

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 200-2018

A By-law to designate by Number an amendment to City of Vaughan By-law Number 1-88, as effected by the Ontario Municipal Board.

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

1. THAT the Amendment to City of Vaughan By-law 1-88, as effected by the Ontario Municipal Board Order Issue, dated the 13th day of September 2018 (OMB File No. PL 170559), attached hereto as Attachment “2”, is hereby designated as By-law Number 200 -2018.

Enacted by City of Vaughan Council this 12th day of December, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

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



ISSUE DATE: September 13, 2018

CASE NO(S):

PL170558

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:	152533 Ontario Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	"Low Density Residential" and "Drainage Tributary"
Proposed Designation:	"High Density Residential" and "Open Space"
Purpose:	To permit the development of a 9-storey residential building with 88 dwelling units
Property Address/Description:	8265 Islington Avenue/ Part of Lot 9, Concession 7
Municipality:	City of Vaughan
Approval Authority File No.:	OP.13.002
OMB Case No.:	PL170558
OMB File No.:	PL170558
OMB Case Name:	152533 Ontario 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:	152533 Ontario Inc.
Subject:	Application to amend Zoning By-law No. 1-88, as amended – Neglect of application by the City of Vaughan
Existing Zoning:	"R2 Residential Zone" and "OS1 Open Space Conservation Zone"
Proposed Zoning:	"RA3 Apartment Residential Zone" and "OS1 Open Space Conservation Zone"
Purpose:	To permit the development of a 9-storey residential building with 88 dwelling units

Property Address/Description:	8265 Islington Avenue/ Part of Lot 9, Concession 7
Municipality:	City of Vaughan
Municipal File No.:	Z.13.004
OMB Case No.:	PL170558
OMB File No.:	PL170559

Heard: August 13, 2018 in Vaughan, Ontario

APPEARANCES:

Parties

1525233 Ontario Inc.

City of Vaughan

Ministry of Municipal Affairs

Regional Municipality of York

Toronto and Region Conservation
Authority

Counsel

A. Brown and N. Mares (student-at-law)

B. Engell and E. Lidakis

U. Popadic and J. Evola (student-at-law)

B. Montgomery

T. Duncan

MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON AUGUST 13, 2018 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] 152533 Ontario Incorporated (“Appellant”) made Official Plan Amendment and Zoning By-law Amendment applications to the City of Vaughan (“City”) regarding a proposed development at 8265 Islington Avenue (“subject lands”). The City failed to make decisions on the applications and the Appellant filed appeals under s. 22(7) and 34(11) of the *Planning Act*.

[2] The subject property is located on the east side of Islington Avenue between Willis Road and Hartman Avenue. The subject property is 0.75 hectares with 52.9 metres of frontage on Islington Avenue. It slopes downwards towards the Humber River to the east. The subject property presently has one residential dwelling on it, which is

proposed to be demolished. A mix of residential building types is located along Islington Avenue near the subject property. On the other side of the Humber River is a low-rise residential neighbourhood.

[3] The subject property is designated “Low-Rise Residential (2)” and “Low Rise Residential (1)” under the City’s Official Plan 2010 and is subject to the provisions of the Woodbridge Centre Secondary Plan (“Secondary Plan”). A portion of the subject property is located in a Special Policy Area to address flood plain management issues.

[4] The purpose of the proposed Official Plan Amendment is to alter the density plan and building height maximums set out in Schedules 3 and 4 of the Secondary Plan to permit a residential apartment building containing 74 residential dwelling units with a maximum density of 2.5 Floor Space Index (“FSI”) and a maximum building height of six storeys.

[5] The purpose of the proposed Zoning By-law Amendment is to rezone the subject property from “R2 Residential Zone” and “OS1 Open Space Conservation Zone” in Zoning By-law No. 1-88 to “RA3(H) Apartment Residential Zone with the Holding Symbol (H)” and “OS1 Open Space Conservation Zone”.

