

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 211-2022

A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as amended, 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 Amendment to City of Vaughan By-law 1-88, as amended, as effected by the Ontario Land Tribunal Order Issue, dated the 26th day of August 2022 (OLT Case No. PL160284; File No. PL160285), attached hereto as Attachment “2” is hereby designated as By-Law Number 211-2022.

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: August 26, 2022 **CASE NO.:** PL160284
OLT-21-001787

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

Applicant and Appellant: FCF Old Market Lane 2013 Inc.
Subject: Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation: Residential Medium Density and Mixed Use Commercial
Proposed Designated: Mixed Use Commercial
Purpose: To permit a range of residential and grade-related commercial uses
Property Address/Description: 177, 185 & 197 Woodbridge Avenue
Municipality: City of Vaughan
Approval Authority File No.: OP 14.006
OMB Case No.: PL160284
OMB File No.: PL160284
OMB Case Name: FCF Old Market Lane 2013 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: FCF Old Market Lane 2013 Inc.
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning: R2 Residential Zone and Z1 Restricted Commercial Zone
Proposed Zoning: RA2 Apartment Residential Zone with site-specific zoning exceptions
Purpose: To permit a range of residential and grade-related commercial uses
Property Address/Description: 177, 185 & 197 Woodbridge Avenue
Municipality: City of Vaughan
Municipality File No.: Z.14.026
OMB Case No.: PL160284
OMB File No.: PL160285

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: FCF Old Market Lane 2013 Inc.
Subject: Site Plan
Property Address/Description: 177, 185 & 197 Woodbridge Avenue
Municipality: City of Vaughan
OMB Case No.: PL160284
OMB File No.: PL160307

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)
Appellant: 1096818 Ontario Inc.
Appellant: 11333 Dufferin St et al
Appellant: 1191621 Ontario Inc.; and others
Subject: Failure to announce a decision respecting Proposed New Official Plan
Municipality: City of Vaughan
OLT Case No.: OLT-21-001787
Legacy Case No.: PL111184
OLT Lead Case No.: OLT-21-001787
Legacy Lead Case No.: PL111184
OLT Case Name: Duca v. Vaughan (City)

BEFORE:

M.A. SILLS) Friday, the 26th
VICE-CHAIR)
) day of August, 2022

THIS MATTER having come on for a public hearing and after the hearing, the Tribunal in its Decision issued on May 24, 2017 (the “Decision”), approved a settlement as between FCF Old Market Lane 2013 Inc. (“FCF”) and the City of Vaughan (the “City”) in principle, and Ordering the following:

- 1) Approve the Official Plan Amendment and Zoning By-law Amendment substantially in accordance with Exhibits 2 and 3 respectively, subject to revisions that do not conflict with the settlement presented to the Board;

- 2) Approve the Site Plan Drawings submitted as Exhibits 4 and 5 in principle, subject to revisions that do not conflict with the settlement presented to the Board, and subject to modifications that may be required to address site plan conditions imposed by the City;
- 3) Withhold its final Order of approval, pending confirmation by counsel of:
 - a) execution and registration on title of notice of the Section 37 Agreement;
 - b) execution and registration on title of notice of the Heritage Easement Agreement;
 - c) execution and registration on title of notice of the Site Plan Agreement;
 - d) payment of \$100,000.00 by the Appellant to the City, being a contribution required under the Section 37 Agreement;
 - e) that allocation of servicing capacity to the Property for the proposed development has been authorized by City Council; and
 - f) that final versions of the documents identified in Items 1 and 2 above have been delivered to the Board.

