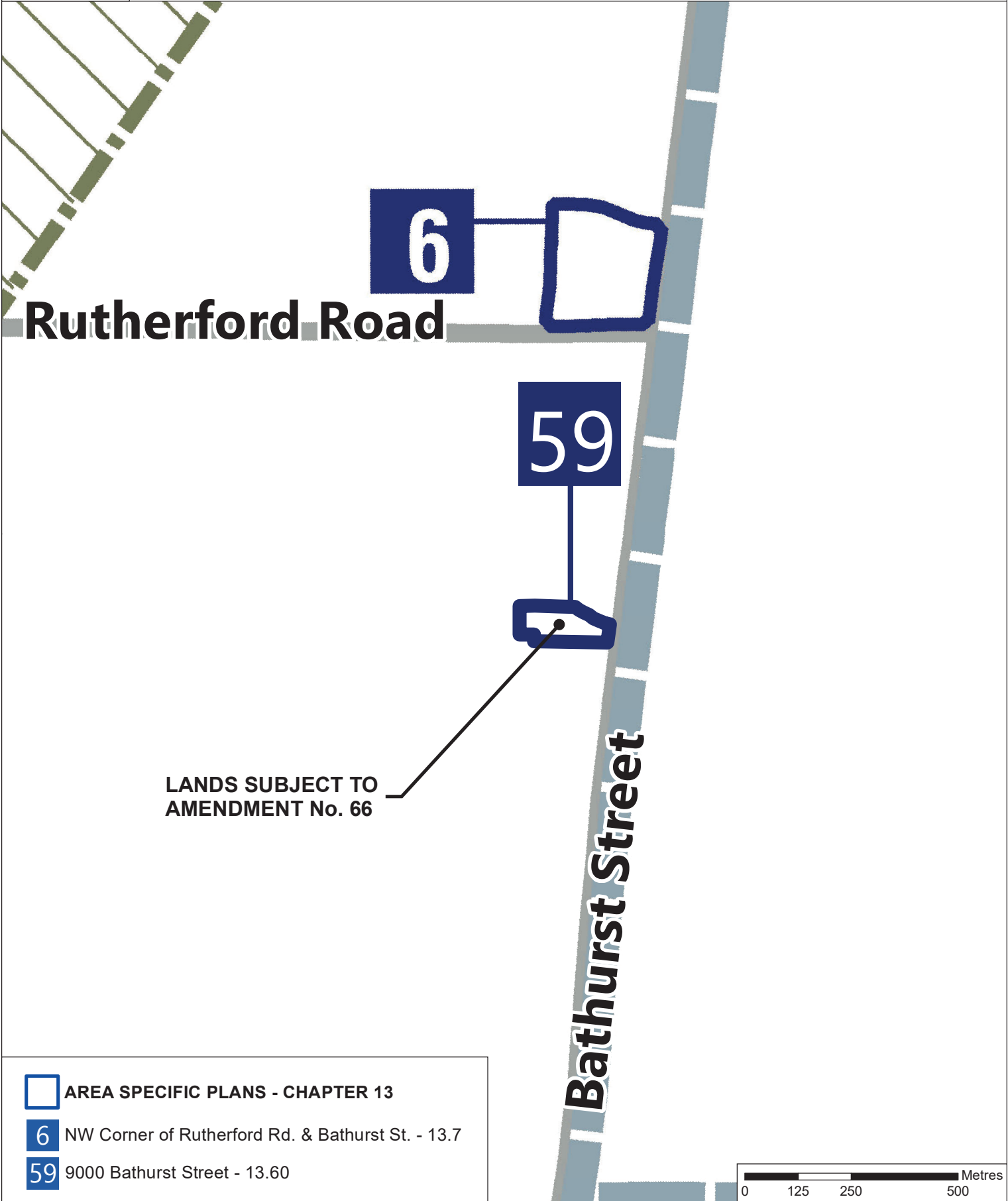
THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT No. 66
APPROVED BY THE OLT THE 24TH DAY OF JUNE, 2022

FILE: OP.13.013
RELATED FILE: Z.13.036
LOCATION: Part of Lot 14, Concession 2
APPLICANT: Islamic Shia Ithna-Asheri Jamaat of Toronto
CITY OF VAUGHAN


LANDS SUBJECT TO
AMENDMENT No. 66



This is Part of Schedule 14-C - Area Subject to
Area Specific Plans To Vaughan Official Plan 2010, Volume 1

