

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 112-2020

A By-law to adopt Amendment Number 49 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 49 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 25th day of November, 2019 (LPAT File No. PL171046), attached hereto as Attachment “1” consisting of the attached text, Schedules “1” and “2” and Appendices “I” and “II” is hereby adopted.

Enacted by City of Vaughan Council this 15th day of July, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

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



ISSUE DATE: November 25, 2019

CASE NO(S): PL171046

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:	Valley Major Developments Limited
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	“Urban Village and Woodbridge Expansion Area”, “Estate Residential and Stream Corridor”, “Area of Natural and Scientific Interest (Kleinburg Woodlot)” and “Woodland Area”
Proposed Designation:	A site specific Official Plan Amendment
Purpose:	To permit a common element condominium townhouse development
Property Address/Description:	4433, 4455 & 4477 Major Mackenzie Drive West
Municipality:	City of Vaughan
Approval Authority File No.:	OP.17.005
OMB Case No.:	PL171046
OMB File No.:	PL171046
OMB Case Name:	Valley Major Developments Limited 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:	Valley Major Developments Limited
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision

Existing Zoning:	"RR" (Rural Residential)
Proposed Zoning:	"RVM2" (Residential Urban Villa Multiple Family Zone Two) and "OS5" (Open Space Environmental Protection Zone)
Purpose:	To permit a common element condominium townhouse development
Property Address/Description:	4433, 4455 & 4477 Major Mackenzie Drive West
Municipality:	City of Vaughan
Municipality File No.:	Z.17.013
OMB Case No.:	PL171046
OMB File No.:	PL171047

Heard: October 18, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

Valley Major Developments Limited

City of Vaughan

Counsel

I. Kagan
K. Jennings

C. Facciolo

MEMORANDUM OF ORAL DECISION DELIVERED BY THOMAS HODGINS ON OCTOBER 18, 2019 AND INTERIM ORDER OF THE TRIBUNAL

DISPOSITION

[1] After considering the evidence and submissions, the Tribunal: allows the appeals in part; approves an Official Plan Amendment ("OPA"); approves a draft zoning by-law amendment ("ZBLA") in principle; and withholds its final approval of the ZBLA until the Parties have a reasonable opportunity to finalize it.

SETTLEMENT HEARING

General

[2] This Memorandum of Oral Decision and Interim Order results from a settlement hearing on appeals submitted by Valley Major Developments Limited (“Appellant”) of the City of Vaughan’s (“City”) refusal to approve applications submitted by the Appellant for an OPA and a ZBLA that would allow a townhouse development at 4433, 4455 and 4477 Major Mackenzie Drive West (“Site”).

[3] The Appellant and City (the “Parties”) appeared at the settlement hearing and were represented by Counsel as noted. Two other Parties identified at Pre-hearing Conferences - the Toronto Region Conservation Authority (“TRCA”) and Richard Roderio - have withdrawn as Parties. Participants identified at Pre-hearing Conferences have withdrawn or did not attend.

[4] The Parties confirmed that a settlement had been reached and submitted a draft OPA and a draft ZBLA. The Parties requested that the Tribunal approve the draft OPA and draft ZBLA in principle and withhold the final order until the Parties have an opportunity to format, correct and confirm minor aspects of the draft instruments.

Planning Evidence

[5] Rosemarie Humphries was called by Kristie Jennings to give evidence. Ms. Humphries is a consultant engaged by the Appellant and she was qualified to provide independent expert opinion evidence in land use planning.

[6] Ms. Humphries used a comprehensive Document Book to support her testimony and it includes a copy of a report dated June 4, 2019 from the City’s Deputy City Manager, Planning and Growth Management (“Staff Report”) which recommends the settlement to the City’s Committee of the Whole and which serves as the basis for the City’s decision to settle this matter.

