

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 012-2014

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 5th day of December, 2013 (OMB File No. PL130527), attached hereto as Schedule “1”, is hereby designated as By-law Number 012-2014.

Enacted by City of Vaughan Council this 28th day of January, 2014.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

ISSUE DATE:

December 5, 2013



SCHEDULE "1" to By-law _____

PL130526

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

FCHT Holdings (Ontario) Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate land at 9300-9370 Bathurst Street from "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential/Commercial" to permit the development of a 12-storey, mixed-use residential/commercial apartment building (Approval Authority File No. OP.11.013)
OMB File No. PL130526

FCHT Holdings (Ontario) Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands respecting 9300-9370 Bathurst Street zoned "C4" Neighbourhood Commercial Zone to add residential uses, increase the permitted height and make other minor amendments to the zone

OMB File No. PL130527 (Z.11.044)

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	FCHT Holdings (Ontario) Corporation
Subject:	Site Plan
Property Address/Description:	9300-9370 Bathurst Street
Municipality:	City of Vaughan
OMB Case No.:	PL130526
OMB File No.:	PL130515

APPEARANCES:

Parties

City of Vaughan

FCHT Holdings (Ontario)
Corporation

Counsel

Jennifer Meader

Steven Zakem

RECEIVED

DEC 9 2013

CITY OF VAUGHAN
CLERKS DEPARTMENT

DECISION DELIVERED BY J. E. SNIEZEK AND PARTIAL ORDER OF THE BOARD

[1] FCHT Holdings (Ontario) Corporation (the "applicant/appellant") owns property located at the intersection of Ilan Ramon Avenue and George Kirby Street that it wishes to develop for residential and commercial purposes and to that end it filed applications to amend the Official Plan and Zoning By-law and made application for a site plan agreement.

[2] There were a number of public meeting and consultations that resulted in the subject applications being approved by the City of Vaughan.

[3] The Board heard evidence in support of the settlement between the applicant/appellant and the City of Vaughan from Wendy Nott, a consulting planner retained by the applicant/appellant and David Argue, a traffic engineer also retained by the applicant/appellant.

[4] The Board heard objections to the settlement from Vicki Shatz, a neighbour who lives directly across the street from the proposed development, and from Mark Jackson who lives some distance to the north of the subject lands.

[5] The concerns expressed by Ms. Shatz can be summarized as those related to the shadows cast by the proposed buildings, matters of traffic and parking and matters of privacy and an intrusion into the existing neighbourhood.

[6] Mr. Jackson was concerned about traffic and parking and felt that a preferred location for the development would have been at the intersection of Bathurst and Rutherford.

REVIEW OF THE EVIDENCE

[7] The uncontested evidence of Ms. Nott was that the development of 250 residential units and 500 sq m on the first floor of the residential building identified as Part "A" and 4,500 sq m of commercial floor area located on the area identified as Part "B" was consistent with the Provincial Policy Statement, conformed to the Growth Plan, York Region Official Plan and Vaughan Official Plan and represented good planning. The development of the Parts "A" and "B" are integrated as a complete development. There are parking areas under both buildings that, when combined together will contain

602 spaces for the commercial uses and 407 spaces for the residential uses including visitor parking.

[8] The residential buildings are stepped back from George Kirby Street in such a manner as to respect the existing townhouses along the north side of George Kirby Street. Ms. Nott pointed to the angular plane of 45 degrees that was illustrated in Exhibit 5 – SPA-23 and noted that the shadows for both the spring and fall equinoxes did not even cross the George Kirby Street allowance and in fact were contained south of the travelled portion of the road. The Board notes that even the shadows for December were for the most part contained to the front yards of the homes along George Kirby Street and did not intrude into the rear yards.

[9] The evidence of Mr. Argue was that the traffic impacts are minimal and that the traffic departments of both the Region of York and the City of Vaughan found them reasonable and acceptable.

FINDINGS OF THE BOARD

[10] The evidence of Ms. Nott and Mr. Argue was not contested and as a result the Board concludes that the development as proposed represents good planning and has acceptable traffic impacts. The shadowing studies provide no impact in the spring and fall equinoxes and negligible impacts in the winter.