[6] A settlement was reached that includes all of the Parties. On August 13, 2018, the Tribunal convened a settlement hearing at which it heard land-use planning evidence in support of the proposed settlement. None of the Participants elected to make a presentation at the settlement hearing.

EVIDENCE, SUBMISSIONS AND FINDINGS

[7] John Zipay was qualified and provided land-use planning opinion evidence on behalf of the Appellant. Mr. Zipay stated that the proposed Official Plan Amendment would not change the existing designations on the subject property. He said they alter only the maximum density and maximum height permitted. He said the Special Policy Area would not change and that although there would be a driveway and underground parking there, none of the proposed development’s habitable space would be in the

Special Policy Area. The proposed uses within the Special Policy Area have been agreed to by the Toronto and Region Conservation Authority (“TRCA”), the Ministry of Natural Resources and Forestry and the Ministry of Municipal Affairs.

[8] The proposed Zoning By-law Amendment sets out site specific zoning requirements for the subject property addressing maximum developable lot area and maximum gross floor area, setbacks, height restrictions, maximum FSI requirements, minimum lot area per unit requirements, and parking and amenity area requirements. Mr. Zipay stated that a site plan will be required and that an agreement under s. 37 of the *Planning Act* for increased height and density has been concluded. The Section 37 Agreement requires the Appellant to pay funds to the City for park and multi-use trail improvements in the area. The Holding Symbol is included in the proposed Zoning By-law Amendment to ensure that issues regarding sanitary sewage, water supply, flood proofing and safe access to the site are addressed.

[9] Mr. Zipay opined that the proposed Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement, 2014 (“PPS”) and conform with the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”), the Regional Municipality of York Official Plan (“Region’s Official Plan”), and the City’s Official Plan. He said the proposed amendments represent efficient land use providing appropriate intensification. He said the subject property is well-serviced and close to transit and local amenities. He said conditions are included that address sewage and water supply issues and the proposed amendments satisfy the TRCA’s requirements for flood protection and safe access to the site. He said the proposed amendments also meet the intensification requirements in the City’s Official Plan.

[10] Having considered the uncontradicted opinion evidence of Mr. Zipay, the Tribunal found that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS, and conform with the Growth Plan, the Region’s Official Plan and the City’s Official Plan. At the settlement hearing, the Tribunal approved both the Official Plan Amendment and Zoning By-law Amendment in principle.

ORDER

[11] The Tribunal orders that:

- a. the official plan amendment appeal is allowed in part, and the proposed Official Plan Amendment No. 23 to the Vaughan Official Plan 2010 of the Vaughan Planning Area is approved in the form attached as Attachment 1 to this Decision;
- b. the zoning by-law appeal is allowed in part, and the proposed Zoning By-law Amendment to amend City of Vaughan By-law No. 1-88, as amended, is approved in the form attached as Attachment 2 to this Decision.

“Hugh S. Wilkins”

HUGH S. WILKINS
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 Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 2

BY-LAW NUMBER 200-2018

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

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

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

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

1. That the City of Vaughan By-Law 1-88, as amended, be and it hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto, from R2 Residential Zone and OS1 Open Space Conservation Zone to RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” and OS1 Open Space Conservation Zone in the manner shown on said Schedule “1”.
 - b) Adding the following Paragraph to Section 9 “EXCEPTIONS” as follows:

“(1471) A. The following provisions will apply to all lands zoned with the Holding Symbol “(H)” until the Holding Symbol “(H)” is removed pursuant to Section 36(3) or (4) of the *Planning Act*. Lands zoned with the Holding Symbol “(H)” shall be used only for the use(s) legally existing as of the date of the enactment of By-Law 200 - 2018. The removal of the Holding Symbol “(H)” is contingent upon the following:

 - a) That Council shall pass a resolution confirming the availability of sanitary sewage capacity from the York Sewage Servicing System and water supply from the York Water Supply System for a total of 74 residential dwelling units, to the satisfaction of the Vaughan Development Engineering Department.
 - b) The Owner shall confirm that the residential development has been floodproofed and safe access to the site is provided during a Regulatory flood event, plus freeboard, to the satisfaction of the Toronto and Region Conservation Authority (“TRCA”).
- B. Notwithstanding the provisions of:
 - a) Schedule “A” Subsection 4.1.8 respecting Residential Zone Requirements and Subsection 3.14 respecting Permitted Yard Encroachments and Restrictions for the RA3 Apartment Residential Zone;
 - b) Subsection 3.8 a) b) and c) respecting Parking Requirements for Residential-Apartment Dwelling;

- c) Subsection 4.1.6 respecting Minimum Amenity Areas for the RA3 Apartment Residential Zone;
- d) Subsection 4.12 respecting Uses Permitted in the RA3 Apartment Residential Zone and Subsection 7.2 OS1 Open Space Conservation Zone;
- e) Subsection 3.17 respecting Portions of Buildings Below Grade.

The following provisions shall apply to the lands identified as “Subject Lands” on Schedule “E- 1601”, attached hereto as Schedule “2”:

- ai) the maximum developable lot area shall be 2,641.84 m² and the maximum Gross Floor Area (GFA) shall be 6,612.51 m².;
- aii) the yard setbacks shall be as shown on Schedule “E- 1601” attached hereto as Schedule “2” with the following minimum setbacks:

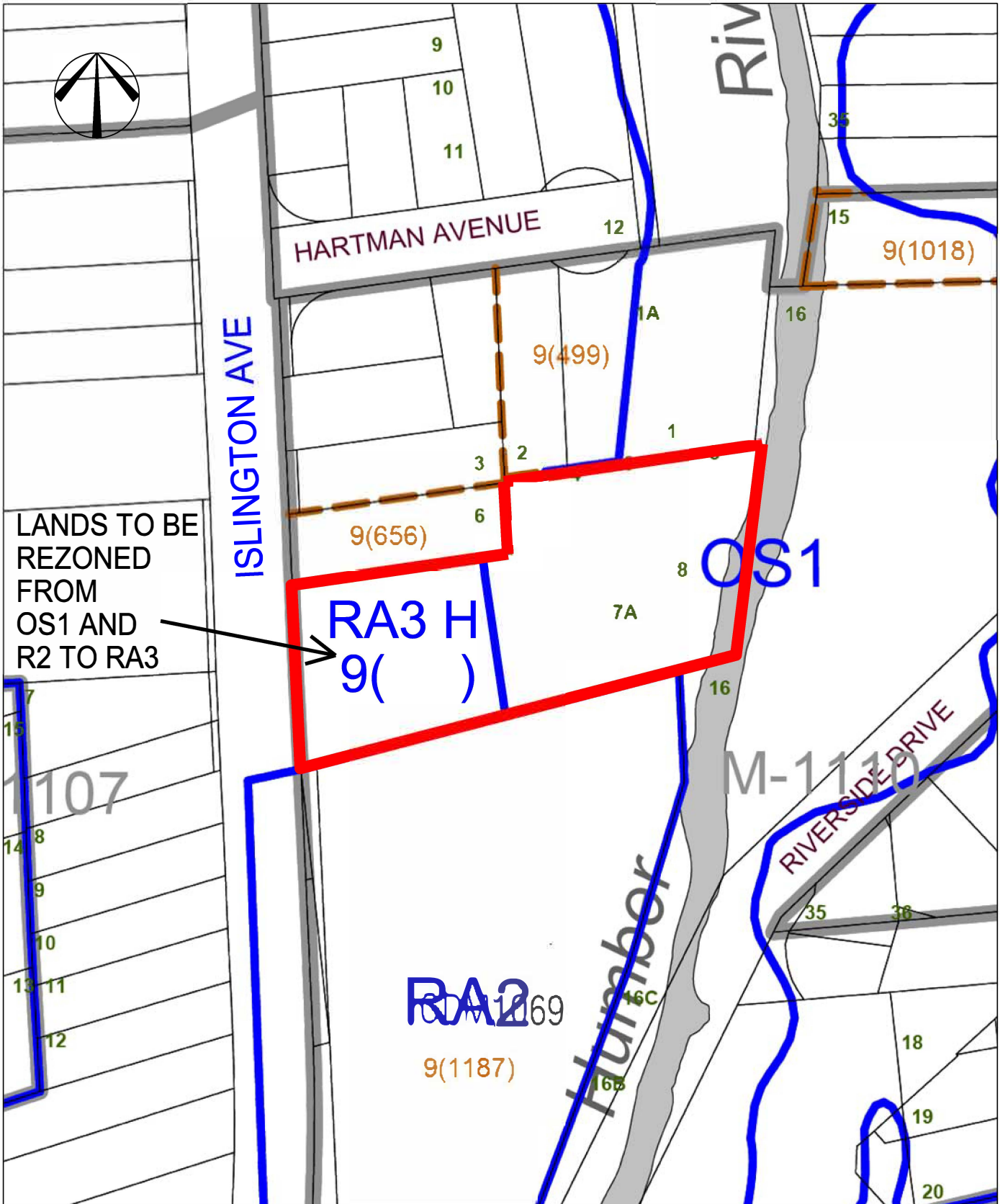
East lot line to the building (rear)	2.6 m