[7] Ms. Humphries advised the Tribunal that:

- A. the Site is at the south-east corner of Major Mackenzie Drive West and Pine Valley Drive. It is about 3 hectares (“ha”) in area, with a frontage on Major Mackenzie Drive West of about 190 metres (“m”) and a frontage on Pine Valley Drive of about 91 m. Major Mackenzie Drive West is a 4 lane Regional arterial road and Pine Valley Drive is a 2 lane Regional arterial road abutting the Site;
- B. one single detached dwelling is located on the Site. Most of the eastern and southern parts of the Site are, as described by the TRCA, a valley corridor associated with Marigold Creek as well as a portion of the Kleinburg Woodlot, a Regional Area of Natural and Scientific Interest;
- C. most of the area to be developed for townhouses is physically separated from abutting uses by the arterial roads and the valley/open space system; and
- D. the original development proposal has been revised through discussions with the City and other technical commenting agencies and now consists of 91 three storey townhouses and valley/open space lands to be conveyed to the TRCA for its long term stewardship and protection. The Site will be accessed by two driveways, one on Major Mackenzie Drive West and one on Pine Valley Drive.

[8] Ms. Humphries submitted that the east part of the Site is subject to the City’s 2010 Official Plan (“OP”) and is designated Low Rise Residential and Natural Areas and is located within a Community Area and Natural Areas and Countryside. As a result of an appeal to the OP, another part of the Site is designated Estate Residential and Valley Stream Corridor in an instrument referred to as OPA 600. The Appellant has agreed to withdraw the appeal to the OP as part of the current development process.

[9] Ms. Humphries explained the draft OPA, which is Site-specific and which allows

a maximum of 91 townhouses, a maximum of eight units per block and a maximum height of three storeys. Ms. Humphries testified that the draft OPA complies with the goals and objectives of OPA 600 and the OP and explained why. In concert, the Staff Report advises that: the Development Planning Department can support the OPA; the proposed development standards are considered to be compatible and have regard to the character of the immediate area; the development meets the intent of the “Community Area” and “Core Features” policies of the OP and will have no adverse impact on the adjacent ANSI and natural features; and the project conforms to the Natural Areas policies of the OP.

[10] The draft OPA has been finalized and submitted by the Parties. A copy of the final OPA is provided in Attachment 1 appended to this Memorandum of Oral Decision and Interim Order. It is consistent with the draft OPA submitted at the hearing.

[11] The Site is Zoned Rural Residential (RR) in Zoning By-law No. 1-88 which does not permit the proposed development. Ms. Humphries advised that a ZBLA is required to permit townhouses and to implement certain Site-specific zoning exceptions that regulate matters of built form including density, massing, scale, siting and setbacks along with the general provisions of the ZBL. A copy of the draft ZBLA is provided as Attachment 2 appended to this Memorandum of Oral Decision and Interim Order.

[12] It is Ms. Humphries’ opinion that the draft ZBLA complies with the OP, as proposed to be amended, as it advances a modest form of low rise intensification on that part of the Site which is appropriate for residential development and protects the valley/open space lands consistent with the applicable natural heritage system policy framework. She also advised that the draft ZBLA allows a development that is transit supportive, well designed and complementary to recent approvals and developments in the area. Ms. Humphries testified that the draft ZBLA conforms, as well, to the goals and objectives of OPA 600. The Staff Report indicates that the Development Planning Department is also satisfied that the proposed rezoning maintains the intent of the OP and will facilitate a development that is compatible with the existing and planned built

form in the surrounding areas.

[13] Ms. Humphries told the Tribunal that the draft OPA and ZBLA are consistent with the Provincial Policy Statement, 2014 (“PPS”). The Site is in a Settlement Area and the proposed development represents an efficient land use pattern that will make use of existing transit, water and waste water infrastructure. The townhouses represent an appropriate form and amount of intensification in a compact design. The draft OPA and ZBLA protect the natural heritage and water features on the Site consistent with the PPS. The development limits are acceptable to the TRCA and natural heritage features are being rezoned OS 1-Open Space Conservation Zone. City Staff, as reflected in the Staff Report, are also of the opinion that the proposal is consistent with the PPS.

[14] The draft OPA and ZBLA conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan 2019”) according to Ms. Humphries as they prioritize intensification in an area intended for growth on a Site that is serviced. She said the development is transit-supportive and will increase ridership on the existing transit routes serving the area. Ms. Humphries also advised that the draft OPA and ZBLA protect natural heritage features in the manner directed by the Growth Plan. The Staff Report agrees that the proposal conforms to the Growth Plan 2019.

