

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 117-2023

A By-law to adopt Amendment Number 105 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 105 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Ontario Land Tribunal Order, dated June 27, 2023, (OLT Case No. OLT-22-004049) attached hereto as Attachment “1” 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.

Voted in favour by City of Vaughan Council this 26th day of September, 2023.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by the Order of the Ontario Land Tribunal
Issued June 27, 2023, Case No. OLT-22-004049.
Adopted by Vaughan City Council on January 24, 2023
(Item No.14 of Report No. 1 of the Committee of the Whole).
Adopted by Vaughan City Council on April 25, 2023
(Item No. 3 of Report No. 19 of the Committee of the Whole (Closed Session)).
City Council voted in favour of this by-law on
September 26, 2023.
Approved by Mayoral Decision MDC 003-2023 dated September 26, 2023.
Effective Date of By-Law: September 26, 2023

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 27, 2023

CASE NO(S): OLT-22-004049

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

Applicant/Appellant: NJS Developments Inc.
Subject: Request to amend the Official Plan – Failure
to adopt the requested amendment
Description: to permit a 348-unit residential apartment
building
Reference Number: OP.21.023
Property Address: 3836-3850 Major Mackenzie Drive W
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-004049
OLT Lead Case No: OLT-22-004049
OLT Case Name: NJS Developments Inc. v. Vaughan (City.)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Subject: Application to amend the Zoning By-law –
Refusal or neglect to make a decision
Description: to permit a 348-unit residential apartment
building
Reference Number: Z.21.047
Property Address: 3836-3850 Major Mackenzie Drive W
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-004050
OLT Lead Case No: OLT-22-004049

Heard: June 6, 2023 by video hearing

APPEARANCES:

Parties

NJS Developments Inc.

City of Vaughan

Regional Municipality of York

G Group Major Mackenzie Inc.

Counsel

Steven Ferri

Marc Kemerer
Candace Tashos

Bola Ogunmefun

Matthew Helfand
Andrea Skinner (*in absentia*)

MEMORANDUM OF ORAL DECISION DELIVERED BY C.I. MOLINARI AND S. DEBOER ON JUNE 6, 2023 AND FINAL ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION AND BACKGROUND

[1] This matter involves an appeal filed by NJS Developments Inc. (“Appellant”) pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (“Act”) against the City of Vaughan’s (“City”) failure to make a decision within the statutory time frame regarding the Appellants’ Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (“Applications”) for the property municipally known as 3836 and 3850 Major Mackenzie Drive West (“Major Mackenzie”) (“Subject Property”).

[2] The Applications, as revised, propose to amend the City Official Plan 2010 (“COP”), the City Zoning By-law No. 1-88, as amended (“ZBL 1-88”), and the new comprehensive City Zoning By-law No. 001-2021, as amended (“ZBL 1-21”), to facilitate the development of a tiered 4 to 12-storey residential apartment building with a total of 367 units.

[3] The Subject Property is currently vacant and has an area of approximately 8,884 square metres (“sq m”) with a frontage of approximately 90 metres on Major Mackenzie. The site is bounded by Major Mackenzie to the south, Sydney Circle to the west, Sandwell Street to the north, and a planned future public road to the east (“Sunset Terrace”).

[4] The surrounding neighbourhood is characterized by existing and future planned higher-intensity built forms including three-storey townhouses to the west and north, an approved 19-storey high-rise mixed-use building owned by G Group Major Mackenzie Inc. to the east. To the south side of Major Mackenzie is a three-storey mixed-use building and a Ministry of Transportation maintenance yard. The site is served with public transit along two major regional corridors, those being Major Mackenzie and Weston Road to the east.

[5] The Applications were filed with the City on December 7, 2021, and deemed complete as of December 23, 2021. The Appellant filed a revised submission on November 4, 2022, in response to feedback received through the review of the original proposal to address issues related to built-form, massing, site access, indoor amenity space, and public realm design. The revisions included an increase in the number of units from 348 to 367, and a decrease in the total gross floor area from 30,315 sq m to 28,463 sq m.

[6] Subsequent to the appeal of the Applications, the City endorsed the approval of the revised Applications subject to modifications to the building design and the inclusion of a Holding Symbol (“H”). Following discussions between the Parties, final revised OPA and ZBAs were agreed to between the Parties.

[7] The Tribunal received correspondence from the Appellant in advance of the hearing advising that the Parties had settled the issues and requesting that the Tribunal convert the proceedings to a settlement hearing.

[8] In accordance with Rule 12 of the Tribunal's *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the settlement.

LEGISLATIVE FRAMEWORK

[9] When considering appeals filed pursuant to s. 22(7) and 34(11) of the Act, the Tribunal must have regard to the matters of provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 ("PPS") and, in this case, conform to the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). The Tribunal must also be satisfied that the Applications conform with the Region of York ("Region") Official Plan ("ROP"), the COP and both of the City Zoning By-laws.

[10] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Applications represent good planning and are in the public interest.

SUBMISSIONS

[11] Prior to the commencement of the hearing, the Tribunal received the Affidavit of Ryan Mino-Leahan in support of the settlement. At the hearing, the Parties presented Mr. Mino-Leahan as a professional land use planner and requested the Tribunal qualify him to give expert opinion evidence in oral testimony along with his Affidavit concerning the settlement. The Tribunal qualified Ryan Mino-Leahan on consent to provide expert opinion evidence in the area of land use planning pertaining to this matter.

[12] Mr. Mino-Leahan provided background information on the Subject Property, the surrounding area as well as the history and processing of the Applications.

