

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 212-2022**

**A By-law to adopt Amendment Number 14 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal.**

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

1. THAT the attached Amendment Number 14 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Ontario Land Tribunal Order Issue, dated the 26<sup>th</sup> day of August 2022 (OLT Case No. PL160284; File No. PL160284) attached hereto as Attachment “1” consisting of the attached text, Schedules “1”, “2”, “3” and “4” is hereby adopted.

Enacted by City of Vaughan Council this 28<sup>th</sup> day of September, 2022.

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Hon. Maurizio Bevilacqua, Mayor

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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 exectptions
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 26<sup>th</sup>  
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](http://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**

### **AMENDMENT NUMBER 14 TO THE VAUGHAN OFFICIAL PLAN 2010 OF THE VAUGHAN PLANNING AREA**

The following text and Schedules “1” “2” “3” and “4” constitute Amendment Number 14 to the Official Plan of the Vaughan Planning Area.

Authorized by the Decision of the Ontario Municipal Board  
Issued May 24, 2017, Case No. PL160284  
And by the final Order of the Ontario Land Tribunal dated August 26, 2022,  
Case No. PL160284, File Nos. PL160284  
Adopted by Vaughan City Council on February 21, 2017 .  
[Item No. 1 of Report No. 5 of the Committee of the Whole (Closed Session)]

## I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to redesignate the Subject Lands identified as Area Subject to Amendment No. 14 from “Low-Rise Mixed-Use” to “Mid-Rise Mixed-Use” and to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 2, Section 11.11, the Woodbridge Centre Secondary Plan respecting Site Specific Policy 4.1.2.5 to permit a 6-storey mixed use apartment building and retain two heritage buildings on the Subject Lands subject to the following policies in this amendment.

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Area Subject to Amendment No. 14” on Schedule “1” attached hereto:

- i) Permit a mixed-use apartment building with a maximum building height of 6 storeys or 20 m exclusive of the mechanical penthouse area. Permit commercial on the ground floor of the 3 storey podium facing Woodbridge Avenue and Wallace Street. The two heritage buildings (185 and 197 Woodbridge Avenue) to be used for grade related commercial and residential purposes. A maximum density Floor Space Index (FSI) of 3.0 and a maximum permitted lot coverage of 60% shall be permitted on the subject lands.

## II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on the southwest corner of Woodbridge Avenue and Wallace Street, being Part of Lot 7, Concession 7, known municipally as 177, 185 and 197 Woodbridge Avenue City of Vaughan, as shown on Schedule “1” attached hereto as “Area Subject to Amendment No. 14.”

## III BASIS

1. The Statutory Public Hearing in this matter was held on December 2, 2014 for File Nos. OP.14.006



and Z.14.026. The development applications (OP.14.006, Z.14.026, and DA.15.056) were subsequently appealed by the applicant to the Ontario Land Tribunal (Case No. PL160284) and consolidated with the applicant's site-specific appeal of VOP 2010 (Case No. PL111184). On January 19, 2016, Vaughan Council endorsed a settlement proposal for the site-specific VOP 2010 appeal and on February 21, 2017, Vaughan Council endorsed a settlement for File Nos. OP.14.006, Z.14.026, and DA.15.056 in respect of the Subject Lands, resulting in a settlement hearing before the Ontario Land Tribunal on April 28, 2017.

[1]

2. The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS includes policies that direct new growth to urban areas and promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents, which contribute to the creation of strong and safe communities, healthy environments and long term economic growth.

The development of the Subject Lands for a mid-rise mixed-use apartment building will facilitate the development of the subject lands to meet the intent of the PPS with respect to efficient use of land and infrastructure, and providing a range of housing types on lands that are environmentally safe and will not compromise public safety.

3. The Provincial A Place to Grow Plan (Growth plan) sets out framework to provide overall leadership and guidance to municipalities as they plan for growth in their communities. The plan sets out policy on a wide range of issues, managing growth, general intensification infrastructure planning, among other policies. The Growth Plan states that intensification makes more efficient use of land by accommodating growth within existing urban areas. The proposed development consisting of a mid-rise, mixed-use building form conforms to the Provincial Growth Plan as it proposes development in an existing built-up urban area.
4. The York Region Official Plan (YROP) designates the Subject lands as "Urban Area", which permits

a wide range of residential, industrial and institutional uses. The objective 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 is consistent with the policies of the York Region Official Plan.