[15] The Site is designated Urban Area and Regional Greenlands System in the Regional Municipality of York’s (“Region”) Official Plan (“YROP”) and abuts a Regional Transit Priority Network. Ms. Humphries said the draft OPA and ZBLA conform to the YROP and will help the Region meet its population growth forecasts and minimum intensification targets. They facilitate residential development in an existing built-up area beside a transit corridor and provide for an appropriate transition to adjacent areas. The Greenlands System includes the Kleinburg Woodlot and the ANSI. The development limits and buffers reflected in the draft planning instruments are satisfactory to the TRCA and the Ministry of Natural Resources and Forestry and the Appellant will be creating a new wetland in the Marigold Creek valley as part of an agreed-upon compensation package that reflects the loss of an existing wetland elsewhere on the

Site. The Staff Report also agrees that the proposal conforms to the objectives of the YROP.

[16] Ms. Humphries concluded her evidence by indicating that the draft OPA, draft ZBLA and proposed development represent good land use planning, are appropriate for approval and are in the public interest.

ANALYSIS AND FINDINGS

[17] The Parties have reached a settlement and the only evidence at the hearing was in support of the draft OPA and ZBLA.

[18] As noted, some minor corrections to the draft OPA provided at the hearing have been made by the Parties and they have submitted a final OPA.

[19] Relying on Ms. Humphries evidence and opinion, the Tribunal finds that it is appropriate to approve the OPA, approve the draft ZBLA in principle and withhold the final order on the approval of the ZBLA until it is finalized by the Parties consistent with the draft presented at the hearing.

[20] In making its Decision, the Tribunal had regard to matters of provincial interest. The Tribunal also finds that its Decision is consistent with the PPS and conforms to the Growth Plan 2019.

[21] The Site is at the intersection of two Regional arterial roads with Municipal and Regional services available to it. It is about three ha in size with one single detached dwelling on it. It is underutilized in this context. The OPA and draft ZBLA being approved by the Tribunal allow a modest, compatible and appropriate form of low rise development and protect the adjacent valley/open space lands consistent with Provincial policy and to the satisfaction of the City and the TRCA.

INTERIM ORDER

[22] The Tribunal orders that:

- A. The appeals are allowed in part.
- B. The Official Plan Amendment appended to this Memorandum of Oral Decision and Interim Order as Attachment 1 is approved.
- C. The draft ZBLA appended to this Memorandum of Oral Decision and Interim Order as Attachment 2 is approved in principle.
- D. The Final Order on the ZBLA is withheld until the Parties submit to the Tribunal a final version of the ZBLA with confirmation from Ms. Humphries that it is consistent with the draft ZBLA she supported in her testimony. The Parties have until **5 p.m., Friday, January 17, 2020** to submit the final ZBLA. If a final version of the ZBLA is not submitted by that time, the Tribunal intends to finally approve the draft ZBLA.

[23] This Member may be spoken to should any issues arise.

“Thomas Hodgins”

THOMAS HODGINS
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

ATTACHMENT 1

AMENDMENT NUMBER 49 TO THE VAUGHAN OFFICIAL PLAN 2010 OF THE VAUGHAN PLANNING AREA

The following text and Schedules “1”, and “2” constitute Amendment Number 49 to the Official Plan of the Vaughan Planning Area.

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

Authorized by Item No. 5 of Report No. 20
of the June 4 Committee of the Whole
Adopted by Vaughan City Council on June 12, 2019

I PURPOSE

The purpose of this Amendment to Vaughan Official Plan 2010 (“VOP 2010”) is to amend the provisions of Volume 2, Section 13.15 South East Corner of Major Mackenzie Drive and Pine Valley Drive to facilitate a residential development consisting of 91, three-storey townhouse dwelling units within 16 blocks on the Subject Lands (the “Development”).

This Amendment will facilitate the following with respect to the Subject Lands identified as “Lands Subject to Amendment No. 49” on Schedule “1”, attached hereto:

1. Permit a maximum of 91 three-storey townhouse dwelling units notwithstanding the new development within established “Community Areas” policies of Sections 9.1.2.2 and 9.1.2.3; and
2. Permit a maximum of 8 attached residential units within a townhouse block.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located at the southeast corner of Major Mackenzie Drive and Pine Valley Drive, and are municipally known as 4433, 4455, and 4477 Major Mackenzie Drive.

