

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 049-2019

A By-law to adopt Amendment Number 36 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 36 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 26th day of February 2019 (LPAT File No. PL 170640), attached hereto as Attachment "1" consisting of the attached text, Schedule "1" and Appendix "I" is hereby adopted.

Enacted by City of Vaughan Council this 1st day of May, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

ATTACHMENT 1

AMENDMENT NUMBER 36 TO THE OFFICIAL PLAN OF THE VAUGHAN PLANNING AREA

The following text and Schedule "1" constitutes Amendment Number 36 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 the Official Plan is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically Volume 1, Section 9.1.2.3 regarding the compatibility of new development within established “Community Areas”, to permit the development of 9 townhouse units and 8 semi-detached units within an established “Community Area”.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as "Subject Lands", are located on the west side of Keele Street, north of Cromwell Road, and municipally known as 9560 and 9570 Keele Street, being Part of Lot 18, Concession 4, City of Vaughan, shown on Schedule "1" attached hereto as “Area Subject to Amendment No. 36”.

III BASIS

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

1. The Provincial Policy Statement 2014 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean and healthy environment. The proposed development is consistent with the intent of the settlement areas and housing policies of the PPS, which promote the efficient use of land and support a healthy community. The Subject Lands are located along Keele Street, a planned Regional Transit Priority Network and Regional Cycling Network, and are located in proximity to existing retail uses. The location of the proposed development supports alternate modes of transportation such as transit, cycling and walking while using existing infrastructure more efficiently and minimizing land consumption. The proposed residential development also provides two housing types, thereby contributing to the range of housing types available in the City.
2. The Provincial Growth Plan for the Greater Golden Horseshoe 2017 (“Growth Plan”) is intended to: guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

The proposed development conforms with the policy framework of the Growth Plan as it makes a more efficient use of the Subject Lands and existing infrastructure, is located adjacent to existing and planned transit and provides two housing types at a higher density than currently exists on the site.

3. The York Region Official Plan 2010 (“YROP 2010”) designates the Subject Lands as “Urban Area” by Map 1 - “Regional Structure”, which permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. Official Plan Amendment File OP.15.008 is considered to be of local significance in accordance with York Region Official Plan 2010 policy 8.3.8, as the proposed Amendment does not adversely affect Regional planning policies or interests. The proposed development conforms to YROP 2010.
4. The Subject Lands are designated “Low-Rise Residential” by VOP 2010, which permits detached, semi-detached and townhouse units. The lands are also within a “Community Area” as identified in Schedule 1, “Urban Structure” of VOP 2010, and subject to Section 9.1.2.3 regarding compatibility criteria, urban design and built form. There is no associated density requirement prescribed by this designation. The compatibility criteria directs that new development should be designed to respect and reinforce the physical character of the established neighbourhood within which it is located.

The proposed development is located on Keele Street, an arterial road, with an existing detached dwelling to the north, a park to the south, a school (George Bailey Public School) to the west, and existing low-rise residential and institutional uses on the east side of Keele Street. The semi-detached dwellings provide for a compatible building mass along Keele Street while providing an appropriate transition between the surrounding detached dwellings and the proposed townhouse dwellings on lot with frontage on a private road.

The Subject Lands are located within the “Village of Maple Heritage Conservation District” (VMHCD) and are subject to Section 12.2.1.1c “Heritage Conservation District” in Volume 2 of VOP 2010 and are designated under Part V of the Ontario Heritage Act (“OHA”). The recommendation to demolish the existing dwellings located on the Subject Lands was approved by Heritage Vaughan on October 17, 2018 and ratified by Vaughan Council on December 12, 2018.