[2]

5. Site-specific OPA No. 14, presented to the Ontario Land Tribunal on April 28, 2017, designates the subject lands “Mid-Rise Mixed-Use” to permit a mixed use apartment building with a maximum building height of 6 storeys or 20 m exclusive of the mechanical penthouse area. The amendment will also permit commercial on the ground floor of the 3-storey podium facing Woodbridge Avenue and Wallace Street. The two heritage buildings (185 and 197 Woodbridge Avenue) may be used for grade related commercial and residential purposes. A maximum density Floor Space Index (FSI) of 3.0 and a maximum lot coverage of 60% shall be permitted on the subject lands.

[3]

6. **This Amendment to the Vaughan Official Plan 2010 (VOP 2010) was approved by the Ontario Land Tribunal pursuant to Section 17(50) of the *Planning Act* on \_\_\_\_\_.**

#### IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 is hereby amended by amending the following sections and schedules of Section 11.11 Woodbridge Centre Secondary Plan:

1. Amending Section Policy 4.1.2.5 Site Specific Policies by adding the following policy 4.1.2.5.e. after the policies pertaining to 4.1.2.5.d.

“(OPA #14) e. 177, 185 and 197 Woodbridge Avenue

- i. Permit a mixed-use apartment building with a maximum building height of 6 storeys or 20 m exclusive of the mechanical penthouse area. Permit commercial on the ground floor of the 3-storey podium facing Woodbridge Avenue and Wallace Street. The two heritage buildings (185 and 197 Woodbridge Avenue) to be used for grade related commercial and residential

purposes.

- ii. The maximum density shall be an FSI of 3.0.  
[4]
- iii. The maximum lot coverage permitted shall be 60%.
- [5]
- iv. Notwithstanding the H6 building height maximum identified on Schedule 4 and the 19m identified in the Legend, the maximum building height shall not exceed 6 storeys and the building height shall not exceed 20 m exclusive of the mechanical penthouse area in accordance with the City of Vaughan Zoning By-law.

[6]