III BASIS

The decision to amend VOP 2010 is based on the following considerations:

1. The Provincial Policy Statement 2014 (“PPS”), provides the overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage new growth to urban areas. The PPS promotes efficient, cost-effective development and land use patterns.

The Development is consistent with the policy framework of the Settlement Areas, Housing and Natural Heritage policies of the PPS, as it implements growth within a Settlement Area, creates a more efficient use of the Subject Lands by minimizing land consumption, introduces a housing typology (townhouses) that will help accommodate a greater range of housing options and meet projected housing needs, which support healthy communities. The Development will provide a greater variety of housing options for the City of Vaughan, thereby contributing to the projected housing needs. The Development will help to restore and provide long-term protection for the surrounding natural environment by bringing the natural areas into public ownership.

2. The Provincial Growth Plan for the Greater Golden Horseshoe 2019 (the “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 Development implements a residential development within a Settlement Area, where existing and new municipal water and wastewater services would be made available. The Development contributes to meeting residential development growth targets within the delineated built-up area and will offer diversity with respect to the available housing options within the community. The Development optimizes the use of the existing land supply, makes more efficient use of the existing infrastructure, is located adjacent to planned transit (a “Regional Transit Priority Network”), and provides a density that is supportive of these objectives. The Development will protect the key natural heritage features on the Subject Lands by bringing it into public ownership.

3. The York Region Official Plan 2010 (“YROP 2010”) designates the Subject Lands as “Urban Area”, which permits a range of residential, commercial, employment and institutional uses. YROP 2010 encourages a broad range of housing types within efficient and mixed-use compact communities at an overall transit-supportive density.

The Development consists of 91 three-storey townhouse units that contribute to a compact and diverse housing stock. The Development offers a variety in townhouse unit sizes and is in close proximity to public transit that currently operates on both Major Mackenzie Drive and Pine Valley Drive, and Major Mackenzie Drive is identified as a “Regional Transit Priority Network”. The Development will diversify the housing options within the established community and will create new pedestrian connections along Major Mackenzie Drive and Pine Valley Drive. The Development integrates a pedestrian-friendly urban form that integrates with and is enhanced by landscaped and amenity areas. The Development is located outside of the Natural Heritage Core Features; however, for the lands identified within the Regional Greenlands System, its protection will be ensured through the dedication of these lands to the appropriate public authority. The Development conforms to the YROP 2010 as the proposed townhouses will contribute to a range of housing choices in the City to meet the needs of residents and workers of York Region.

4. On July 20, 2017, York Region exempted this Amendment from York Region approval, in accordance with Policy 8.3.8 of the YROP, as it does not adversely affect Regional planning policies or interests.
5. The statutory Public Hearing was held September 19, 2017. The recommendation of the Committee of the Whole to receive the September 19, 2017, Public Hearing report, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on September 26, 2017. Vaughan Council resolved on June 12, 2019 to advise the Local Planning Appeal Tribunal ("LPAT") that it approves Official Plan Amendment File OP.17.005 (Valley Major Developments Limited), having considered a comprehensive report at a Committee of the Whole meeting on June 4, 2019.
6. The former Owner of 4455 and 4477 Major Mackenzie Drive appealed Vaughan Official Plan 2010 (VOP 2010), Volume 1, relating to the "Low-Rise Residential" designation, natural heritage and transportation policies as they relate to these lands (identified as Appeal #65 – L-Star Developments, in the City of Vaughan List of VOP 2010 Appellants). These lands are currently designated "Estate Residential" and "Valley Stream Corridor" by OPA 600. The VOP 2010 appeal was carried forward by the current Owner (Valley Major Developments Limited). Accordingly, Section 13.15 will require approval by the LPAT to bring VOP 2010 into effect on the Subject Lands (in concert with the resolution of Appeal #65) in order to allow an Official Plan Amendment to VOP 2010.
7. A previous version of Policy 13.15 was adopted by Vaughan Council on April 17, 2012. This version of Policy 13.15 was appealed to the then Ontario Municipal Board (now LPAT)(Appellant #65, PL111184) and included adjacent lands to the south of the Subject Lands. This version of the Policy 13.15 is no longer applicable as the adjacent lands to the south have been developed and a site-specific development application has been fully reviewed for the remaining Subject Lands.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 49 to the Official Plan of the Vaughan Planning Area, hereby amends VOP 2010 by:

1. Modifying Volume 1, Schedules 2 and 13 by adjusting the limits of the Natural Area (Core Feature line for Schedule 2) as identified in Schedule 2 to OPA 49.
2. Modifying Volume 1, Schedule 14-C "Areas Subject to Site Specific Plans" in accordance with the Subject Lands identified on Schedule "1" to this Amendment, known as "#14 - 4433, 4455, 4477 Major Mackenzie Drive."
3. Amending Volume 2, Section 13.1. "Areas Subject to Site-Specific Policies" by adding the following policy:

"(OPA #49)13.1.1.14 The lands known as 4433, 4455, 4477 Major Mackenzie Drive are

identified on Schedule 14-C as Item #14 and are subject to policies set out in Section 13.15 of this Plan.

4. Amending Volume 2, Section 13 “Site Specific Policies”, by adding the location map attached on Schedule 1 and adding the following policies in sequential order.

“(OPA #49)	13.15	4433, 4455, 4477 Major Mackenzie Drive (South East Corner of Major Mackenzie Drive and Pine Valley Drive)
	13.15.1	General
	13.15.1.1	The following policies shall apply to the lands identified on Map 13.15.A.
	13.15.1.2	A maximum of 91 townhouse units shall be permitted with access from a private, common element condominium road.
	13.15.1.3	Notwithstanding Policy 9.2.3.2.a) a townhouse is a Low-Rise Residential building, up to three-storeys in height, and part of a row of at least three but no more than eight attached residential units.”

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 and Draft Plan of Condominium approvals, pursuant to the *Planning Act*.

VI INTERPRETATION

The provisions of the VOP 2010, as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