In recognition of the increased development pressure stable residential neighbourhoods are facing, Council directed Staff to undertake a policy review of the Low-Rise Residential designation of VOP 2010 in October 2015. Following Council’s direction, the Policy Planning and Environmental Sustainability Department initiated the Community Area Policy Review for Low-Rise Residential

Designations, which has resulted in the Council adopted Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods (“Guidelines”) and the Community Area Policy Review for Low-Rise Residential Designations Study (“Study”). The Guidelines were approved by Vaughan Council on October 19, 2016. The Study was approved by Vaughan Council on April 19, 2017. The Official Plan Amendment to implement the Study (OPA 15) was approved by Vaughan Council on September 27, 2018 and is awaiting approval from York Region. The subject development applications were deemed “Complete” on January 15, 2016, prior to Vaughan Council’s approval of the Guidelines. However, the proposed development has regard to the following Guidelines:

- 6 semi-detached units front onto a public street (Keele Street);
- The Guidelines suggest a minimum unit size of 6 m x 12 m. Six (6) units are over 6 m wide, with the remaining units ranging from 5.50 m to 5.65 m. All units have depths of 11.89 m to 13 m;
- For the units facing Keele Street, the front yards contain direct access to each unit from the sidewalk;
- The townhouse blocks contain a maximum of 5 units;
- The building height and massing for the semi-detached units fronting Keele Street is compatible with the character of the surrounding neighbourhood;
- The Guidelines suggest that each townhouse should have a private backyard. The units that front onto the private road have front and rear yards whereas, the units that front onto Keele Street have private amenity in the form of a balcony space over the garage;
- The proposed development is located in proximity to an existing public park (Frank Robson Park);
- The architecture and building materials respect and complement the character of the surrounding residential area and have been approved by Heritage Vaughan;
- A single point of access is provided; and,
- Visitor parking is located at the rear of the site.

In consideration of the above, the Development Planning Department is satisfied that the proposed development has regard for the “Community Area” policies of VOP 2010, and the Council approved Guidelines. The proposal provides a low-rise residential development that is appropriate, but not identical, with the surrounding development(s).

5. The statutory Public Hearing was held on May 3, 2016. The recommendation of the Committee of the Whole to receive the Public Hearing report and forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on May 17, 2016.

6. On March 29, 2016, 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.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 36 to the Official Plan of the Vaughan Planning Area, hereby amends VOP 2010 by:

1. Amending Schedule 14-C “Areas Subject to Site Specific Plans” of VOP 2010 by adding the Subject Lands on Schedule 1 to this Amendment attached hereto municipally known as 9560 and 9570 Keele Street, identified on Schedule 14-C as item 43.

2. Amending Section 13.1 Volume 2 “Areas Subject to Site Specific Policies” by adding the following policy to be renumbered in sequential order:

“(OPA #36) 13.1.1.43 The lands known as 9560 and 9570 Keele Street are identified on Schedule 14-C as item 43 and are subject to the policies set out in Section 13.43 of this Plan.”

3. Adding the following policies to Section 13 Volume 2 “Site Specific Policies”, and renumbering in sequential order, including a location map of the Subject Lands shown on Schedule 1.

“(OPA #36)	13.43	9560 and 9570 Keele Street
	13.43.1	General
	13.43.1.1	The following policies shall apply to the lands identified on Map 13.43.A.
	13.43.1.2	Notwithstanding Section 9.1.2.3 respecting new development within established “Community Areas”, 9 townhouse units and 8 semi-detached units are permitted on the Subject Lands identified on Map 13.43.A. Site-specific development standards shall be established in the implementing zoning by-law.”