THE TRIBUNAL having been advised periodically by the Parties regarding the status of the matters identified in Item 1) to 3) above;

AND THE TRIBUNAL having now been advised that the above-noted matters identified as (a), (b), (d), (e), and (f) in relation to the Official Plan Amendment and Zoning By-law Amendment have been completed to the satisfaction of the Parties;

AND THE TRIBUNAL being satisfied that its direction as set out in the Decision has been met prior to the issuance of a final Order regarding the Official Plan Amendment and the Zoning By-law Amendment;

THE TRIBUNAL ORDERS that, pursuant to paragraph 26(1) of the Decision, with respect to the appeals of the Official Plan Amendment and the Zoning By-law Amendment:

- a. the appeal of the Official Plan Amendment is allowed in part and that the City's Official Plan is hereby amended in the manner set out in Attachment 1 to this Order; and
- b. The appeal of the Zoning By-law Amendment is allowed in part and that the City's Zoning By-law No. 1-88 is hereby amended in the manner set out in Attachment 2 to this Order;

THE TRIBUNAL FURTHER ORDERS that, pursuant to paragraphs 2 and 3 of the Decision, the appeals filed by FCF Old Market Lane 2013 Inc. pursuant to s. 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, in respect of the City of Vaughan Official Plan 2010 as adopted by the City of Vaughan on September 7, 2010, subject to Council modifications on September 27, 2011, March 20, 2012, and April 17, 2012, and modified and endorsed by the Regional Municipality of York on June 28, 2012, and assigned OLT file number OLT-21-001787 that:

- a. The appeal 140 of the City of Vaughan Official Plan 2010, filed by FCF Old Market Lane 2013 Inc. is allowed in part;
- b. The City of Vaughan Official Plan 2010 Volume 2, Woodbridge Centre Secondary Plan 11.11 is hereby modified for the lands subject to Appeal 140 to implement the aforementioned settlement between FCF and the City, in accordance with Attachment 1 to this Order;
- c. In all other respects, Appeal 140 of the City of Vaughan Official Plan 2010 is hereby dismissed.

The Tribunal directs the Clerk of the City of Vaughan to assign by-law numbers to the Official Plan Amendment and Zoning By-law Amendment for record-keeping purposes.

The Tribunal shall remain seized of the Site Plan and may be spoken to in respect of the finalization of the Site Plan drawings and conditions.

"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 2

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 211-2022

A By-law to amend City of Vaughan By-law No. 1-88 as amended.

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been no amendment to the Official Plan adopted by Council and not approved at this time, with which the matters herein set out are not in conformity;

AND WHEREAS the Ontario Land Tribunal (formerly the Ontario Municipal Board) by its Decision issued on May 24, 2017 and by its Order dated August 26 2022 in respect of Case Nos. PL160284 and PL111184 ordered the amendment of By-law No. 1-88, as amended, with respect to lands known as 177, 185, and 197 Woodbridge Avenue;

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

1. That the City of Vaughan By-Law 1-88, as amended, be and it hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto, from R2 Residential Zone and C1 Restricted Commercial Zone to RA2 Apartment Residential Zone in the manner shown and the said Schedule “1”.
 - b) Adding the following Paragraph to Section 9 “EXCEPTIONS” as follows:
 - (1553) Notwithstanding the provisions of:
 - a. Schedule “A”, Subsection 4.1.9 respecting Residential Zone Requirements and Subsection 3.14 respecting Permitted Yard Encroachments and Restrictions for the RA2 Zone;
 - b. Subsection 2.0 respecting the Definition of Building Height, Lot, Parking Space and Accessible Parking Space;
 - c. Subsection 3.8 a), b) and c) respecting Parking Requirements for Residential-Apartment Dwelling;
 - d. Subsection 4.1.6 respecting Minimum Amenity Areas for the RA2 Zone;

- e. Subsection 4.11 respecting Uses Permitted in the RA2 Residential Apartment Zone;
- f. Subsection 3.9 b) and d) respecting the Location of Loading Spaces and Aisle Width;
- g. Subsection 4.1.1 j) respecting Retaining Walls;
- h. Subsection 4.1.4 f) respecting Dimensions of Driveways; and,
- i. Subsection 4.1.4 b) respecting Landscaping for Parking Areas for Multiple Family Dwellings.