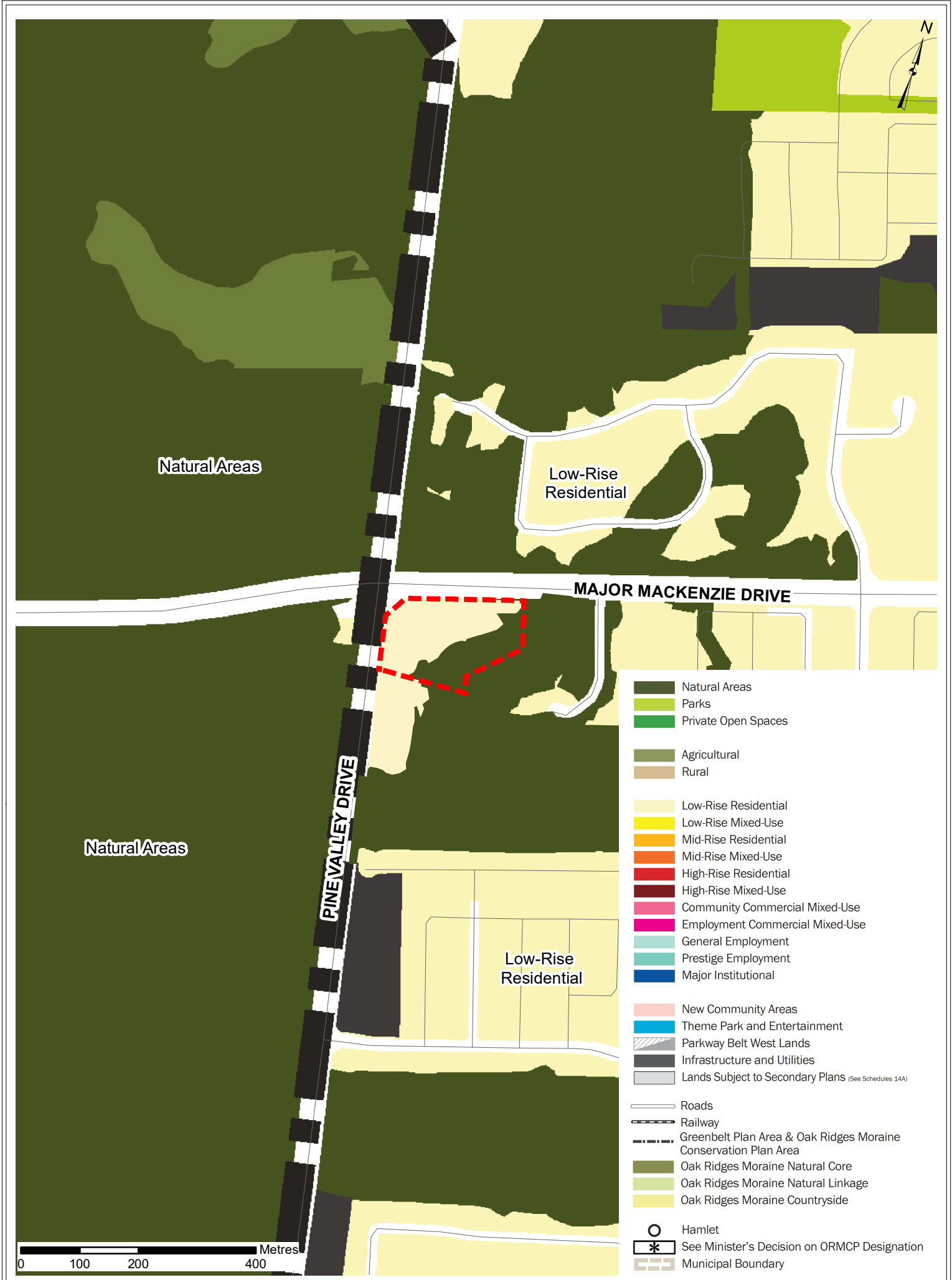
APPENDIX I

The Subject Lands are located at the southeast corner of Major Mackenzie Drive and Pine Valley Drive, and municipally addressed as 4433, 4455, and 4477 Major Mackenzie Drive in the City of Vaughan.

The purpose of this Amendment is to amend the policies of Vaughan Official Plan 2010 (VOP 2010) to facilitate a low-rise residential townhouse development consisting of 91, three-storey townhouse dwelling units within 16 blocks served by a private common element condominium road by permitting a maximum of eight attached residential units within townhouse Blocks 5 and 12 on the Subject Lands.

On June 12, 2019, Vaughan Council ratified the June 4, 2019, Committee of the Whole recommendation, as amended, to approve Official Plan Amendment File OP.17.005 (and the corresponding Zoning By-law Amendment File Z.17.013). Vaughan Council approved the following recommendation:

- “1. THAT Official Plan Amendment File OP.17.005 (Valley Major Developments Limited) BE APPROVED, to amend Vaughan Official Plan 2010 Volume 1, and OPA 600 for the Subject Lands shown on Attachment 1 to permit 91, 3-storey townhouse dwelling units within 16 blocks, with access from a private, common element condominium road, as shown on Attachments 2 to 6, as follows:
 - a) OPA 600 to redesignate 4455 and 4477 Major Mackenzie Drive from “Estate Residential” and “Valley Stream Corridor” to “Low-Rise Residential” and “Natural Areas”; and,
 - b) Vaughan Official Plan 2010, Volume 1, Sections 9.1.2.2 and 9.1.2.3 respecting new development within established “Community Areas” for the entirety of the Subject Lands.”