The Applications

[13] Mr. Mino-Leahan advised the Tribunal that the OPA proposes to redesignate the Subject Property from Low-Rise Mixed-Use and Low-Rise Residential to Mid-Rise Residential, and includes other site-specific provisions to increase the maximum floor space index ("FSI") from 1.5 times the area of the site to 3.25 times the net developable area, and to permit an increase in the maximum building height from four storeys to 12 storeys.

[14] Mr. Mino-Leahan described the proposed site-specific ZBAs in his Affidavit as providing the required permissions for the development of the site with a tiered four to 12-storey residential apartment building with a total of 367 residential dwelling units and with a FSI of 3.25 times the net developable area of the Subject Property. The building will be 'C-shaped' fronting directly on existing and future public roads to the north, east and south. Building height and massing is focused at the southeast corner with terracing in height down to four storeys towards the north and to six storeys towards the west, providing a reduction in scale and massing towards surrounding residential uses. The proposed building will be served by an at-grade amenity area within the central and western portions of the site as well as on the roof at the fifth level at the north end of the building. Access to the at-grade parking and loading areas and the ramp to the two-level underground parking garage will be provided from a private driveway accessing Sunset Terrace. The Proposed Development will provide 418 parking spaces of which 11 are accessible as well as 228 short-term and long-term bicycle parking spaces.

[15] Mr. Mino-Leahan explained that the Holding provisions contained in the ZBAs would require the following conditions to be fulfilled by the Appellant prior to removal:

- a) a Functional Servicing and Stormwater Management Report to be submitted to the satisfaction of the City, and an Agreement to be entered into with the

City in the event infrastructure improvements are required external to the Subject Property;

- b) a peer review of the Noise Study to the satisfaction of the City, and the payment of a surcharge fee if required;
- c) the submission of the Phase Two Environmental Site Assessment and a Reliance Letter to the satisfaction of the City;
- d) the submission of a revised Transportation Mobility Plan to the satisfaction of the City;
- e) the Sunset Terrace extension to be either constructed or for the Appellant to demonstrate through a comprehensive Transportation Impact Study, to the satisfaction of the City, that an alternate interim roadway for the extension can be achieved and for the Appellant to identify and secure any necessary lands to facilitate the interim solution; and
- f) an amending Subdivision Agreement to be executed and registered on title.

[16] Mr. Mino-Leahan reviewed the particulars related to the need for two ZBAs, one to amend ZBL 1-88 and one to amend ZBL 1-21, explaining the timing of the adoption by the City of ZBL 1-21 and subsequent appeal and approval by the Tribunal, relative to the date of submission of the Applications. Mr. Mino-Leahan advised that, as the Applications were processed prior to the Tribunal issuing its order related to ZBL 1-21, the transition provisions of ZBL 1-21 do not apply and the Applications were subject to a dual review under both ZBL 1-88 and ZBL 1-21. Accordingly, both ZBAs are required in order to facilitate the review by the City of the associated Site Development Application under either ZBA.

[17] As described by Mr. Mino-Leahan, the ZBA to amend ZBL 1-88 proposes to rezone the Subject Property from a site-specific 'RR Rural Residential Zone' and a site-specific 'RT1 Residential Townhouse Zone' to a site-specific 'RA3 Apartment Residential Zone' subject to the conditions of the H provision. The site-specific exceptions include the following:

- amend the definitions of Lot, Parking Space, and Front Lot Line,
- amend the minimum parking space requirements,
- reduce the landscaping requirements and add items permitted within the landscape strip,
- increase the maximum building height and mechanical penthouse, and
- amend standards for projections, below-grade parking structures, minimum amenity area, lot area, and setbacks.

[18] As described by Mr. Mino-Leahan, the ZBA to amend ZBL 1-21 proposes to rezone the Subject Property from a site-specific 'RE Estate Residential Zone' and a site-specific 'RT Townhouse Residential Zone' to a site-specific 'RM3 Multiple Unit Residential Zone' subject to the conditions of the H provision. The site-specific exceptions include the following:

- amend the definitions of Lot and Front Lot Line,
- reduce the landscaping requirements and add items permitted within the landscape strip,
- increase the maximum building height and mechanical penthouse,
- remove podium, tower and angular plane requirements,
- reduce stacked bicycle parking space dimensions, and,
- amend standards for projections, intake shafts, below-grade parking structure, minimum amenity area, lot area, and setbacks.

[19] Mr. Mino-Leahan advised that for both ZBAs, the H will require fulfillment of the conditions prior to removal. He confirmed that the H provisions are identical for both ZBAs.

[20] Mr. Mino-Leahan further advised that the proposed OPA and ZBAs provide enough flexibility for the finalization of the Site Development Application that was submitted to the City on December 19, 2022 and that will be revised in the near future.

[21] Mr. Mino-Leahan described the built form of the proposed development as directing the height and density to the southeast corner of the Subject Property with the terraced building design graduated to the west and north resulting in 12 storeys at the southeast corner, six storeys at the southwest corner and four storeys at the north end fronting on Sandwell Street.

POLICY FRAMEWORK

The Planning Act

[22] With respect to the policy and regulatory context, Mr. Mino-Leahan opined that the Applications have regard to the applicable matters of provincial interest pursuant to s. 2 of the Act, and in particular:

- the orderly development of safe and healthy communities,
- the adequate provision of a full range of housing, including affordable housing,
- the appropriate location of growth and development,
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians, and

- the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

PPS

[23] Mr. Mino-Leahan opined that the Applications are consistent with the PPS, and in particular the policies that direct the management of land uses to achieve efficient and resilient development and land use patterns, including policy 1.1.1 which promotes efficient development and land use patterns, policy 1.1.3.1 which requires that settlement areas be the focus of growth and development, policy 1.1.3.2 which encourages densities and mix of land uses that efficiently use land and resources, and policy 1.4.3 which directs municipalities to provide for an appropriate range and mix of housing options and densities. He referred the Tribunal to his Affidavit, in which he notes that, the PPS is “supportive of intensification that is planned and coordinated within built-up areas that have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities”.