The following provisions shall apply to the lands identified as “Subject Lands” on Schedule “E 1684” attached hereto as Schedule 2:

- ai. the minimum lot area shall be 3449.10 m² and the maximum Gross Floor Area (GFA) shall be 10350 m²;
- aii. the yard setbacks shall be as shown on Schedule “E 1684” attached hereto as Schedule 2 with the following minimum setbacks in the locations shown, subject to the projections permitted by Section av. below:

Setback from South lot line to the building (rear) (6 storeys)	5.2m
Setback from East lot line (Wallace St.) Podium (3 storeys)	1.1m
Setback from East lot line (Wallace Street) 6 storey portion	5.3m
Setback from North lot line (Woodbridge Avenue) shall be as follows:	
Wallace House	0.3 m
McLean House	1.6m
Setback from the West lot line to building (Old Fire Hall Lane) (6 storeys)	5.2 m
- aiii. notwithstanding Section aii above, the minimum required setbacks below finished grade shall be 0 m, including any portion of the parking garage;
- aiv. notwithstanding Section aii. and aiii. above, the minimum required setbacks for the Terrace Building, whether above or below grade, shall be shown on Schedule “E 1684” attached hereto as Schedule 2;
- av. All buildings and any accessory structures above finished grade shall be located within the building envelope depicted by heavy lines on Schedule “E 1684”, with the exception of planters, trellises, lighting fixtures, balustrades, stairs, guardrails, canopies, cornice bands, and balconies;

- avi. within the area shown as Area "A" on Schedule "E 1684" the following provisions shall also apply to the level of the first, second and third storeys of the building:
- i. at the level of the first, second, and third storeys, the exterior wall of the building shall be setback a minimum of 3.0 m from the Heritage Buildings;
 - ii. balconies at the level of the second and third storeys of the building shall be setback a minimum of 1.5 m from the Heritage Buildings;
 - iii. no balconies shall be permitted at the level of the first storey of the building;
- avii. No portion of any building or structure shall exceed the maximum building height shown in metres following the letter "H" on Schedule "E 1684". For the purpose of this exception "BUILDING HEIGHT" shall mean the vertical distance between grade and the highest point of the roof surface exclusive of any accessory roof construction such as a chimney, tower, steeple, parapets, trellises, planters, wind screens, lighting fixtures, balustrades, guardrails, stair enclosures, elevator, mechanical room, telecommunications or window washing equipment, privacy screens, rooftop recreational amenity facilities and associated access or other non-habitable rooms;
- aviii. the maximum building heights shall be as shown on Schedule "E 1684" and for the purposes of this Exception, "GRADE" shall mean the geodetic elevation of 151.59 metres, being the average grade elevation along the Woodbridge Avenue frontage;
- aix. Notwithstanding Sections avii. and aviii., the enclosed mechanical penthouse room above the west 6 - storey portion of the building, shown as "Mechanical Penthouse" on Schedule "E 1684 shall not exceed a height of 25.0 m above grade and may only be used for mechanical equipment and elevator areas, rooftop access, sanitary conveniences, laundry, pantry, corridor, stairway, closet, dwelling storage, and other spaces for service and maintenance of the dwelling unit. The enclosed stairs above the east 6 storey portion of the building, shown as "Stairs" on Schedule "E 1684 shall not exceed a height of 24.0 m above grade and shall be used for rooftop access.
- ax. the maximum Floor Space Index shall be 3.0 x lot area;
- bi. i. for the purposes of this paragraph a "Lot" shall be defined as follows:
- The Subject Lands shall be deemed to be one lot notwithstanding any conveyance of portions thereof, the number of buildings constructed thereon, including the creation of separate units therein and/or lots by way of a plan of condominium or consent, or any other permission, including easements or registrations that are granted in respect of the Subject Lands.