Appendix II

Existing Land Uses

Official Plan Amendment No. 49

File: OP.17.005

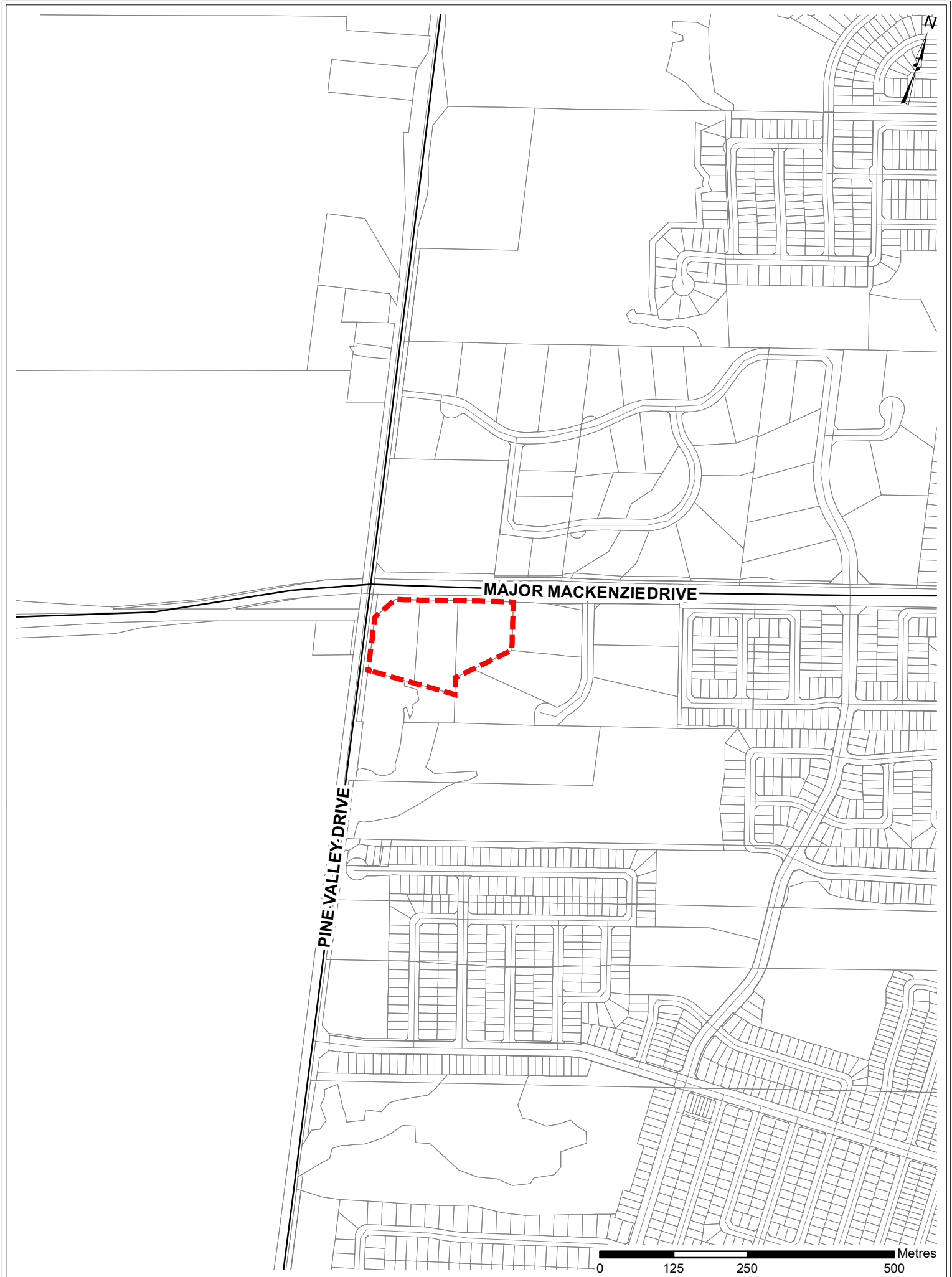
Related Files: Z.17.013

Location: Part of Lot 20, Concession 6

Applicant: Valley Major Developments Limited

City of Vaughan

 Lands Subject to
Amendment No. 49



This is Schedule '1'
To Official Plan Amendment No. 49
Adopted the 15th Day Of July, 2020