[11] The Board finds that Official Plan Amendment 743 (Exhibit 7), the Zoning By-law Amendment (Exhibit 8) and site plan drawings (Exhibit 5) and the conditions of the site plan approval (Exhibit 9) all represent good planning; are consistent with the Provincial Policy Statement and are in conformity with the Growth Plan, the Region of York Official Plan and the Vaughan Official Plan as amended.

ORDER

[12] The Board Orders that the appeal is allowed and that Amendment No. 743 to the Official Plan of the City of Vaughan is approved.

➔ [13] And the Board Orders that the appeal is allowed, and the City of Vaughan is directed to amend By-law 1-88 in the manner attached to this decision as Attachment 1 (Exhibit 8)

[14] And the Board will conditionally approve the site plan drawings contained in Exhibit 5 and the conditions of approval contained in Exhibit 9 and the Board will withhold its final order with respect to the site plan until advised by the City that the Site Plan Agreement /Letter of Undertaking has been executed to the satisfaction of the City Solicitor for the City of Vaughan.

"J. E. Sniezek"

J. E. SNIEZEK
MEMBER

Draft Zoning By-law Amendment
FCHT Holdings (Ontario) Corporation
File: Z.11.044 Mary Caputo C/O Christina Napoli and Mark Antoine
Scheduled for Ontario Municipal Board Settlement Hearing: November 26, 2013

_____ -2014
BY-LAW NUMBER - 2013

A By-law to amend City of Vaughan By-law 1-88.

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 an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

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

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as "Subject Lands" on Schedule "1" attached hereto from C4 Neighbourhood Commercial Zone, to C4 (H) Neighbourhood Commercial Zone, with the addition of the Holding Symbol "H" in the manner shown on the said Schedule "1".
 - b) Deleting the second occurring clause a) in Exception Paragraph 9(1217) in its entirety and substituting therefor the word "Deleted".
 - c) Deleting the first occurring clause ai) in Exception Paragraph 9(1217) in its entirety and substituting therefor the word "Deleted".
 - d) Deleting the clause and sub-clauses after the first occurring clause (gi) in Exception Paragraph 9(1217) and substituting therefor the following:

"hi) The following provisions shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1343A", until the Holding Symbol "(H)" is removed pursuant to Subsection 36(3) or (4) of the Planning Act:

 - a) Vaughan Council shall identify and allocate the water supply and sewage servicing capacity to the subject lands; and,
 - b) The Owner shall carry out the Environmental Site Assessment clearance to completion, up to and including the satisfactory registration of the Record of Site Condition (RSC), the proof of which requires two (2) documents, a hard copy of the RSC signed by a qualified person and the Acknowledgement Form from the Ministry of Environment (MOE). Any Environmental Site Assessment (ESA) report(s) relied upon for the filing of the RSC shall be to the satisfactory of the City;
- ii) Notwithstanding the provisions of:
 - a) Subsection 2.0 respecting the Definition of a Lot;
 - b) Subsection 3.8 a) respecting Parking Requirements;

- c) Subsection 3.8 g) Parking Requirements, respecting minimum driveway widths;
- d) Subsection 3.9 a) respecting minimum Loading Space Requirements;
- e) Subsection 3.9 b) Loading Space Requirements, respecting minimum driveway widths;
- f) Subsection 5.1.1 b) respecting Landscaping Area;
- g) Subsection 5.5 respecting Permitted Uses and open storage in a C4 Neighbourhood Commercial Zone;
- h) Schedule "A" respecting the zone standards in the C4 Neighbourhood Commercial Zone;

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "1343A":

- ai) For the purposes of zoning conformity the lands shown as "Subject Lands" on Schedule "E-1343A" shall be deemed to be one lot and to comply with the provisions of this By-law, regardless of the creation of a new lot by way of condominium, part-lot control, consent or any easements, or other rights or registrations given or made;
- bi) The minimum number of parking spaces shall be provided at a ratio of 4.71 parking spaces per 100m² of commercial Gross Floor Area;
- bii) The minimum number of parking spaces for the residential dwelling units located only on Part "A" shall be provided at a ratio of 1.5 parking spaces per dwelling unit and at a ratio of 0.25 parking spaces per dwelling unit for visitors. Said parking spaces shall be located in an underground garage below Parts "A" and "B";
- ci) The maximum driveway width along the exterior lot line (north) shall be 13.6m;
- cii) The maximum driveway width along the front lot line shall be 12.1m;
- ciii) The maximum driveway width along the exterior lot line (south) shall be 11.7m;
- civ) The maximum driveway width along the rear lot line for Building #2B and #2C shall be 22m;
- di) The minimum loading space width for Building #1, shall be 2.8m;
- dii) No loading spaces shall be required for Buildings #6, #8 and #10;
- diii) Loading and unloading shall be permitted between a building and a street (Ilan Ramon Boulevard) for Building #2B and #2C;
- ei) The maximum driveway width along the rear lot line for Building #1 shall be 14m;
- fi) The landscape strip along the rear lot line shall be a minimum 5m in width;