For the purposes of this Exception, the lot shall be deemed to be the lot as it existed at the date of passing of this by-law;

- ii For the purposes of this Exception, “HERITAGE BUILDINGS” shall mean the buildings known in the year 2016 as 185 and 197 Woodbridge Avenue and shown as the “Wallace House” and “McLean House” respectively on Schedule “E 1684;

- ci. Parking shall be provided on site in an underground parking garage in accordance with Minimum parking requirements calculated as follows:

Residential	
One (1) bedroom unit:	0.8 spaces per unit
Two (2) bedroom unit:	1.0 spaces per unit
Three (3) bedroom unit:	1.1 spaces per unit
Visitor Parking:	0.2 spaces per unit
Eating Establishment:	8 spaces per 100 m ²
Eating Establishment, Convenience	8 spaces per 100 m ²
Eating Establishment, Take-Out	4 spaces per 100 m ²
Other Commercial Uses:	3 spaces per 100 m ²

- cii. parking spaces, including accessible parking spaces, shall have a minimum length of 5.7 m;

- ciii. bicycle parking space shall be provided in accordance with the following minimum requirements of 17 short-term residential bicycle parking spaces, 6 short-term retail bicycle parking spaces, 42 long-term residential bicycle parking spaces, and 0 long-term retail bicycle parking spaces shall be provided in an underground parking garage for residents and visitors;

- di. the minimum amount of combined indoor and outdoor amenity area to be provided shall be a total of 2750 m²;

- ei. the following residential uses shall be permitted, up to a maximum of 85 dwelling units on the Lot:
 - Apartment Dwelling
 - Multiple Family Dwelling ⁽¹⁾

Note (1): A maximum of (2) dwelling units shall be permitted within the Wallace House and a maximum of (2) dwelling units shall be permitted within the McLean House

- eii. the following non-residential uses, shall be permitted on the Lot to a maximum of 650 m² of gross floor area and located exclusively at finished grade or at any level of a Heritage Building:

Dry Cleaning Depot
Banks or Financial Institutions
Business or Professional Offices
Personal Service Shop
Pharmacy
Retail Store
Retail Store, Convenience
Eating Establishment ⁽²⁾
Eating Establishment, Convenience ⁽²⁾
Eating Establishments: Take-out ⁽²⁾

Note (2): Any outdoor patio area associated with an Eating Establishment shall not be applicable for parking space requirement purposes.

- fi. A driveway and/or aisle which serve the movement of trucks to and from a loading space shall have a minimum width of 4.5 metres;
 - gi. Section 4.1.4 j) respecting the height and setback of retaining walls shall not apply for these lands;
 - hi. Section 4.1.4 f) respecting the maximum width of driveways and landscaped front or exterior side yards shall not apply for these lands. The maximum width of the driveway at the street curb and curb cut shall be 11.5 m;
 - ii. Subsection 4.1.4 b) respecting landscaping and screening and etc. around the periphery of the outdoor parking area shall not apply for these lands;
2. Pursuant to Section 37.1 of the *Planning Act*, the height and density of development otherwise permitted by this By-law Exception are permitted on the lands shown on Schedule "E 1684" attached hereto as Schedule 2 subject to compliance with the conditions set out in this By-law Exception and in return for the provision of the following facilities, services, and matters:
- a. A requirement that the owner of the Subject Lands enter into a Heritage Easement Agreement for the relocation, conservation, and restoration of portions of the Thomas Frazier Wallace house (being the Heritage Building located at 185 Woodbridge Avenue), including the provision of monetary securities to secure this obligation;
 - b. A requirement that the owner of the Subject Lands enter into a Heritage Easement Agreement for the relocation, conservation, and restoration of portions of the Dr. Peter McLean house (being the Heritage Building located at 197 Woodbridge Avenue), including the provision of monetary securities to secure this obligation;
 - c. A requirement that the owner of the Subject Lands provide an easement for public access to the privately owned public space (POPS) on the Subject Lands, and securing an obligation for future maintenance of the POPS;