North Interior lot line to the parking structure/retaining wall	0.6 m
North interior lot line to the building	3.5 m
South interior lot line to the building	12 m
South interior lot line to the parking structure/retaining wall	2.9m
Front yard (Islington Avenue) to the building	6.0 m
Front yard setback to the underground parking structure	0.3 m
- aiii) no portion of any building or structure shall exceed the maximum building height shown with the letter “H” on Schedule “E-1601”, exclusive of any accessory roof construction such as a chimney, tower, steeple, parapets, guardrails, stair enclosures, elevator or mechanical room;
- aiv) the maximum building height shall be 19 metres (6-storeys) as shown on Schedule "E- **1601** " and shall be measured from the average grade elevation along the Islington Avenue frontage;
- av) the mechanical penthouse room above the 6-storey portion of the building shall not exceed 6 m in height and shall be used for mechanical equipment and elevator areas. No residential units or any other use shall be permitted above the 6th floor.
- avi) the maximum Floor Space Index shall be 2.5 times the area of the lot;
- avii) the minimum lot area per unit shall be 35 m² per unit based on lot area of 2,641 m². The Lands zoned OS1 Open Space Conservation Zone shall be excluded from the calculation of lot area.
- bi) the minimum parking requirement shall be 1 parking space per dwelling unit;
- bii) the minimum visitor parking requirement shall be 0.25 parking spaces per dwelling unit;
- ci) the minimum amount of combined indoor and outdoor amenity area to be provided shall be a total of 160 m²;