- fii) Notwithstanding fi) the landscape strip along the rear and northerly exterior lot lines shall be 0m in width for Building #2B and #2C;
- fiii) The landscape strip along exterior lot line (south) shall be a minimum of 2m in width;
- fiv) The landscape strip along the front lot line shall be a minimum of 2m in width;
- gi) Open storage in the form of a seasonal garden centre shall be permitted only as an accessory use to the food store/supermarket in Building #1. The seasonal garden centre shall be located in the area identified on Schedule "E-1343A" and shall operate from April 1 to October 31 of any year;
- gii) In addition to the uses permitted in a C4 Neighbourhood Commercial Zone, Apartment Dwellings shall only be permitted on Part "A". The maximum number of residential apartment dwellings permitted on Part "A" shall be 250 units;
- giii) The maximum permitted gross floor area devoted to ground floor commercial uses on Part "A" shall be 500m² and only the following uses shall be permitted:
 - Bank or Financial Institution;
 - Business or Professional Office;
 - Eating Establishment;
 - Eating Establishment, Convenience;
 - Eating Establishment, Take-out;
 - Personal Service Shop;
 - Pharmacy;
 - Retail Store;
 - Service or Repair Shop, limited to the repair of small household appliances and a dry cleaners.
- hi) The minimum front yard setback shall be 2m;
- hii) The minimum rear yard setback for Building #1 shall be 5m;
- hiii) The minimum rear yard setback shall be 6.1m for Building #2B and #2C;
- hiv) The minimum exterior side yard setback (north) shall be 6m;
- hv) The minimum exterior side yard setback (north) for Building #2B and #2C shall be as follows:
 - 6m to the 4 storey portion;
 - 24m to the 9 storey portion;
 - 52m to the 12 storey portion;
- hvi) The minimum exterior side yard setback (south) shall be 2m;
- hvii) The maximum lot coverage shall be 34% excluding Building #2B and #2C;
- hviii) The maximum building height for Building #1 shall be 16m;
- hix) The maximum building height for Building #2A shall be 19.4m;
- hx) The maximum building height for Building #2C, excluding any stairs, any storage rooms or any amenity area shall be as follows:

-15m for the 4 storey portion;

-30m for the 9 storey portion;

-45m for the 12 storey portion;