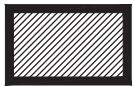
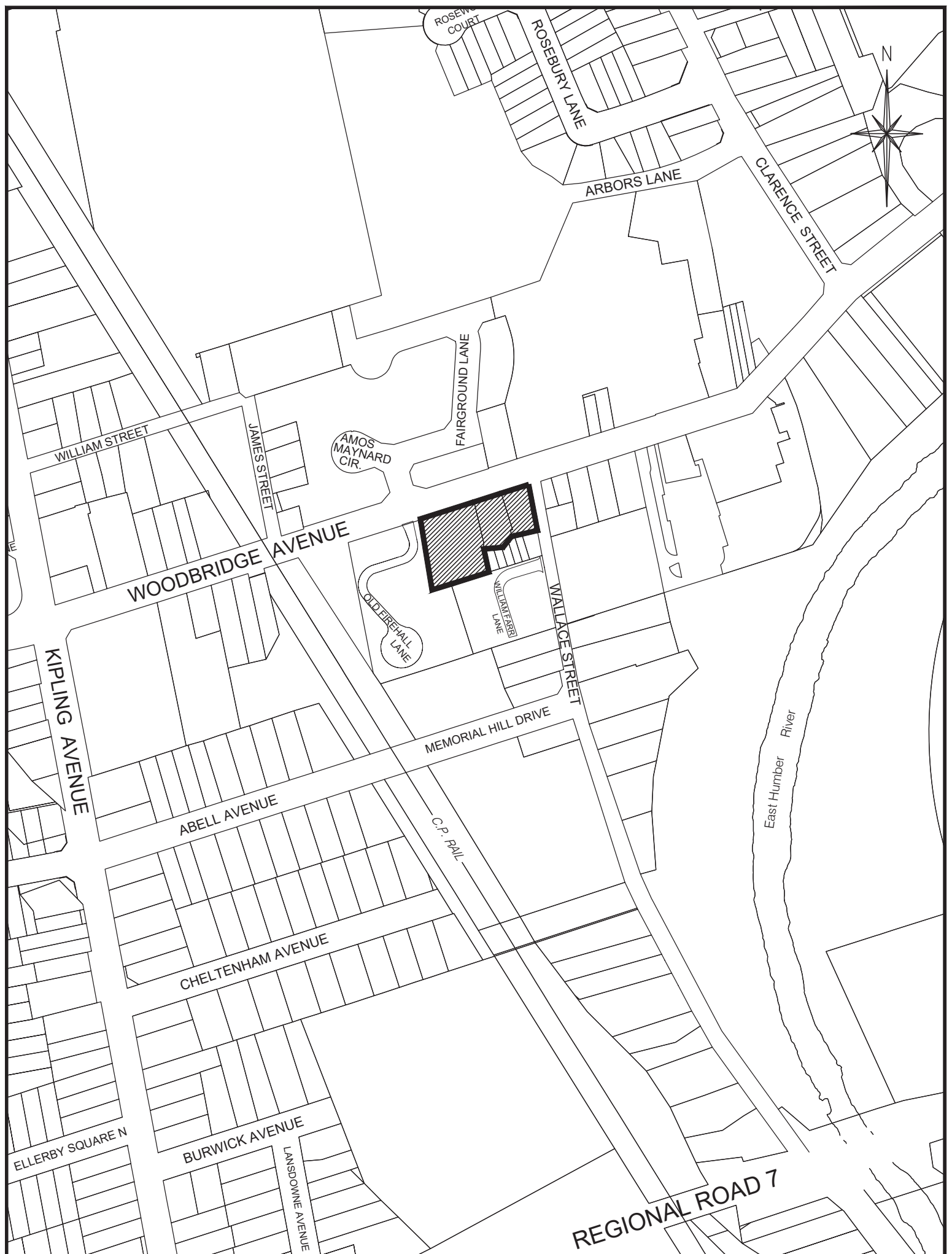
- 2. Amending Schedule 2 – Land Use Plan by redesignating the lands from ‘Low-Rise Mixed-Use’ to “Mid-Rise Mixed-Use” in accordance with Schedule ‘2’ attached hereto;
- 3. Amending Schedule 3 – Density Plan by amending the maximum density permitted on the subject lands from “D1.0” to “D3.0”, in accordance with Schedule ‘3’ attached hereto;
- 4. Amending Schedule 4 – Building Height Maximums by amending the maximum permitted height from “H4” to “H6” in accordance with 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*.