- di) the following uses shall be permitted in the RA3 Apartment Residential Zone:
- An apartment building with a maximum building height of 6 storeys (19 metres) exclusive of the rooftop mechanical room/penthouse and containing a maximum of 74 residential dwelling units distributed over 6 residential storeys shall only be permitted on Part “A” as shown on Schedule “E-1601”. No residential unit shall be permitted above the 6th floor/storey and the rooftop mechanical/penthouse room shall only be used for mechanical purposes.
 - A driveway access and underground parking structure shall only be permitted on Part “B” of the Subject Lands.
 - No habitable areas of the residential development are permitted within the Flood Plain Limits/Special Policy Area Limits identified as Part “B” on Schedule “E-1601”.
 - Lands zoned OS1 Open Conservation Zone, identified as Part “C” on Schedule “E- 1601”, shall be conveyed into public ownership, and used for open spaces purposes only.
- ei) the minimum required setback below the finished grade shall be 0 m including any portion of the parking garage.”,

SECTION 37

2. Pursuant to Section 37 of the *Planning Act*, the height and density of development otherwise permitted by this By-law Exception are permitted on the lands shown on Schedule “E-1601” attached hereto as Schedule “2” subject to compliance with the conditions set out in this By-law Exception and in return for the provision of the following facilities, services, and matters:
- a. A requirement that the owner of the Subject Lands make a cash contribution in the amount of \$900,000.00, for the increase in maximum permitted Height and Density, to the City of Vaughan payable prior to the issuance of the first above-grade building permit in respect of the zoning by-law amendment for the Subject Lands, such funds to be used by the City of Vaughan for Park and Multi-Use trail improvements for the community Avenue;
 - b. The provision of the facilities, services, and matters set out above shall be secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the City Solicitor. The financial contribution referred to in Section (a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment-Building-Construction Price Index for York Region, calculated from the date of the Section 37 Agreement to the date the payment is made and such agreement or agreements shall be registered on title to the Subject Lands to the satisfaction of the City Solicitor pursuant to Section 37(4) of the *Planning Act*.

- c. Upon execution and registration of an agreement or agreements pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services, and matters set out above, the Subject Lands are subject to the provisions of this Exception, provided that in the event the said agreement(s) require the provision of a facility, service, or matter as a precondition to the issuance of a building permit, the owner of the Subject Lands may not erect or use such building until such requirement has been satisfied.
- f) Adding Schedule "E-1601 " attached hereto as Schedule "2";
- g) Deleting Key Map 7B and substituting therefore the Key Plan 7B, attached hereto as Schedule "3".
- h) Schedules "1", "2" and "3" shall be and hereby form part of this By-law.