Growth Plan

[24] It was Mr. Mino-Leahan’s opinion that the Applications conform with the Growth Plan, and in particular policy 2.2.1.2 that requires the vast majority of growth to be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The policy requires that, within settlement areas, growth is to be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit and areas with planned public service facilities. He noted that the Subject Property is located within a designated greenfield area of a settlement area and is currently served by full municipal services and higher-order transit. His Affidavit further notes that the development “conforms to

the policy framework of the Growth Plan, as the built form would efficiently and appropriately intensify the Subject Lands at a density supportive of Growth Plan objectives with respect to directing growth to Settlement Areas”.

ROP

[25] The Subject Property is designated ‘Urban Area’ in the ROP. It was Mr. Mino-Leahan’s opinion that the Applications conform to the ROP, and in particular policies in sections 5.2 and 5.3 that focus growth in urban areas and encourage intensification within the built boundary and development that maximizes efficiencies in infrastructure delivery, supports active and public transportation uses and provides for a wide range of housing.

[26] Mr. Mino-Leahan noted that the Region has a new Official Plan (“ROP 2022”) that was approved on November 4, 2022. Although the Applications are not subject to the ROP 2022, he reviewed the Applications in the context of its policies and it is his opinion that the Applications conform to both the ROP and the ROP 2022.

COP

[27] Mr. Mino-Leahan opined that the Applications implement the overall policy direction and intent of the COP and therefore conform to the COP, notwithstanding the policies being modified through the OPA. He noted that the east portion of the Subject Property is located within the Vellore Centre ‘Local Centre’ which, as identified in section 2.2.5 and Schedule 1 of the COP, is identified as an ‘Intensification Area’. He advised that ‘Local Centres’ are the focus for “multi-family developments” and may permit mid-rise and high-rise buildings as appropriate.

[28] Mr. Mino-Leahan advised that the west portion of the Subject Property is located within a 'Community Area' which are predominantly comprised of low-rise residential development, but that limited intensification is permitted provided it is compatible with the character, form, and planned function of the surrounding context as per policy 2.2.3.3.

[29] For development immediately adjacent to 'Community Areas', including the east portion of the Subject Property, Mr. Mino-Leahan noted that COP policy 2.2.3.4 requires appropriate transition in scale, intensity, and use, and the mitigation of adverse noise and traffic impacts, while fulfilling the objectives of 'Intensification Areas'.

[30] In his opinion, the OPA brings the Subject Property into a consistent land use designation and has regard for the intensification strategy in the COP and therefore conforms to the policy intent of the COP.

ZBL 1-88 and ZBL 001-2021

[31] In Mr. Mino-Leahan's opinion, the requested amendments for both ZBL 1-88 and ZBL 001-2021 allow the applications to conform to the general intent and purpose of both ZBLs. The holding provisions included in the applications allow the City to ensure that the applications maintain the built form as presented.

Conclusions

[32] Mr. Mino-Leahan opined that the proposed zoning standards will ensure an appropriate built form and transition to the existing developments to the west and north, with the majority of the massing being focused at the southeast portion of the site and the height and intensity terraced down to the west and north. He further opined that the

proposed OPA and ZBAs represent good land use planning and that their approval is in the public interest.

[33] Mr. Mino-Leahan concluded that the Applications are consistent with the PPS, conform to the Growth Plan and to both the ROP and the COP. He recommended that the Tribunal approve the OPA and ZBAs as submitted.

PARTICIPANT STATEMENTS

[34] Mr. Mino-Leahan advised the Tribunal that the issues in the Participant Statements filed in response to the appeal, and those of the members of the public involved at the public meeting, centered mostly around traffic, height, and density. Mr. Mino-Leahan advised that these issues formed part of the technical review of the Applications by the City and that, resulting from the technical review, the H attached to the ZBAs requires a further traffic study to address traffic concerns but he noted that the current traffic study supports the development from a traffic perspective. With respect to height and density, Mr. Mino-Leahan advised that the terracing of the building heights to the west and north ensures compatibility with, and appropriate transitioning to, surrounding development and that the ZBAs regulate a maximum of four storeys at the north end of the Subject Property.

[35] With respect to the Participant concern related to the Vellore Village District Core Study Review, Mr. Mino-Leahan advised that it was his understanding that the study was identified by the City but that no such study was undertaken.

ANALYSIS AND FINDINGS

[36] The Tribunal accepts the uncontroverted testimony and evidence of Mr. Mino-Leahan.

[37] The Tribunal finds that the proposed development will fit harmoniously with the existing and planned built form context and will enhance the area by providing intensification in an area which is well served with municipal infrastructure and transit while ensuring compatibility with the surrounding existing and planned developments. The development will be an efficient use of the land and will support the achievement of the PPS and Growth Plan policy directions promoting intensification within a built-up urban area.

[38] The Tribunal accepts the submission of Mr. Mino-Leahan that the proposed development will not create unacceptable built form impacts on nearby properties. Further, the Tribunal is satisfied that the built form will create a high-quality addition to the area, in the context of the terracing of the building from 12 storeys at the southeast portion of the property down to six storeys to the west and four storeys to the north.