- d. A requirement that the owner of the Subject Lands provide streetscape improvements along Woodbridge Avenue and Wallace Street adjacent to the Subject Lands, with such obligations to be secured in a Site Plan Agreement for the Subject Lands; and
 - e. A requirement that the owner of the Subject Lands make a cash contribution in the amount of \$100,000 to the City of Vaughan payable prior to the issuance of the Order of the Ontario Land Tribunal in Case No. PL160284 in respect of the zoning by-law amendment for the Subject Lands, such funds to be used by the City of Vaughan for streetscape improvements along Woodbridge Avenue not abutting the Subject Lands;
 - f. The provision of the facilities, services, and matters set out above shall be secured in an agreement or agreements pursuant to Section 37.1(2)1 of the *Planning Act* in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions where applicable, and such agreement or agreements shall be registered on title to the Subject Lands to the satisfaction of the City pursuant to Section 37.1(2)1 of the *Planning Act*;
 - g. Upon execution and registration of an agreement or agreements pursuant to Section 37.1 of the *Planning Act* securing the provision of the facilities, services, and matters set out above, the Subject Lands are subject to the provisions of this Exception, provided that in the event the said agreement(s) require the provision of a facility, service, or matter as a precondition to the issuance of a building permit, the owner of the Subject Lands may or not erect or use such building until such requirement has been satisfied.
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- c) Adding Schedule "E 1684" attached hereto as Schedule "2";
 - d) Deleting Key Map 7B and substituting therefore the Key Plan 7B, attached hereto as Schedule "3".
 - e) Schedules "2" and "3" shall be and hereby form part of this By-law.

SUMMARY TO BY-LAW 211-2022

NOTE: This summary does not form part of By-law 211-2022

The Subject Lands are located at the lands municipally known as in the year 2016 as 177, 185, and 197 Woodbridge Avenue, on the south side of Woodbridge Avenue and west of Wallace Street.

The purpose of this By-law is to rezone the Subject Lands from R2 Residential Zone and C1 Restricted Commercial Zone to RA2 Apartment Residential Zone, with site-specific exceptions to permit the development of a 6-storey mixed-use building with a maximum of 85 dwelling units and 650 m² of non-residential gross floor area. The By-law requires the provision of facilities, services and matters under Section 37.1 of the *Planning Act* including: a requirement to enter into a Section 37 Agreement, a requirement to enter into a Heritage Easement Agreement for the heritage buildings on the Subject Lands (the Wallace House at 185 Woodbridge Avenue and the McLean House at 197 Woodbridge Avenue); a requirement to provide a privately owned public space (POPS) on the Subject Lands; a requirement to provide streetscape improvement adjacent to the Subject Lands; and a requirement to provide a \$100,000.00 contribution for additional streetscape improvements along Woodbridge Avenue.

WOODBIDGE AVENUE

OLD FIREHALL LANE

RA2

WALLACE STREET

— — SUBJECT LANDS

**THIS IS SCHEDULE '1' TO
BY-LAW NO. 211- 2022**
PASSED THE 28TH DAY OF SEPTEMBER, 2022

File No. Z.14.026
Related File No. OP.14.006
Location: 177, 185 & 197 Woodbridge Ave
Applicant:
CITY OF VAUGHAN