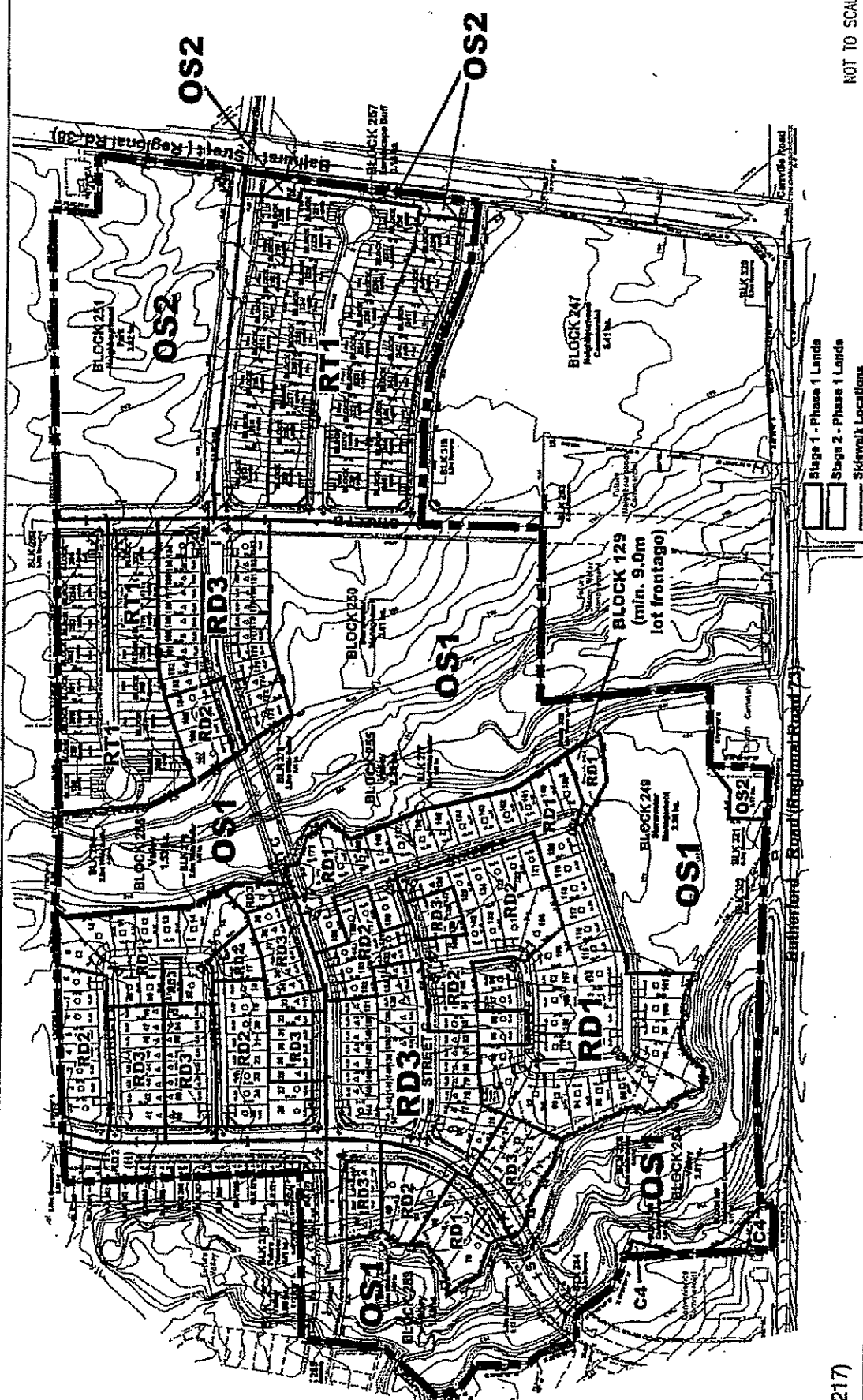
- hxi) The maximum building height for Building #3 shall be 12.3m;
- hxii) The maximum building height for Building #9 shall be 11.2m;
- hxiii) The maximum building height for Building #10 shall be 13.3m;
- hxiv) The maximum commercial gross floor area (excluding Building #2B and #2C) shall be 24,072m²;
- hxv) The minimum setback from the "RT1-Residential Townhouse Zone" to any building, structure or open storage use shall be 15.5m;
- hxx) The minimum amenity area provided for Building #2B and #2C shall be as follows:

-Bachelor Unit: 15m² per unit

-One Bedroom Unit (and One Bedroom plus Den): 20m² per unit

-Two Bedroom Unit: 55m² per unit;."

- e) Deleting Schedule "E-1343A" and substituting therefor Schedule "E-1343A" attached hereto as Schedule "1".
 - f) Deleting Schedule "E-1343" and substituting therefor Schedule "E-1343" attached hereto as Schedule "2".
 - g) Deleting Schedule "E-1343B" attached hereto as Schedule "3".
 - h) Deleting Key Map 2D and substituting therefor the Key Map 2D attached hereto as Schedule "4".
2. Schedules "1", "2", "3" and "4" shall be and hereby form part of this By-law.