[39] In consideration of the submissions of Mr. Mino-Leahan and the revisions to the proposal resulting in the settlement of the appeals, the Tribunal is satisfied that the Applications have sufficient and proper regard for the applicable matters of provincial interest as set out in s. 2 of the Act. The Tribunal finds that the Applications are consistent with the PPS, conform to the policies of the Growth Plan, and conform to the policies of the ROP and the COP.

[40] The Tribunal finds that the applications as presented conform to the general intent and purpose of both ZBL 1-88 and ZBL 001-2021. The Tribunal finds that the provisions included with the holding symbols are appropriate for the applications.

ORDER

[41] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and the Official Plan of the City of Vaughan is amended as set out in Attachment 1 to this Order.

[42] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and Zoning By-law 1-88 of the City of Vaughan is amended as set out in Attachment 2 to this Order. The Tribunal authorizes the municipal clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes.

[43] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and Zoning By-law 001-2021 of the City of Vaughan is amended as set out in Attachment 3 to this Order. The Tribunal authorizes the municipal clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes.

"C. I. Molinari"

C. I. MOLINARI
MEMBER

"S. deBoer"

S. deBOER
MEMBER

Ontario Land Tribunal

Website: www.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

DRAFT

**AMENDMENT NUMBER 105
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules “1” and “2” constitute Amendment Number 105 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices “I” and “II”.

I PURPOSE

The purpose of this 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 and Schedule 14-C – Areas Subject to Site Specific Policies, and Volume 2, Section 13 – Site Specific Policies, to permit a mid-rise residential apartment building with a permitted maximum height of 12 storeys and a permitted maximum Floor Space Index (FSI) of 3.25 times the net developable area of the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Lands Subject to Amendment No. 105” on Schedule “1” attached hereto:

1. Redesignate the Subject Lands identified on Schedule 1 attached hereto, from “Low-Rise Mixed-Use” and “Low-Rise Residential” to “Mid-Rise Residential” as shown on Schedule “2” attached hereto.
2. Permit an increase in the maximum FSI from 1.5 times the area of the Subject Lands to 3.25 times the net developable area.
3. Permit an increase in the maximum building height from four (4) storeys to twelve (12) storeys as shown on Schedule “2” attached hereto.
4. For the portion of the Subject Lands immediately abutting the area designated “Low-Rise Residential”, to the north, the maximum building height of the mid-rise building shall be four (4) storeys to provide an appropriate transition to the “Low-Rise Residential” area. The respective building heights for the development are prescribed through the site-specific zoning by-law amendment.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on the north side of Major Mackenzie Drive West, west of Weston Road, and municipally known as 3836 and 3850 Major Mackenzie Drive West, being Part of Lot 21, Concession 6, City of Vaughan, as shown on Schedule “1” attached hereto as “Lands Subject to Amendment No. 105.”

III BASIS

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

1. In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key policy objectives include building strong, healthy communities, the wise use and management of resources, and protecting public health and safety.

The PPS recognizes that local context is important. The Amendment is consistent with the PPS, specifically Sections 1.1.1, 1.1.3, 1.2, 1.4 and 1.6 regarding: accommodating a market-based range and mix of residential types, and using land use planning to promote growth management and intensification to minimize land consumption and servicing costs; focusing development to development areas; applying appropriate development standards to facilitate transit-supportive intensification; providing a range of housing options required to meet the social, health, economic and needs of residents to support their well-being, and in locations and at densities required to address the short-term and long-term projected market-based and affordable needs of current and future residents, while

also efficiently using land resources, infrastructure, and public service facilities, and also supporting the use of active transportation and transit in areas where it exists or is to be developed; establishing development standards for residential intensification to facilitate compact form; and, optimizing the use of existing infrastructure and public service facilities. The Subject Lands are located within a Settlement Area as defined by the PPS and located near the intersection of two major arterial regional roads (Major Mackenzie Drive West and Weston Road), which are served by bus services on Major Mackenzie Drive West and Weston Road.

2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan'), as amended, is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, by encouraging the concentration of population and employment growth within the settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems. Vaughan Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the Urban Boundary. The Amendment will facilitate a development that conforms to the policy framework of the Growth Plan, as the built form would efficiently and appropriately intensify the Subject Lands at a density supportive of Growth Plan objectives with respect to directing growth to Settlement Areas. Schedule 2 of the Growth Plan identifies that the Subject Lands are located within the Designated Greenfield Area of a Settlement Area. In accordance with Sections 1.2.1, 2.2.1.4 and 2.2.7, complete

communities shall be achieved by supporting a range and mix of housing and development shall be designed in a manner that supports active transportation and encourages the integration and sustained viability of transit services.

The Amendment contributes to the achievement of a complete community by supporting a range and mix of housing types and unit sizes and providing a built form that utilizes the Subject Lands more efficiently and at a density that would meet the needs of future and current residents. The Amendment is also compatible with the existing built form in the surrounding community, while also making efficient use of available and planned infrastructure.

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" on Map 1: Regional Structure, and Major Mackenzie Drive West is identified as a "Regional Road" by Map 12 - Street Network and as a "Regional Transit Priority Network" by Map 11 – Transit Network of the YROP. The "Urban Area" permits a range of residential, industrial, commercial, and institutional uses. Intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region (Section 5.0). Intensification is encouraged within the built-up areas that maximizes efficiencies in infrastructure delivery and supports active and public transportation use (Section 5.3). The Subject Lands are partially located within a "Local Centre", identified by VOP 2010. YROP 2010 provides policy direction for development in Local Centres which are smaller in scale and scope than Regional Centres, but identified as a focal point for residential, human services, commercial and office activities for the surrounding community (Section 5.5). It further states that the appropriate level of development and density will depend on site-specific circumstances and the nature of the surrounding area. Local Centres are recognized for the role they play in achieving the Region's intensification objectives and will be addressed within local intensification strategies. The Amendment is consistent with the policy framework of the YROP 2010, specifically with the following policies:

- Section 5.5.1 - That local centres serve as important neighbourhood focal points that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community.
- Section 5.5.5 - That the planning and implementation of Local Centres shall be consistent with the intensification policies of Section 5.3 of this Plan.