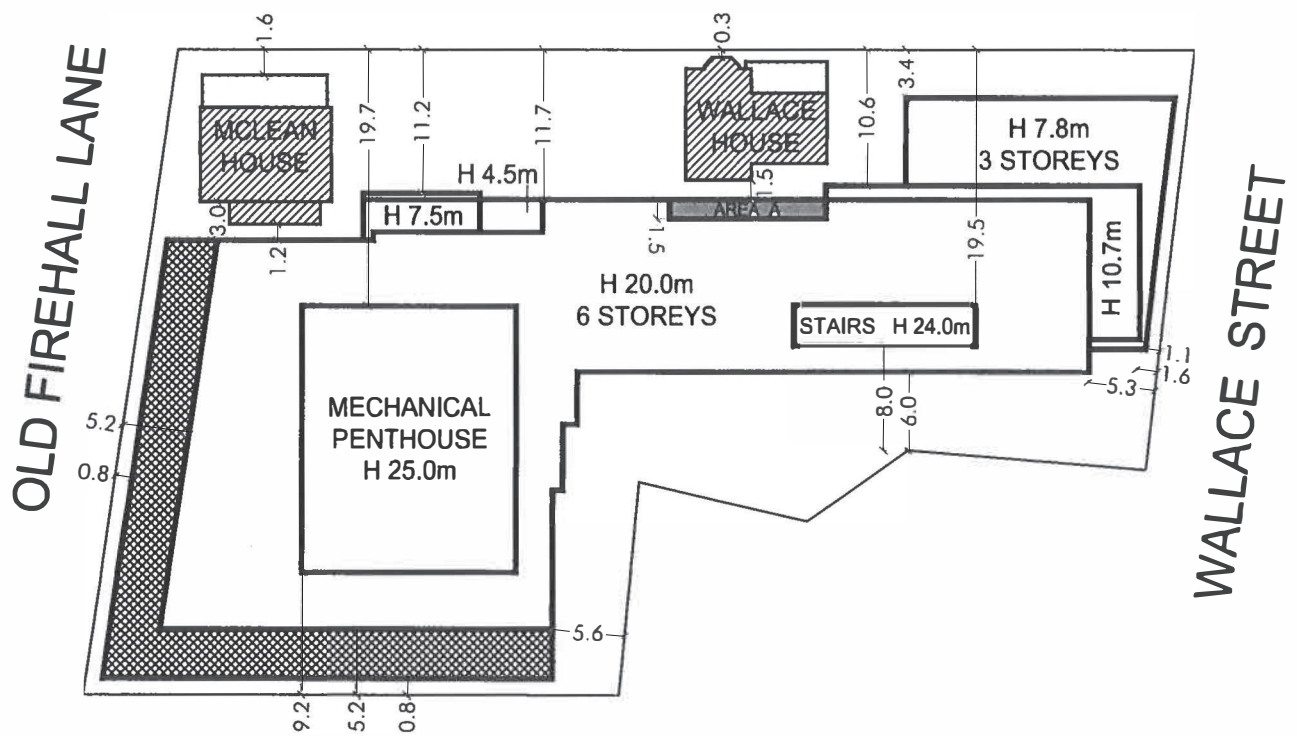
**TRIBUNAL ORDER:
CASE NO. PL160284
AUGUST 26, 2022**

Mayor

Clerk

SCHEDULE 'XXX'