NOT TO SCALE

THIS IS SCHEDULE 'E' - 1343
TO BY-LAW 1-88, SECTION 9(1217)

FILE No.: Z.11.044
RELATED FILES: OP.11.013, DA.12.079
LOCATION: Part of Lot 16, Concession 2
APPLICANT: FCHT Holdings (Ontario) Corporation
CITY OF VAUGHAN

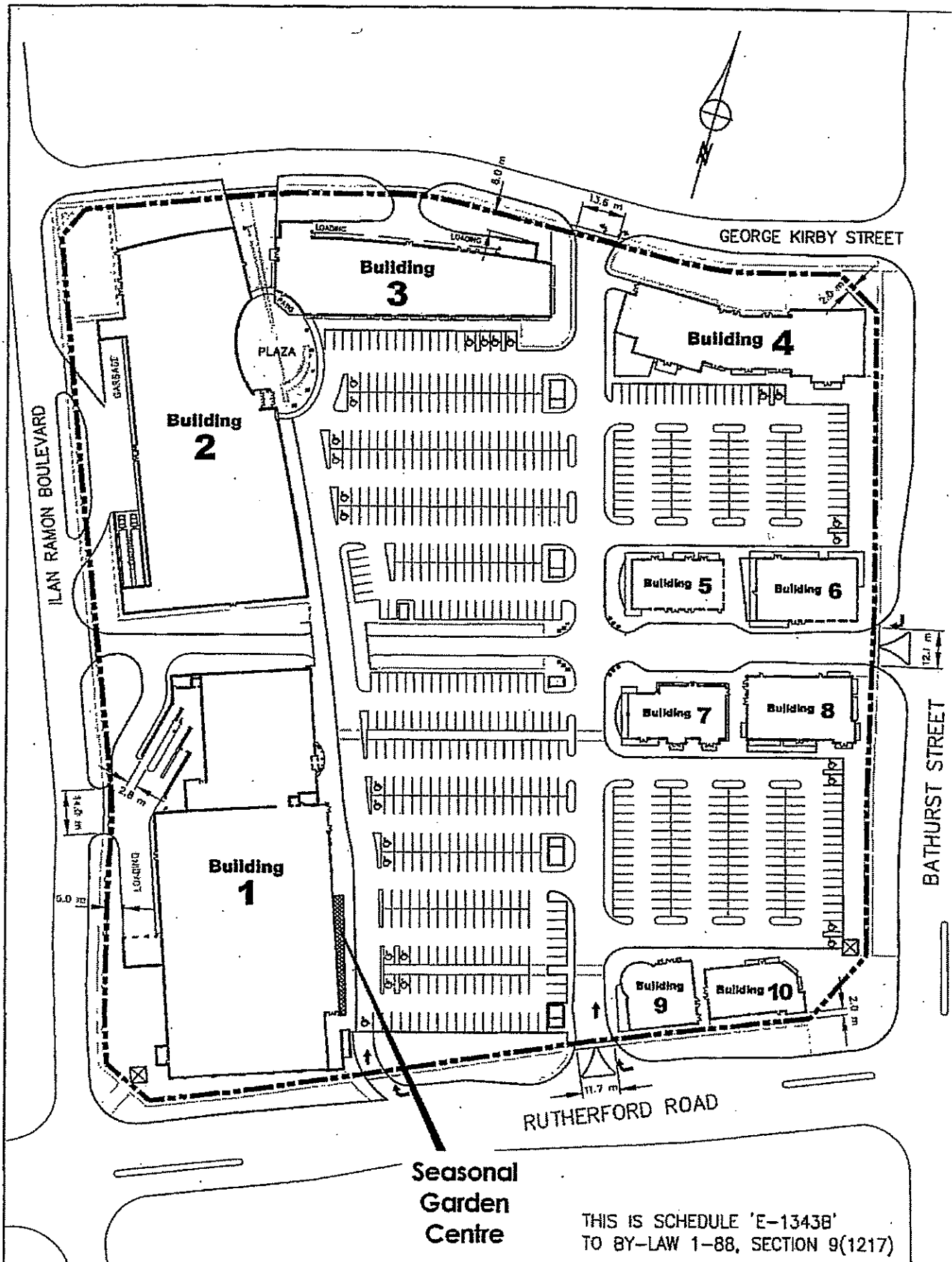
THIS IS SCHEDULE '2'

TO BY-LAW - 2013-2014

PASSED THE DAY OF , 2013 - 2014

SIGNING OFFICERS

BOARD ORDER MAYOR
ISSUED: Dec. 5, 2013
CLERK



Not to Scale

THIS IS SCHEDULE '3'
TO BY-LAW 2013-2014
PASSED THE 2013-2014 **DAY OF** 2013-2014 **SUBJECT LANDS**

FILE No. Z.11.044
RELATED FILES: DA.12.079, OP.11.013
LOCATION: Part Lot 16, Concession 2
APPLICANT: FCHT HOLDINGS (ONTARIO) CORPORATION
CITY OF VAUGHAN