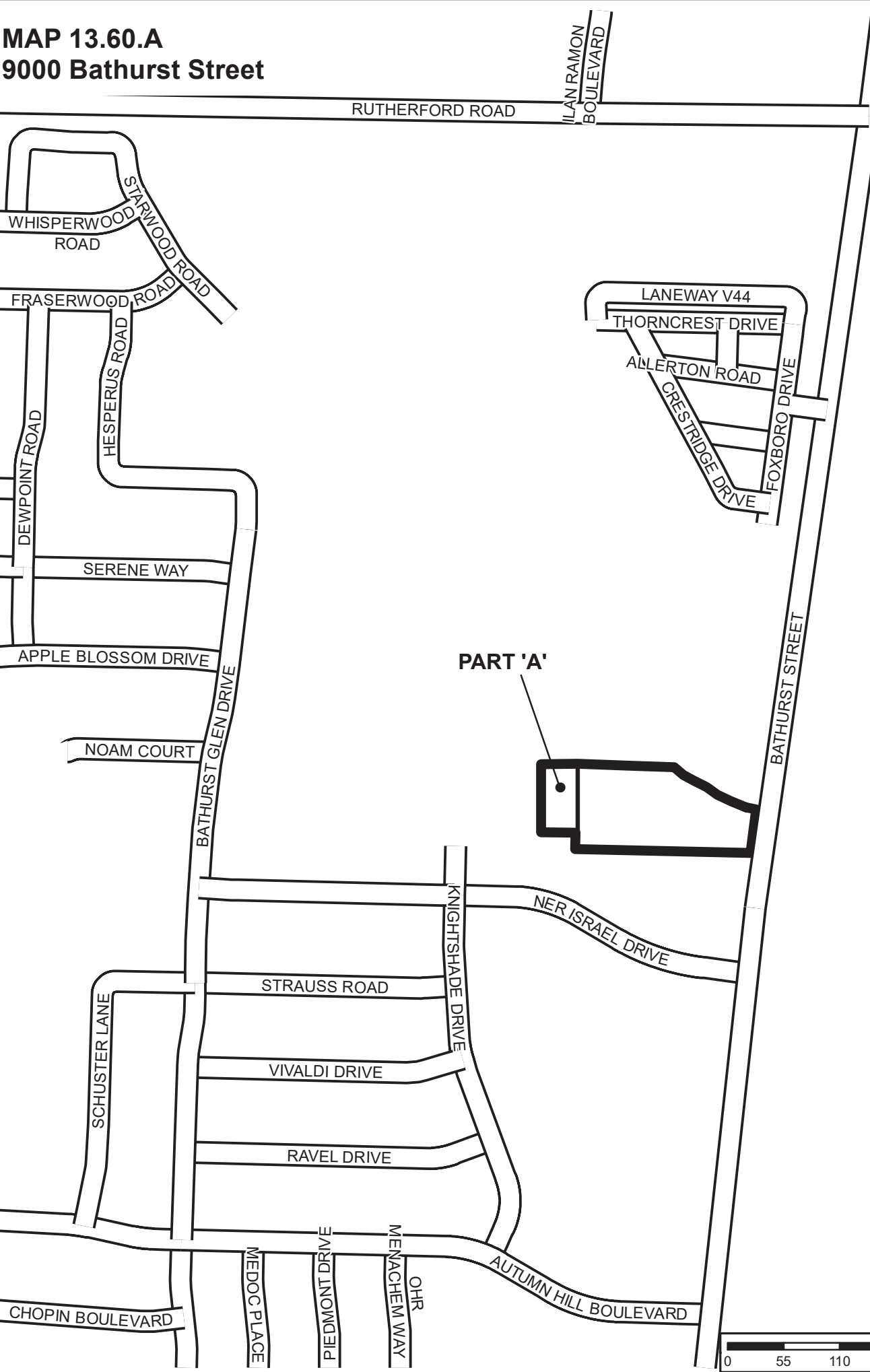


THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT No. 66
APPROVED BY THE OLT THE 24TH DAY OF JUNE, 2022

FILE: OP.13.013
RELATED FILE: Z.13.036
LOCATION: Part of Lot 14, Concession 2
APPLICANT: Islamic Shia Ithna-Asheri Jamaat of Toronto
CITY OF VAUGHAN

 **LANDS SUBJECT TO
AMENDMENT No. 66**

MAP 13.60.A
9000 Bathurst Street



THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMENDMENT No. 66
APPROVED BY THE OLT THE 24TH DAY OF JUNE, 2022

FILE: OP.13.013
RELATED FILE: Z.13.036
LOCATION: Part of Lot 14, Concession 2
APPLICANT: Islamic Shia Ithna-Asheri Jamaat of Toronto
CITY OF VAUGHAN

 LANDS SUBJECT TO
AMENDMENT No. 66