## 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. 14

# THIS IS SCHEDULE '1' TO AMENDMENT No. 14

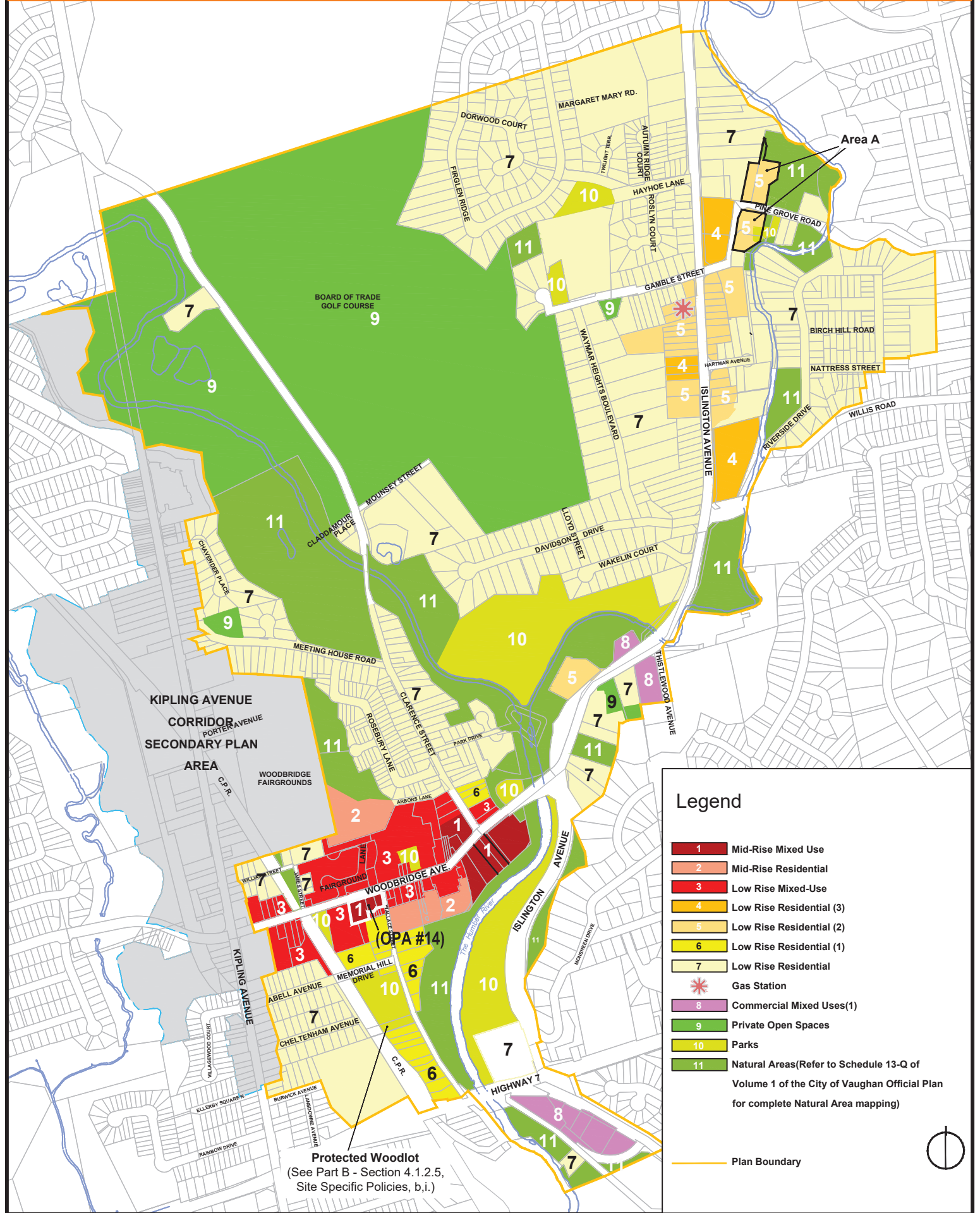
NOT TO SCALE

ADOPTED THE 28TH DAY OF SEPTEMBER, 2022

FILE No's. OPA #14 & OP.14.006  
LOCATION: Part of Lot 7, Concession 7  
APPLICANT: FCF OLD MARKET LANE  
CITY OF VAUGHAN

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

## Land Use Plan - Schedule 2



THIS IS SCHEDULE '2'  
TO AMENDMENT No. 14  
ADOPTED THE 28TH DAY OF SEPTEMBER, 2022

FILE No's. OPA #14 & OP.14.006  
LOCATION: Part of Lot 7, Concession 7  
APPLICANT: FCF OLD MARKET LANE  
CITY OF VAUGHAN