File: OP.17.005

Related Files: Z.17.013

Location: Part of Lot 20, Concession 6

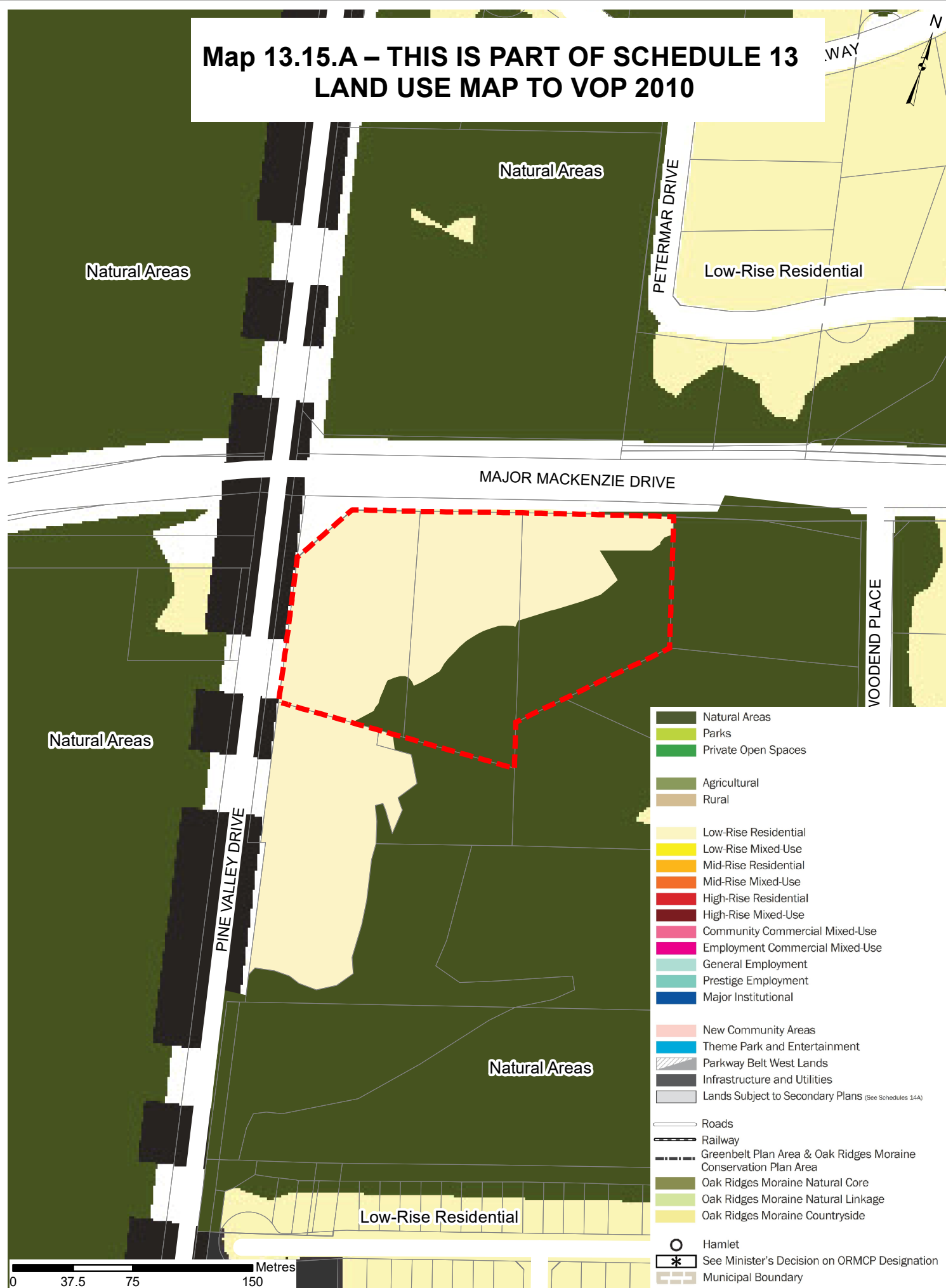
Applicant: Valley Major Developments Limited

City of Vaughan




Lands Subject to
Amendment No. 49

Map 13.15.A – THIS IS PART OF SCHEDULE 13
LAND USE MAP TO VOP 2010



This is Schedule '2'
To Official Plan Amendment No. 49
Adopted the 15th Day Of July, 2020

File: OP.17.005
Related Files: Z.17.013
Location: Part of Lot 20, Concession 6
Applicant: Valley Major Developments Limited
City of Vaughan

 Lands Subject to
Amendment No. 49