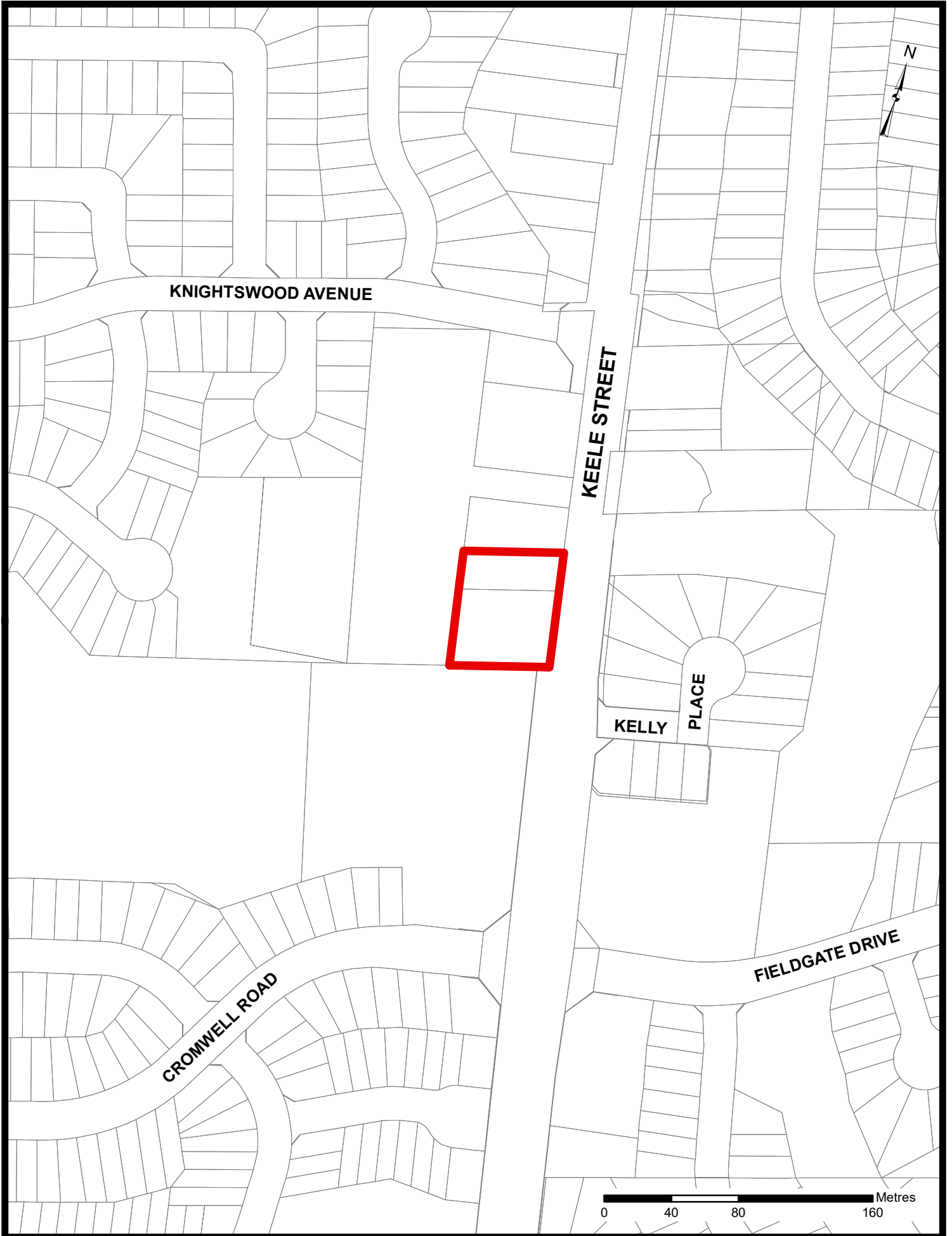
V IMPLEMENTATION

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, Draft Plan of Subdivision Approval and Site Development approvals, pursuant to the *Planning Act*, R.S.O. 1990, c. P.13.

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.