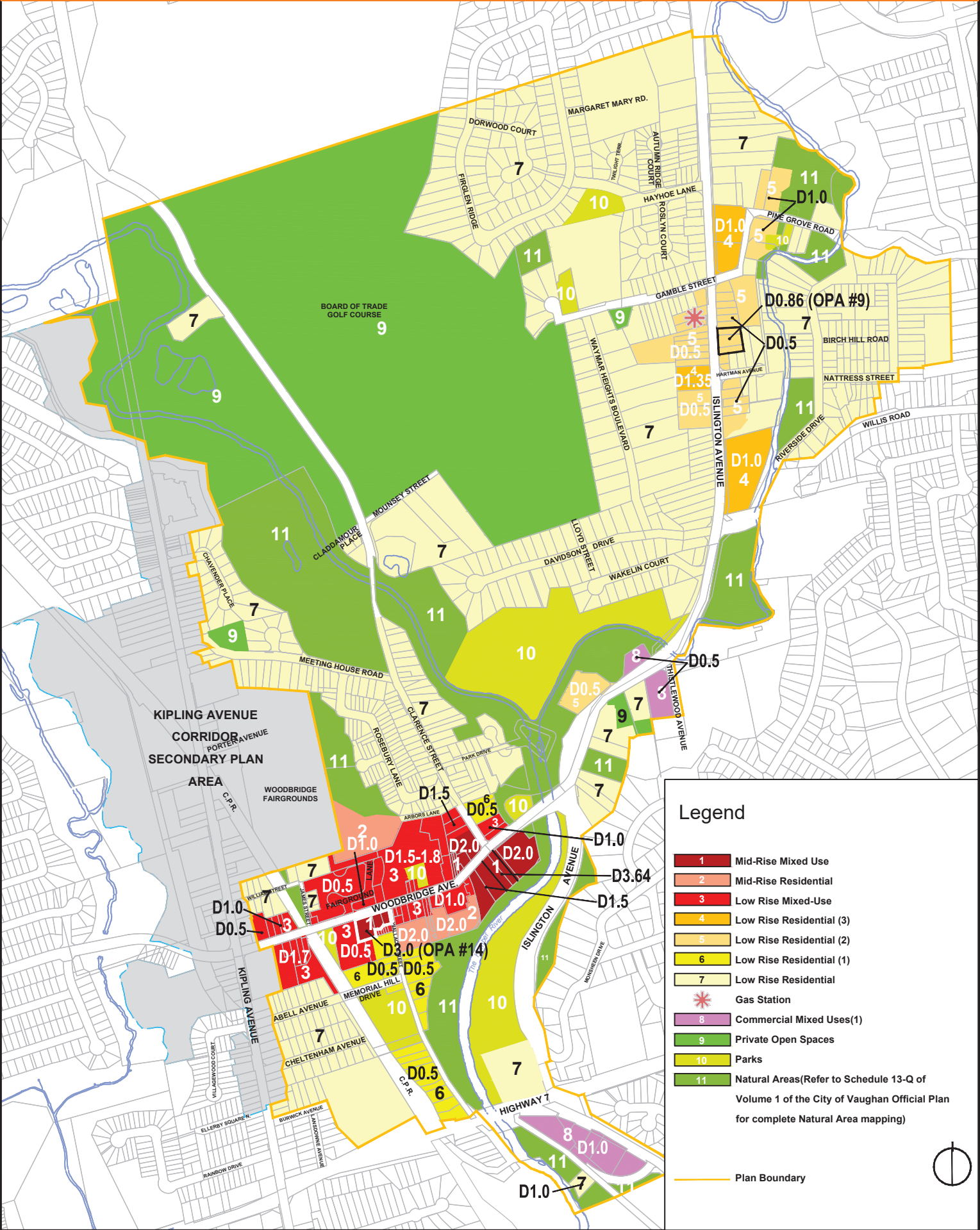
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**TRIBUNAL ORDER:  
CASE NO. PL160284  
AUGUST 26, 2022**