The Amendment achieves the objectives outlined in the policies above by providing additional housing options for the area at a higher density within a “Local Centre” abutting a regional road that utilizes a compact, transit-supportive built form that is sensitive to and compatible with the existing context. On this basis, the Amendment conforms to the YROP 2010.

York Region Official Plan 2022 (“YROP 2022”) was adopted by Regional Council on June 30, 2022 and was approved with modifications by the Ministry of Municipal Affairs and Housing on November 4, 2022. Transition provision 7.4.13 of the YROP 2022 identifies that development applications which have not been deemed complete by the date of the Plan’s approval shall be subject to the policies of the Plan. The Applications were deemed complete on December 23, 2021 and are therefore subject to the YROP 2010, however an analysis of YROP 2022 has been provided below to demonstrate that the development does not conflict with the policies of the YROP 2022.

The Subject Lands are designated “Urban Area” on Map 1: Regional Structure and designated as “Community Areas” on Map 1A – Land Use Designations and identified as “Designated Greenfield Area” on Map 1B – “Urban System Overlays” in the YROP 2022. Major Mackenzie Drive West is designated as a “Rapid Transit Corridor” by Map 10 – Rapid Transit Network’ in the YROP, 2022.

“Community Areas” form part of the “Urban Area” which accommodates the majority of residents, personal services, retail, arts, culture, recreational facilities and human service needs as well as employment opportunities. “Community

Areas” shall provide a balance of residential uses including a wide range and mix of housing types, sizes, tenures that are affordable and compatible employment uses that provide services to residents (Section 4.2). “Designated Greenfield Areas” are defined as lands within the “Urban Area” that are outside the Built-Up Areas that have been designated in a local Official Plan for development required to accommodate forecasted growth to the horizon of this Plan. Development within “Designated Greenfield Areas” shall work to meet or exceed the municipal population and employment targets as set out by this plan (Section 4.2.7).

The primary location for growth and development within the Region will take place within the Urban System, which includes the “Urban Area” (Section 4.1.1) Intensification within the Urban Area shall be in accordance with the Regional hierarchy which directs growth and density to strategic growth areas such as: regional centres, major transit station areas, regional corridors and local centres and corridors (Section 4.4) The Subject Lands are partially located within a “Local Centre”, identified by VOP 2010. Local Centres serve as important neighbourhood focal points and mainstreets that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community. Development within strategic growth areas such as “Local Centre” and “Regional Rapid Transit Corridors,” shall include: a mix of uses, range of unit sizes and housing tenure options, an urban built form that is transit supportive, massed, designed and oriented to people and creates active and attractive streets for all seasons with ground-floor uses such as retail, human and personal services (Section 4.4.24) Transit corridors shall also be the focus of higher densities and intensification (Section 4.2.17). The Amendment achieves the objectives outlined in the policies above by providing additional housing options for the area at a higher density within a “Local Centre” and along a “Regional Rapid Transit Corridor” that utilizes a compact, transit-supportive built form that is sensitive to and compatible with the existing context.

4. The Subject Lands are located within a “Local Centre” (east half of the Subject Lands) and “Community Areas” (west half of the Subject Lands) as identified on

Schedule 1 - Urban Structure, of VOP 2010. The “Local Centre” is specifically identified as the “Vellore Centre” on Figure 6 – Intensification Areas, of VOP 2010. “Local Centres” are identified by VOP 2010 as the mixed-use cores of their respective communities that are predominantly residential in character but will also include a mix of uses to allow residents of the Local Centre and of the surrounding community to meet daily needs close to where they live and work. Local Centres are to be pedestrian oriented places with good urban design and an intensity of development appropriate for supporting efficient transit service. The Vellore Centre is identified by VOP 2010 as an emerging Local Centre in this community that will be the focus for multi-family developments and may include mid-rise or high-rise buildings as appropriate.

“Community Areas” are predominantly comprised of Low-Rise Residential housing stock supported by local amenities including local retail, community facilities, schools, and parks, and they provide access to the City’s natural heritage and open spaces. New development and limited intensification is permitted in “Community Areas” provided that it is compatible with the character, form and planned function of the surrounding context (Section 2.2.3.3). Development immediately adjacent to “Community Areas” shall ensure appropriate transition in scale, intensity, and use, and shall mitigate adverse noise and traffic impacts, while fulfilling the intensification objectives of “Intensification Areas” (i.e. Local Centres), where applicable (Section 2.2.3.4). The Amendment is appropriate for the following reasons:

- The development provides a mid-rise building in a compact built form that is transit-supportive and located within a Local Centre.
- The mid-rise building is compatible with and sensitive to the abutting “Low-Rise Residential” and “Community Area”, by providing a maximum building height of four (4) storeys for the portion of the building abutting “Low-Rise Residential” areas to the north, to facilitate an appropriate transition.
- The Subject Lands accommodate a mid-rise building that conforms to the Mid-Rise Building policies in VOP 2010.