WOODBIDGE AVENUE



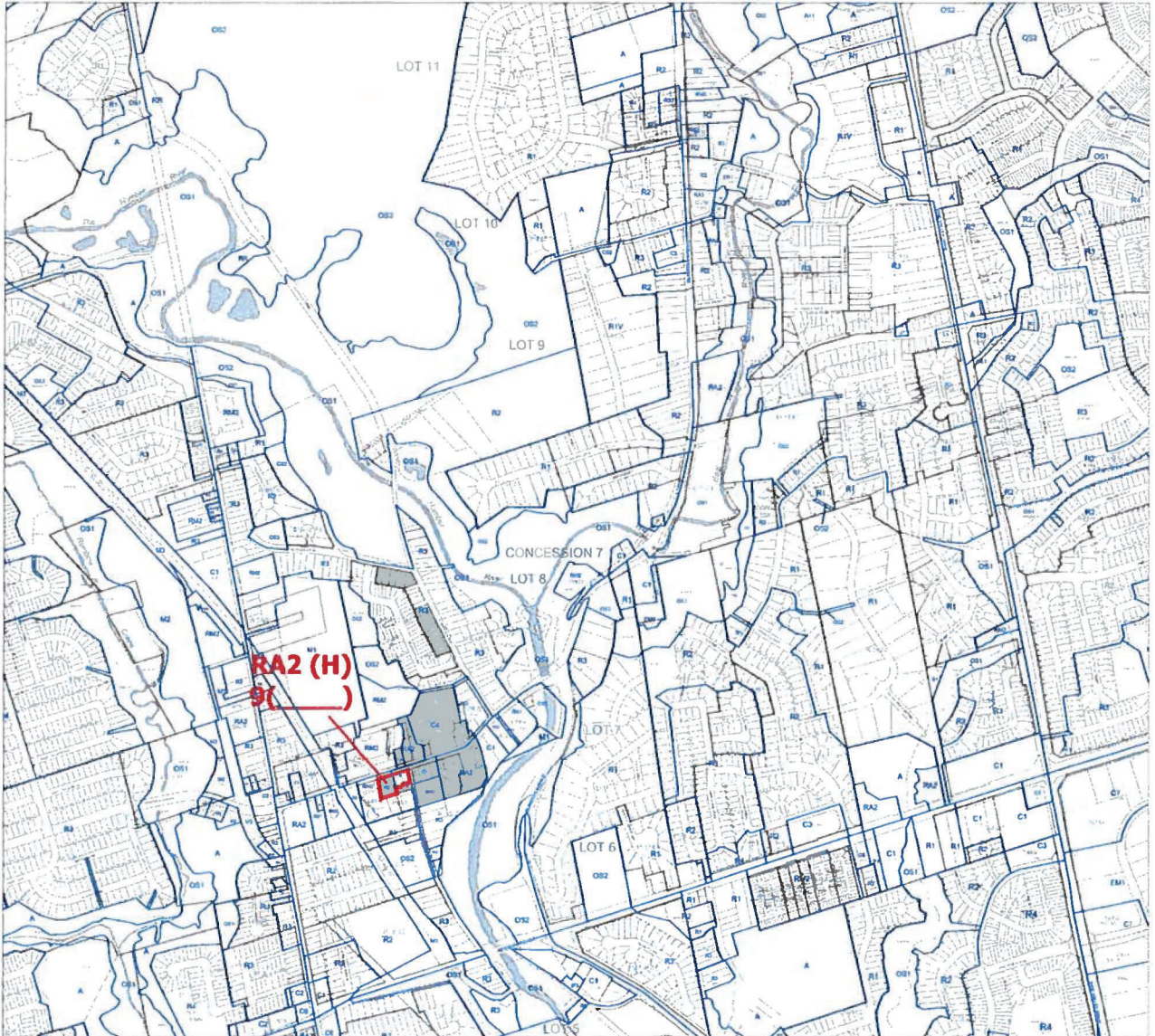
- BUILDING ENVELOPE
- ▨ HERITAGE BUILDING
- ▨ PORCH
- ▨ TERRACE BUILDING
- ▨ AREA A
- SUBJECT LANDS

**THIS IS SCHEDULE '2' TO
BY-LAW NO. 211-2022
PASSED THE 28TH DAY OF SEPTEMBER, 2022**

File No. Z.14.026
Related File No. OP.14.006
Location: 177, 185 & 197 Woodbridge Ave
Applicant:
CITY OF VAUGHAN

**TRIBUNAL ORDER:
CASE NO. PL160284
AUGUST 26, 2022**

Mayor
Clerk



KEY MAP 7B

TO BYLAW 1-88

REVISED JANUARY 2014

CITY OF VAUGHAN

LOCATION: PART OF WEST HALF OF LOT 7
CONCESSION 7
177-197 WOODBRIDGE AVENUE

 SUBJECT LANDS

**THIS IS SCHEDULE '3' TO
BY-LAW NO. 211-2022
PASSED THE 28TH DAY OF SEPTEMBER, 2022**

**TRIBUNAL ORDER:
CASE NO. PL160284
AUGUST 26, 2022**

Clerk