Section 13.43A 9560 and 9570 Keele Street

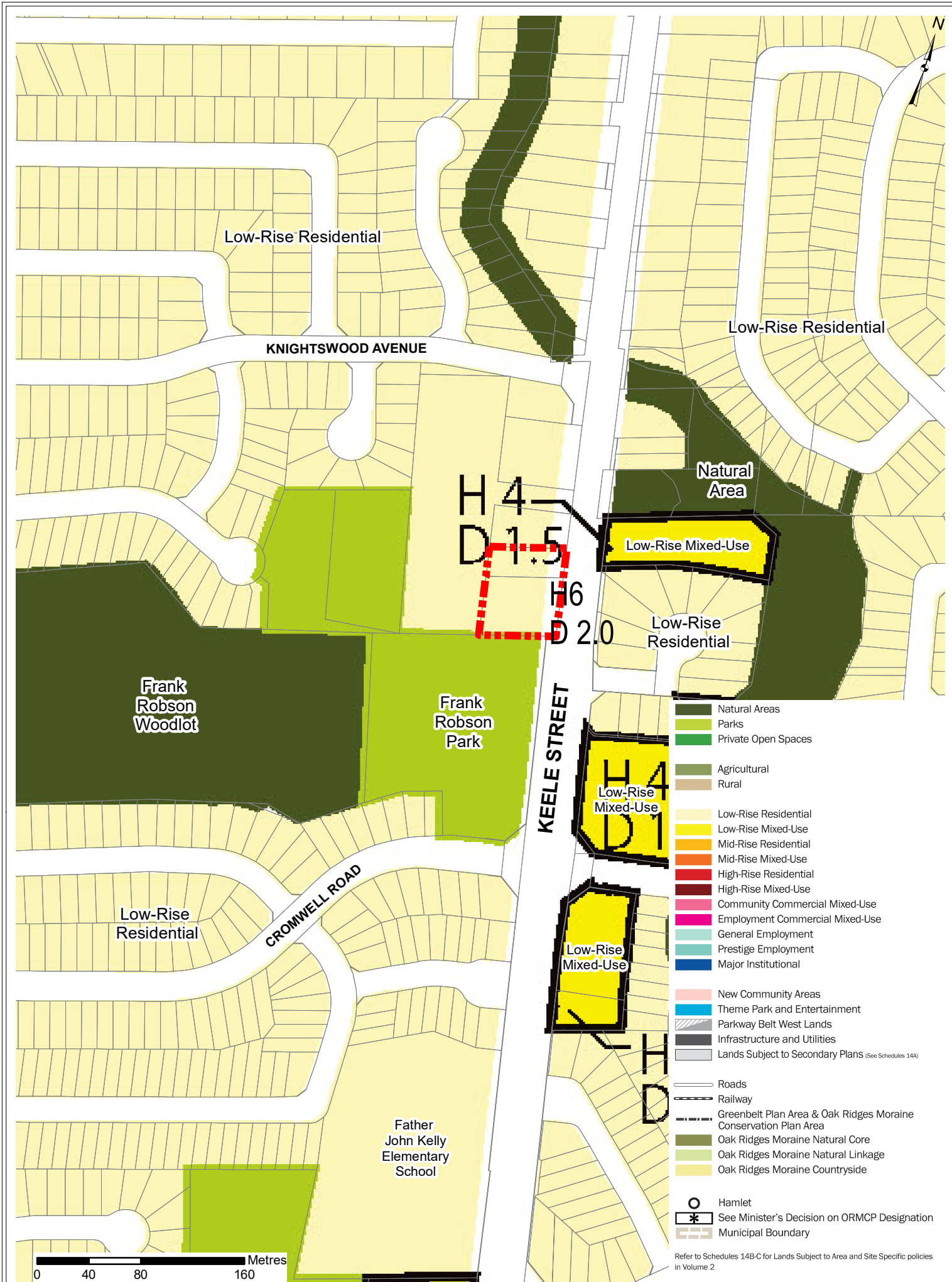


**THIS IS SCHEDULE '1'
TO OFFICIAL PLAN AMENDMENT NO. 36
APPROVED THE 1ST DAY OF MAY, 2019.**

FILE: OP.15.008
RELATED FILES: Z.15.035, 19T-15V014, DA.16.116
LOCATION: PART OF LOT 18, CONCESSION 4
APPLICANT: LAURIER HARBOUR (KEELE) INC.
CITY OF VAUGHAN



**AREA SUBJECT TO
AMENDMENT NO. 36**



APPENDIX I

EXISTING LAND USES

OFFICIAL PLAN AMENDMENT NO. 36

FILE: OP.15.008
 RELATED FILES: Z.15.035, 19T-15V014, DA.16.0116
 LOCATION: PART OF LOT 18, CONCESSION 4
 APPLICANT: LAURIER HARBOUR (KEELE) INC.
 CITY OF VAUGHAN