NOT TO SCALE

THIS IS SCHEDULE '1'
TO BY-LAW 200-2018

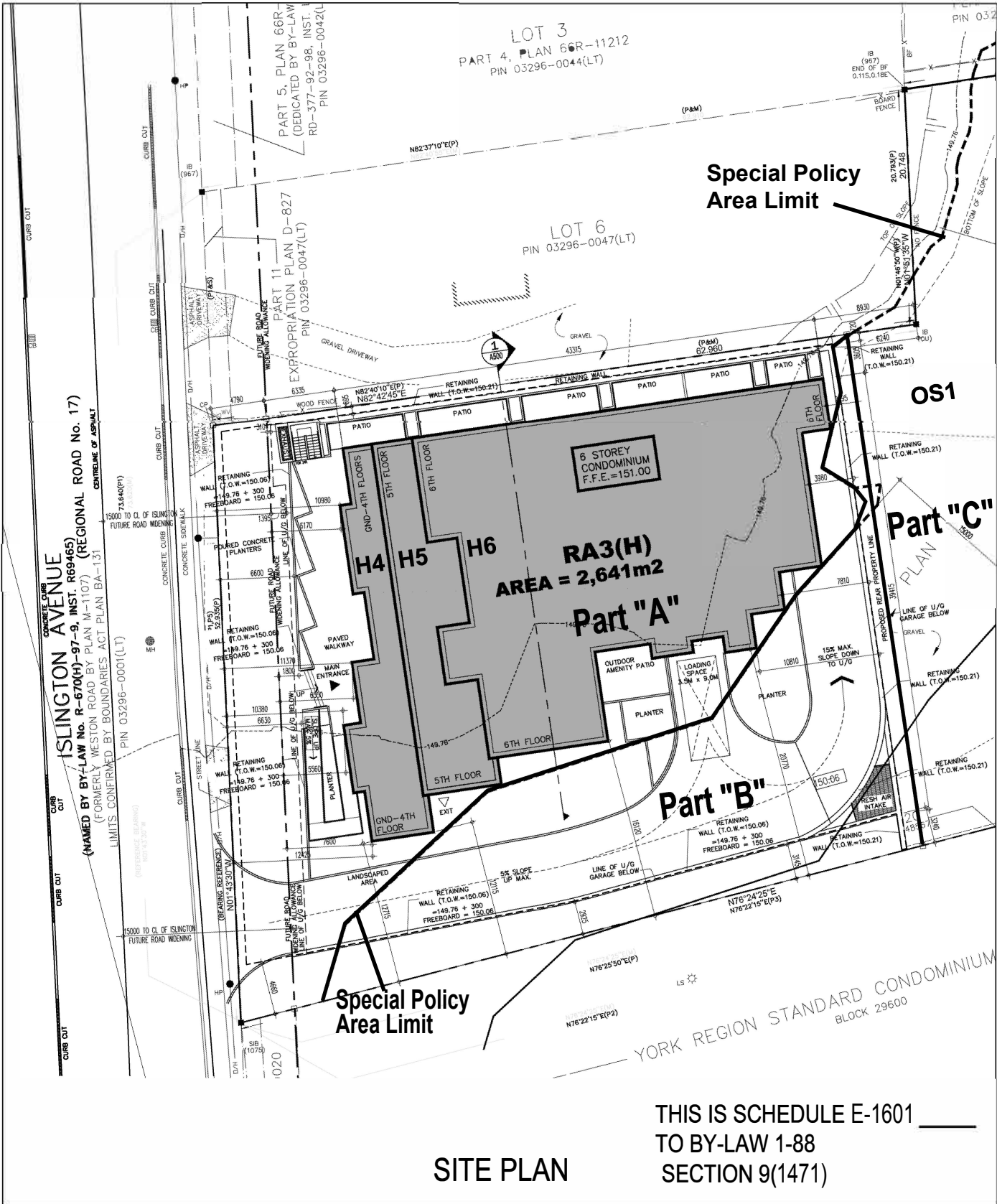
PASSED THIS 12th DAY OF DECEMBER , 2018

FILE NO.: OP.13.002, Z.13.004
LOCATION: Lot 7, 7A and 8, Plan M-1110, 8265 Islington Avenue
APPLICANT: 1525233 ONTARIO INC.
CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER #170559
September 13, 2018