5. The statutory Public Meeting was held on April 5, 2022. The recommendation of the Committee of the Whole to receive the Public Meeting report of April 5, 2022, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on April 26, 2022. Vaughan Council, on January 24, 2023, ratified the January 17, 2023, Committee of the Whole recommendation, to endorse approval of Official Plan Amendment File OP.21.023 subject to modifications (together with Zoning By-law Amendment File Z.21.047). This Amendment to VOP 2010 was approved by the Ontario Land Tribunal pursuant to Section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13 on June 27, 2023 (OLT Case No. OLT-22-004049).

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The following Schedules and Sections of the Vaughan Official Plan 2010 ('VOP 2010') are hereby amended by:

1. Amending Volume 1, Schedule 13 - Land Use of VOP 2010 by redesignating the Subject Lands, as identified on Schedule '1' hereto, from "Low-Rise Mixed-Use" and "Low-Rise Residential" to "Mid-Rise Residential" and identifying a Maximum Building Height ("H") of 12 storeys and a maximum FSI of 3.25 times the net developable area ("D" - Density) of the Subject Lands, as shown on Schedule "2".
2. Amending Volume 1, Schedule 14-C – Areas Subject to Site Specific Plans of VOP 2010 by adding the Subject Lands identified on Schedule '1' to this Amendment attached hereto, and referencing the appropriate section number in the legend.
3. Amending Volume 2, Section 13.1 – Areas Subject to Site-Specific Policies of VOP 2010 by adding the following policy, to be renumbered in sequential order:
“(OPA #105) 13.1.1.73: The lands known as 3836 and 3850 Major Mackenzie Drive West are identified on Schedule 14-C as Item 73 and are subject to the policies set out in Section 13.74 of this Plan. (OPA #105)”
4. Adding the following policies to Volume 2, Section 13.1 – Site Specific Policies of VOP 2010, and renumbering in sequential order:
“(OPA #105) 13.74 3836 and 3850 Major Mackenzie Drive West
 13.74.1 General
 13.74.1.1 The following policies shall apply to the lands identified on Map 13.73.A
 13.74.1.2 Notwithstanding the Mid-Rise Residential Policy

9.2.2.3:

i) The maximum building height shall be twelve (12) storeys and the maximum FSI shall be 3.25 times the net developable area.

13.74.1.3 Notwithstanding the Mid-Rise Residential Policy 9.2.2.3.d) and Mid-Rise Building Policy 9.2.3.5 a):

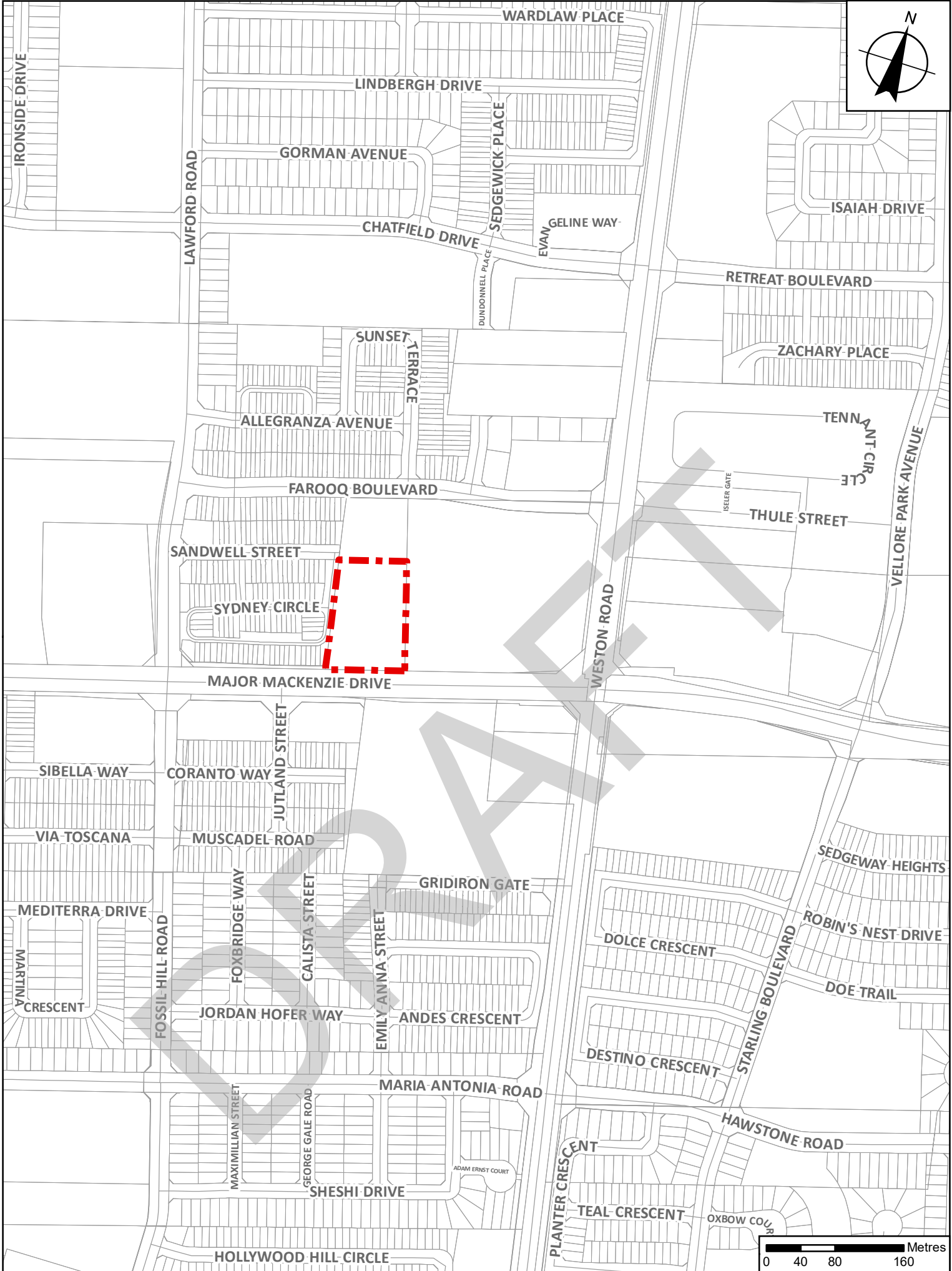
i) For the portion of the Subject Lands immediately abutting the area designated “Low-Rise Residential” to the north, the maximum building height shall be four (4) storeys to provide an appropriate transition to the “Low-Rise Residential” area. The respective building heights for the development are prescribed through the site-specific zoning by-law amendment (OPA #105)”.