LANDS SUBJECT TO
 AMENDMENT NO. 36

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



ISSUE DATE: February 26, 2019

CASE NO(S): PL170640

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:	Laurier Harbour (Keele) Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment “Low Rise Residential”
Existing Designation:	“Low Rise Residential”
Proposed Designation:	To amend the policies in the Vaughan Official Plan 2010 regarding the design and compatibility criteria for new development in a “Community Area” in the “Low Rise Residential” designation respecting lot configuration and size, and the built form and physical character with the surrounding development
Purpose:	To permit the development of 19 three-storey freehold townhouse units to be served by a privately owned and maintained common element condominium road
Property Address/Description:	9560 & 9570 Keele Street/ Part of Lot 18, Concession 4, Part 1, 65R 34170, City of Vaughan and Part of Lot 18, Concession 4, Part 1, 65R 34161, City of Vaughan
Municipality:	City of Vaughan
Approval Authority File No.:	OP.15.008
OMB Case No.:	PL170640
OMB File No.:	PL170640
OMB Case Name:	Laurier Harbour (Keele) 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: Laurier Harbour (Keele) Inc.
 Subject: Application to amend Zoning By-law No. 1-88, as amended – Neglect of application by the City of Vaughan
 Existing Zoning: “R1 Residential Zone”
 Proposed Zoning: “RT1 Residential Townhouse Zone” with site-specific provisions to facilitate the redevelopment of the property
 Purpose: To permit the development of 19 three-storey freehold townhouse units to be served by a privately owned and maintained common element condominium road
 Property Address/Description: 9560 & 9570 Keele Street/ Part of Lot 18, Concession 4, Part 1, 65R 34170, City of Vaughan and Part of Lot 18, Concession 4, Part 1, 65R 34161, City of Vaughan
 Municipality: City of Vaughan
 Municipal File No.: Z.15.034
 OMB Case No.: PL170640
 OMB File No.: PL170641

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Laurier Harbour (Keele) Inc.
 Subject: Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision
 Purpose: To permit the development of 19 three-storey freehold townhouse units to be served by a privately owned and maintained common element condominium road
 Property Address/Description: 9560 & 9570 Keele Street/ Part of Lot 18, Concession 4, Part 1, 65R 34170, City of Vaughan and Part of Lot 18, Concession 4, Part 1, 65R 34161, City of Vaughan
 Municipality: City of Vaughan
 Municipal File No.: 19T-15V014
 OMB Case No.: PL170640
 OMB File No.: PL170642

Heard: February 11, 2019 in Vaughan, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Laurier Harbour (Keele) Inc.	Aaron Platt and Nadia Kadri
City of Vaughan	Effie Lidakis
Regional Municipality of York	Bolajoko Ogunmefun

Participant

Mike Minicucci	Self-represented
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**MEMORANDUM OF ORAL DECISION DELIVERED BY JUSTIN DUNCAN ON
FEBRUARY 11, 2019 AND PARTIAL ORDER OF THE TRIBUNAL**

[1] This memorandum follows a hearing of appeals filed by Laurier Harbour (Keele) Inc. (“Appellant”) from the failure of the City of Vaughan (“City”) to make a decision on applications for an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBA”) and a proposed Draft Plan of Subdivision (“Draft Plan”) intended to facilitate the development of townhouses on properties known municipally as 9560 and 9570 Keele Street (“Subject Lands”).

[2] At the outset of the hearing, the Tribunal was advised that the Appellant, the City and the Regional Municipality of York (“Region of York”) had reached a settlement of their issues on the basis of revised applications. The applications before the Tribunal consisted of the following:

- a. OPA No. 36 that would introduce site-specific revisions regarding the compatibility of the proposed development.
- b. The ZBA that would rezone the Subject Lands from the Residential 1 (R1) Zone to the Residential Townhouse 1 (RT1) Zone and introduce site-specific development standards.

- c. The Conditional Draft Plan consisting of two Blocks, with one block varying between 10.24 metres (“m”) to 11.40 m intended to be dedicated to the Region of York for the purpose of widening the Keele Street right-of-way.