MAYOR
CLERK



NOT TO SCALE

THIS IS SCHEDULE '2'
TO BY-LAW 200-2018

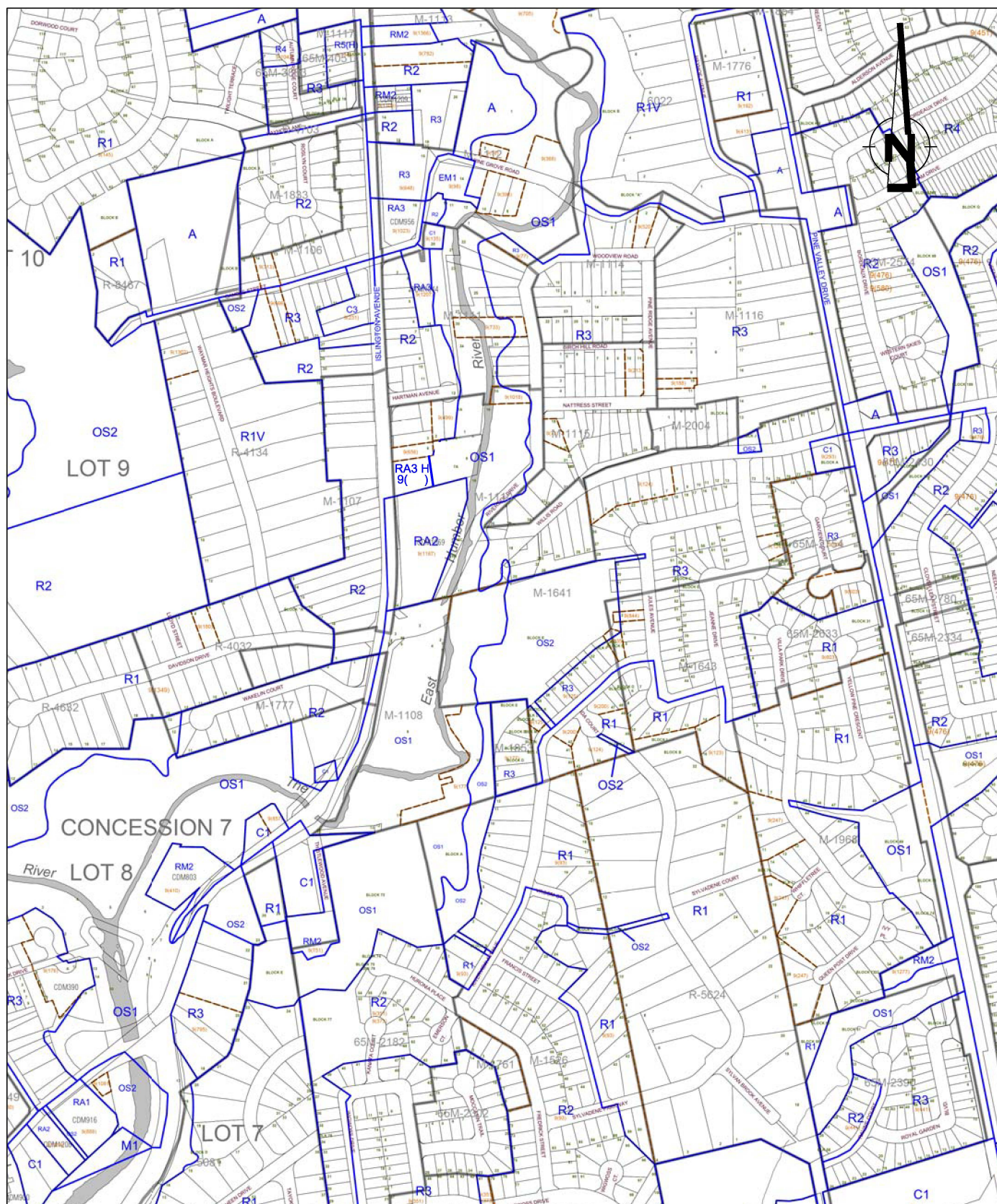
PASSED THE 12th DAY OF DECEMBER, 2018

FILE NO.: OP.13.002, Z.13.004
LOCATION: Lot 7, 7A and 8, Plan M-1110, 8265 Islington Avenue
APPLICANT: AMICORP DEVELOPMENT INC. & 1525233 ONTARIO INC.
CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER #170559
September 13, 2018

MAYOR
CLERK



NOT TO SCALE

KEY MAP 7B TO BYLAW 1-88

THIS IS SCHEDULE '3'
TO BY-LAW 200-2018

PASSED THE 12th DAY OF DECEMBER, 2018

FILE NO.: OP.13.002, Z.13.004

LOCATION: Lot 7, 7A and 8, Plan M-1110, 8265 Islington Avenue

APPLICANT: 1525233 ONTARIO INC.

CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER #170559
September 13, 2018

~~MAYOR~~

CLERK

SUMMARY TO BY-LAW 200-2018

The subject lands to this by-law are located on the east side of Islington Avenue, north of Willis Street, being Lots 7, and 8, on Registered Plan 65M-1117, and are municipally known as 8265 Islington Avenue in the City of Vaughan.

The purpose of this by-law is to rezone the subject lands from R2 Residential Zone and OS1 Open Space Conservation Zone to RA3(H) Apartment Residential Zone with the Holding Symbol “(H)” and OS1 Open Space Conservation Zone with site-specific zoning exceptions to permit the development of a 6-storey residential apartment building containing 74 residential dwelling units. The development will provide for a total of 93 parking spaces located within 3 levels of underground parking. The proposed development will have a maximum building height of 6-storeys (19 meters) (exclusive of the rooftop mechanical room) and all residential units will be located within the 6-storeys, no residential dwelling units or amenity areas shall be permitted above the 6th-storey. No habitable areas of the residential development are permitted with the Special Policy Area limits.



NOT TO SCALE



SUBJECT
LANDS

LOCATION MAP

TO BY-LAW 200-2018

PASSED THE 12th DAY OF DECEMBER, 2018

FILE No. OP.13.002
RELATED FILE: Z.13.004
LOCATION: Lot 7, 7A, & 8, PLAN M-1110,
8265 ISLINGTON AVENUE
CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER #170559
September 13, 2018

MAYOR

CLERK