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 amendments to the City of Vaughan Comprehensive Zoning By-laws 1-88 and 001-2021, Draft Plan of Subdivision Approval, and Site Development Approval, 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.

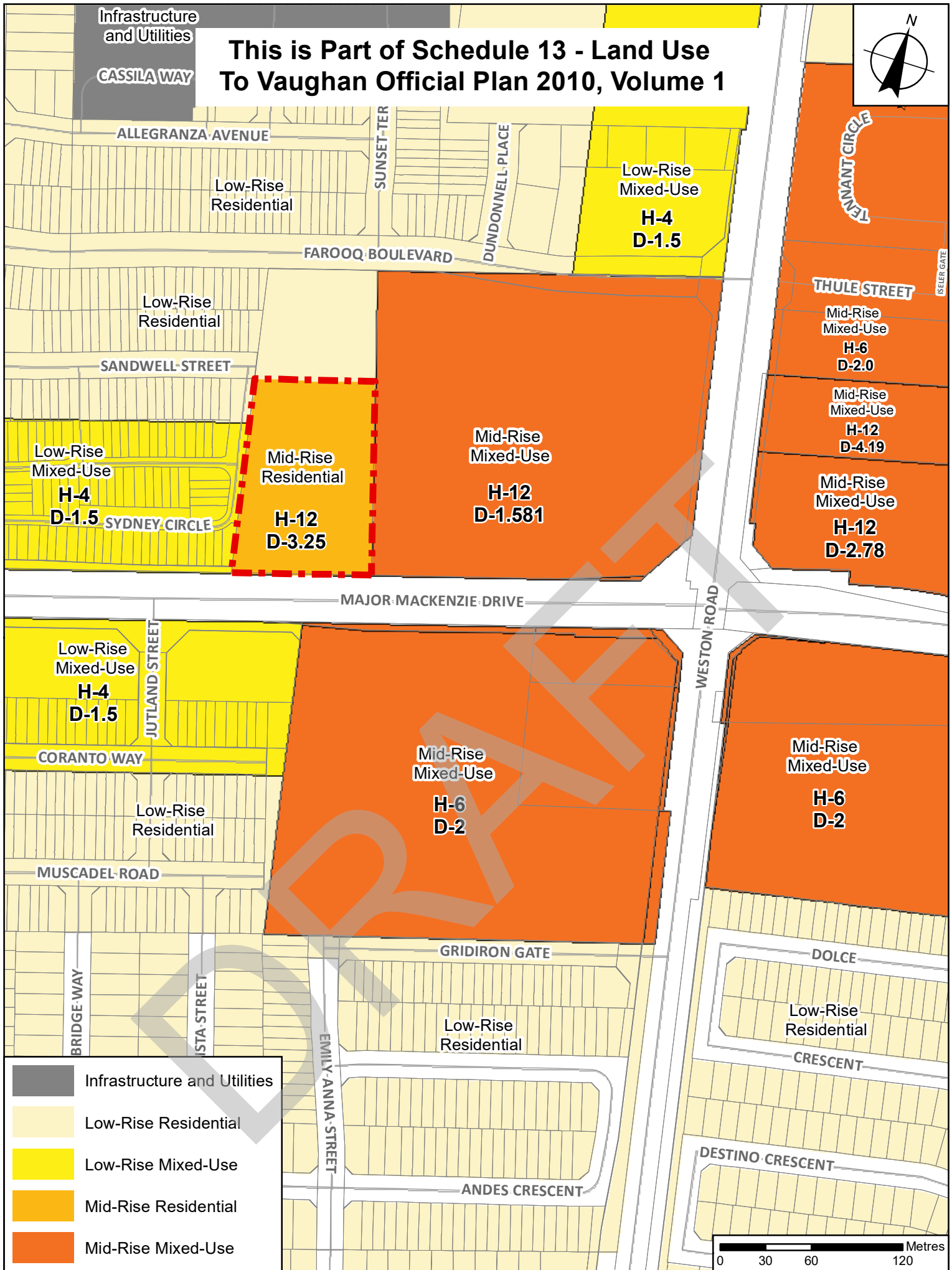


This is Schedule '1'
To Official Plan Amendment No. 105
Adopted the 26th Day Of September, 2023

File: OP.21.023
Location: : Part Lot 21, Concession 6,
3836 and 3850 Major Mackenzie Drive West
Applicant: NJS Developments Inc.
City of Vaughan


 Lands Subject to
Amendment No. 105

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



This is Schedule '2'
To Official Plan Amendment No. 105
Adopted the 26th Day Of September, 2023

File: OP.21.023
Location: : Part Lot 21, Concession 6,
3836 and 3850 Major Mackenzie Drive West
Applicant: NJS Developments Inc.
City of Vaughan