[3] The proposed built form facilitated by these planning instruments has been revised from the originally proposed 19 dwelling units in three townhouse blocks to nine townhouse and eight semi-detached dwellings for a total of 17 units and incorporates the following elements:

- a. 0.92 floor space index (“FSI”) or a density of 51 units per hectare.
- b. A height of 8.8 m to 9.3 m with three storeys.
- c. Access from Keele Street and an internal common element condominium road.
- d. Four visitor parking spaces with one accessible parking space.
- e. Victorian style architecture approved by Heritage Vaughan.

[4] Most significantly, the architectural expression of the proposed dwellings is intended to meet the requirements of the Maple Heritage Conservation District Plan (“HCD Plan”) applicable to the Subject Lands.

[5] Mike Minicucci, owner of 9580 Keele Street and a participant on these appeals, continued to oppose the revised applications for various reasons. As a result, the Tribunal heard expert planning evidence from the Appellant’s land use planner, Ryan Guetter, on consent of the parties and also, heard evidence from Mr. Minicucci at the hearing.

[6] To begin, Mr. Guetter was qualified by the Tribunal to provide expert evidence in the area of land use planning. He explained that the Subject Lands are located on Keele Street just south of the core of the village of Maple. He explained that Keele Street is a regional road and a dedicated transit corridor is planned at this location. He explained that the Subject Lands are bounded to the north by Mr. Minicucci's property, to the south and west by a park and school property. He explained that there have been multiple recent developments in the vicinity of the Subject Lands similar to what the Appellant proposes, in the form of townhouse or apartments with heights of three or four storeys. Mr. Guetter also explained that the Subject Lands are located within a HCD Plan area, that the residences located on the Subject Lands are not specifically protected under the HCD Plan, and that the City's Heritage Committee has considered and approved the revised applications, including the demolition of the existing residences.

[7] Mr. Guetter explained that the Appellant has prepared a tree preservation/landscape plan and that the revised applications will preserve more existing trees than the original application and that new tree plantings will occur throughout the proposed development.

[8] Mr. Guetter opined that similar to other development in the area, the proposal represents sensitive infill development on former large rural lots in response to the HCD Plan framework and in response to the applicable provincial policy framework.

[9] Mr. Guetter opined that the revised applications have appropriate regard for matters of provincial interest set out in s. 2 of the *Planning Act* ("Act"). He also opined that the applications have been considered against and have fulfilled those criteria of s. 51(24) of the Act applicable to applications for plans of subdivision. Mr. Guetter also opined that the applications have regard to the applicable requirements of the *Ontario Heritage Act* through the proposed conditions of approval.

[10] Mr. Guetter opined that the applications are consistent with the Provincial Policy Statement, 2014, as the proposed development will make efficient use of land and municipal infrastructure, provides for intensification in a settlement area along a transportation corridor, provide for consideration of heritage resources and adds to the mix of housing within the City.

[11] Mr. Guetter also opined that the applications conform to the Growth Plan for the Greater Golden Horseshoe, 2017 by, for example, providing for intensification in an area with planned additional future public transit and provides for a compact form of development with appropriate development standards and by making efficient use of municipal infrastructure.

[12] Mr. Guetter explained that the Subject Lands are located in an Urban Transit Service Area as set out in the Region of York Official Plan. He opined that by providing for an expanded right-of-way as part of the proposal, the applications conform to the Region OP policy directed specifically at securing such an expansion at this location. He also opined that the applications conform to Region OP policy relating to redevelopment and intensification within the existing built boundaries of the Region of York.

[13] With regards to the City Official Plan ("City OP"), Mr. Guetter explained that the Subject Lands are identified as "Community Area" in Schedule 1 (Urban Structure). He also explained that the Subject Lands are designated "Low Rise Residential" on Schedule 13 (Land Use) and three storey townhouses are permitted in this designation. However, Mr. Guetter explained that to ensure that the applications conform to the City OP, the Appellant seeks the site-specific OPA to resolve any potential non-conformity with policy relating to compatibility for new development in older, established residential neighbourhoods. Otherwise, it was Mr. Guetter's opinion that the applications conform to the City OP policy.