~~INITIATOR~~



Density Plan - Schedule 3



THIS IS SCHEDULE '3'  
TO AMENDMENT No. 14  
ADOPTED THE 28TH DAY OF SEPTEMBER, 2022

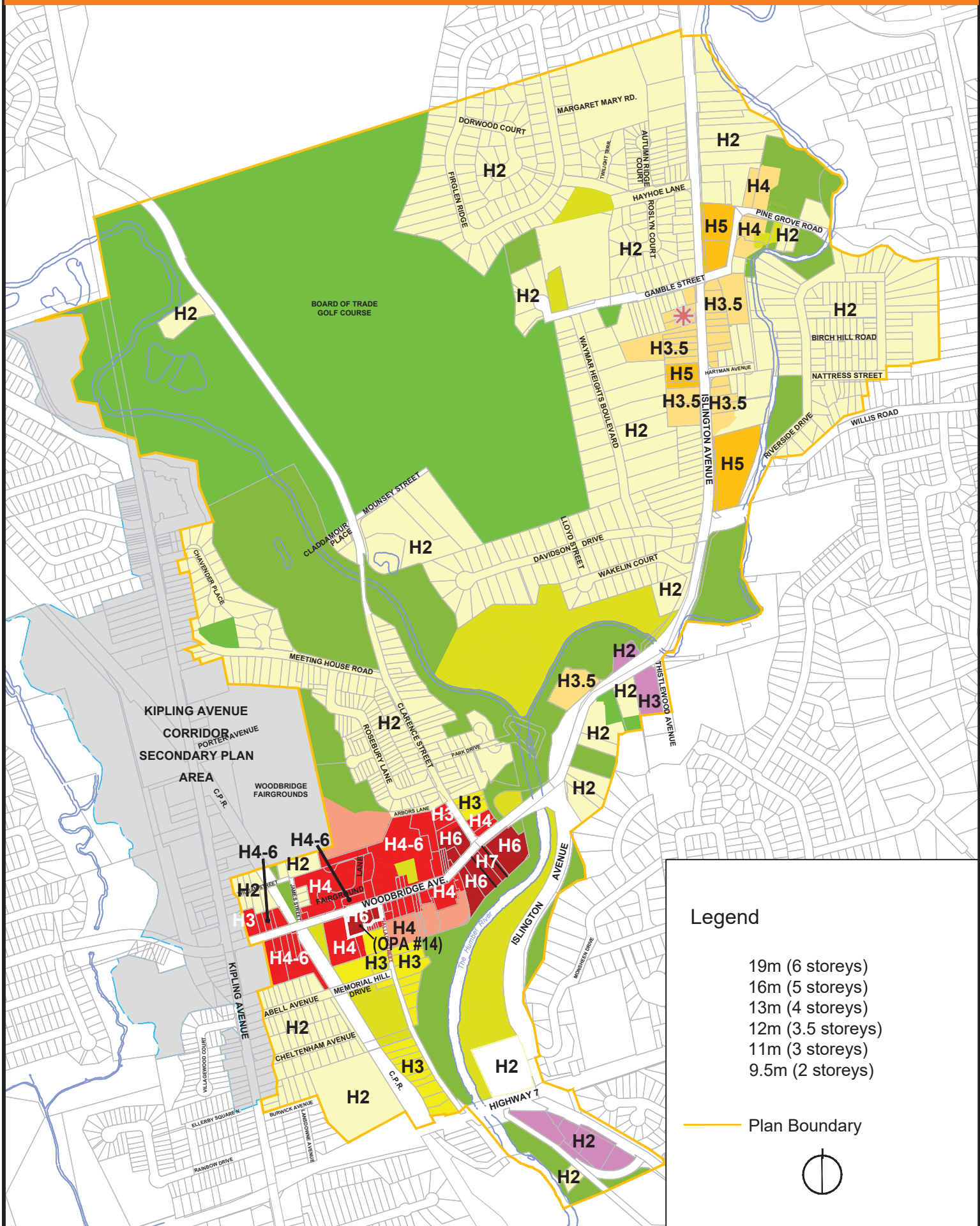
FILE No's. OPA #14 & OP.14.006  
LOCATION: Part of Lot 7, Concession 7  
APPLICANT: FCF OLD MARKET LANE  
CITY OF VAUGHAN

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TRIBUNAL ORDER:  
CASE NO. PL160284  
AUGUST 26, 2022

CLERK

# Building Height Maximums - Schedule 4



**THIS IS SCHEDULE '4'**  
**TO AMENDMENT No. 14**  
**ADOPTED THE 28TH DAY OF SEPTEMBER, 2022**

FILE No's. OPA #14 & OP.14.006  
LOCATION: Part of Lot 7, Concession 7  
APPLICANT: FCF OLD MARKET LANE  
CITY OF VAUGHAN

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

CLERK