 Lands Subject to
Amendment No.105

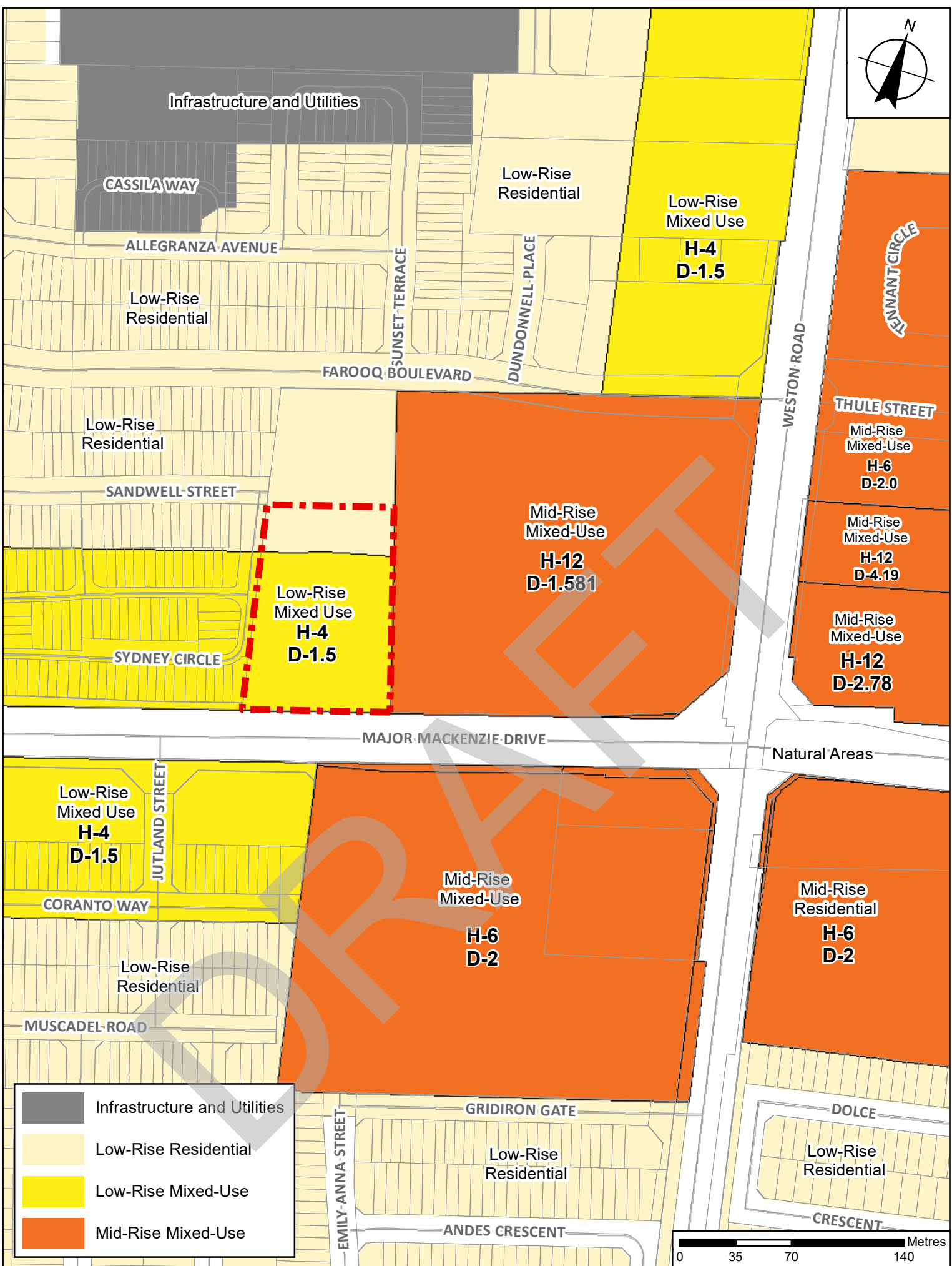
APPENDIX I

The Subject Lands are located on the north side of Major Mackenzie Drive West, west of Weston Road, being Part of Lot 21, Concession 6, and municipally known as 3836 and 3850 Major Mackenzie Drive West, in the City of Vaughan.

The purpose of this Amendment is to amend VOP 2010, specifically to redesignate the Subject Lands from “Low-Rise Residential” and “Low-Rise Mixed-Use” with a maximum building height of four (4) storeys and a maximum FSI of 1.5 times the area of the lot “ to “Mid-Rise Residential” and to add site-specific policy 13.73 “3836 and 3850 Major Mackenzie Drive West” to VOP 2010, to permit a mid-rise residential apartment building with a permitted maximum building height of twelve (12) storeys and a permitted maximum FSI of 3.25 times the net developable area of the Subject Lands.

The Owner submitted Official Plan and Zoning By-law Amendment Application Files OP.21.023 and Z.21.047 to the City of Vaughan on December 8, 2021. The City of Vaughan deemed these Applications complete on December 23, 2021. On June 7, 2022, the Owner appealed the Applications to the Ontario Land Tribunal, pursuant to subsection 22(7) and 34(11) of the *Planning Act*, citing the City’s failure to make a decision on the Applications within the prescribed timelines of the *Planning Act*.

The Amendment was approved by the Ontario Land Tribunal pursuant to Section 176(5) of the *Planning Act*, R.S.O. 1990, c. P. 13 (OLT Case No. OLT-22-004049).



Appendix II Existing Land Uses Official Plan Amendment No.105


File: OP.21.023

Location: Part Lot 21, Concession 6

3836 and 3850 Major Mackenzie Drive West

Applicant: NJS Developments Inc.

City of Vaughan

 Lands Subject to
Amendment No.105