[14] Mr. Guetter explained that the applications will meet the height standards and will exceed the parking standards contained in the Zoning By-law. He explained that the proposed ZBA incorporates site-specific standards for each development block. Mr. Guetter explained that the parties propose to finalize the language of these development standards within the ZBA in tandem with the finalization of the Site Plan that remains with the City for consideration. He opined that the ZBA would conform with the proposed OPA.

[15] Mr. Guetter also reviewed the current draft of the Site Plan application, which has been updated to reflect the discussions ongoing amongst the parties. He explained that the proposed elevations and architectural details have been updated to reflect the City and Heritage comments.

[16] Mr. Guetter also explained that the Draft Plan conditions may require some further refinement between the parties but are close to being finalized.

[17] With regards to Mr. Minicucci's property at 9580 Keele Street, Mr. Guetter explained that the Subject Lands are screened by a row of trees and a large garage that runs along the length of the shared property line.

[18] Mr. Minicucci explained that his residence is approximately 7,000 square feet. He explained that his concerns relating to the proposal relate to the removal of mature trees on the Subject Lands, impacts to the root system of trees on his property, overlook into the rear yard of his property resulting from the proposed townhouse closest to his property. He also explained that he has concerns about the lack of potential snow storage sites on the Subject Lands if the development moves forward as proposed. Finally, he explained that he is concerned that the proposed development may adversely impact the value of his own property.

[19] In reply Mr. Minicucci's evidence, Mr. Guetter explained that the arborist report prepared in support of the proposed development shows the type, health and

recommendation for each tree currently on the Subject Lands. He explained that the arborist report had been reviewed by the City and that the revised applications will retain more trees than originally proposed and that the setback from Mr. Minicucci's property would be sufficient to ensure the protection of the trees on his property. Mr. Guetter opined that although the interface between the proposed development and Mr. Minicucci's property is fairly typical for an urban setting, the unit located closest to Mr. Minicucci's rear yard could also be designed to reduce the potential for overlook through Site Planning. Mr. Guetter also explained that snow storage sites have been identified on the Subject Property as part of the draft Site Plan and there are sufficient opportunities to meet City requirements on site.

[20] The parties jointly requested that the appeals be granted and that the Tribunal issue an order approving the OPA, approving the ZBA in principle and withholding final approval until a Site Plan is finalized, approving the Draft Plan subject to the parties finalizing the Conditions of Draft Plan approval and that the Tribunal confer the power on the City to clear conditions and issue final approval of the Plan of Subdivision.

[21] Having considered the evidence and submissions of the parties, and having considered the draft planning instruments, the Tribunal found that the applications have met applicable legislative and policy requirements as set out in the evidence of Mr. Guetter and the Tribunal granted the order sought by the parties, subject to the addition of a condition intended to reduce the potential of overlook into the rear yard of Mr. Minicucci's property at 9580 Keele Street.

PARTIAL ORDER OF THE TRIBUNAL

[22] The Tribunal orders that:

- a. The appeals are allowed in part.
- b. OPA No. 36 marked as Exhibit 4 during the hearing is approved.

- c. The ZBA marked as Exhibit 5 during the hearing is approved in principle and final approval by the Tribunal is withheld until such time as the parties advise the Tribunal that a Site Plan has been finalized and the parties provide the Tribunal with a final form of the ZBA.
- d. As a condition of approval of the Draft Plan, Site Planning shall consider and incorporate measures, including specific fenestration techniques, to reduce the potential for overlook from the dwelling identified on the Draft Plan as Block 1 (Unit 5) into the rear yard of 9580 Keele Street.
- e. The Draft Plan of Subdivision is approved in the form set out in Exhibit 6 but final approval is withheld until such time as the parties provide a final version of the Draft Plan Conditions to the Tribunal.
- f. Pursuant to s. 51(56.1) of the *Planning Act*, the City of Vaughan shall have the authority to clear the Conditions of Draft Plan approval and to administer final approval of the Plan of Subdivision for the purposes of s. 51(58) of the *Planning Act*. In the event that there are issues implementing any conditions, the Tribunal may be spoken to.

“Justin Duncan”

JUSTIN DUNCAN
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 Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248