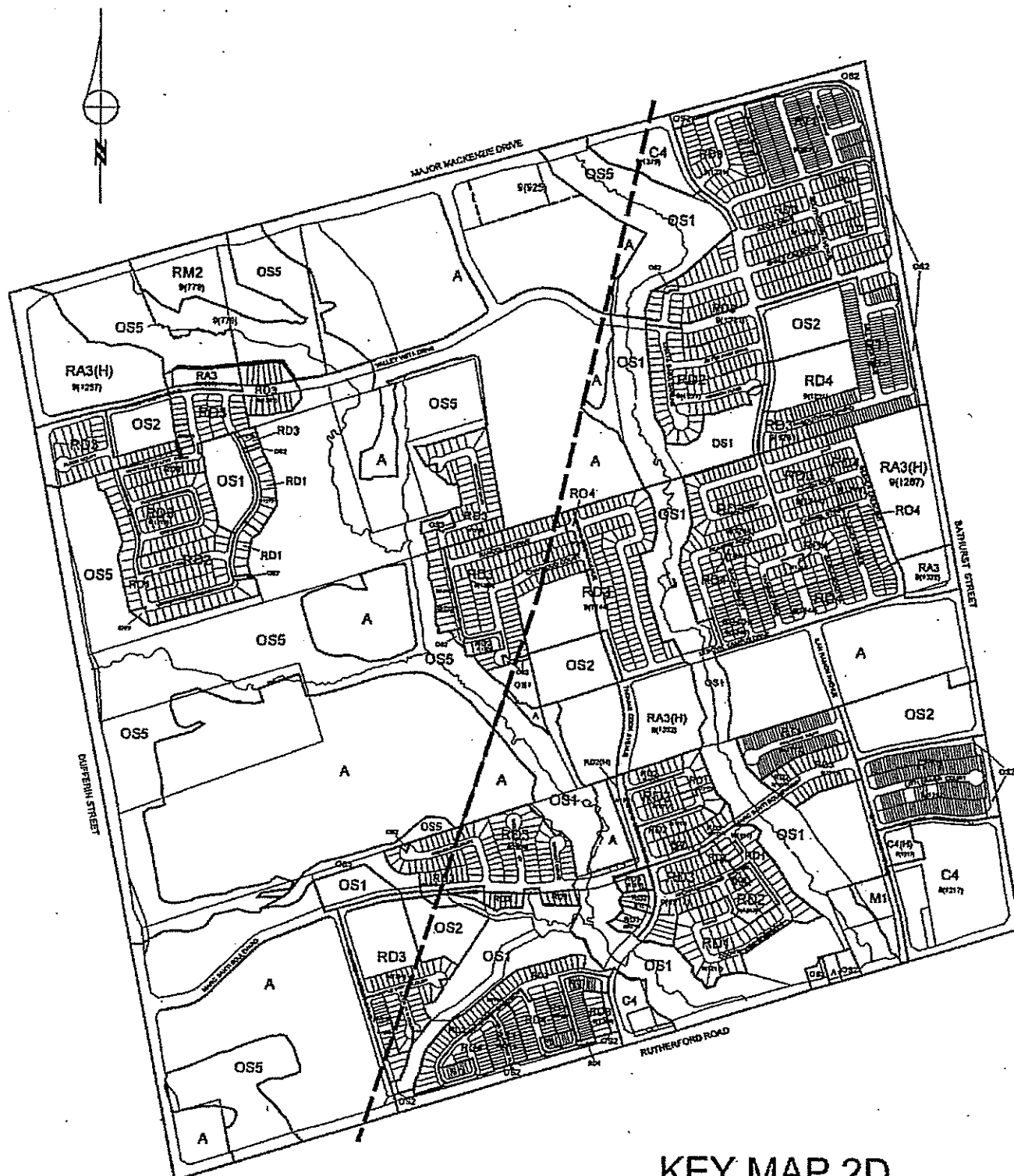
SIGNING OFFICERS

BOARD ORDER
ISSUED: Dec. 5, 2013

MAYOR

CLERK

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KEY MAP 2D
BY-LAW 1-88

OAK RIDGES MORaine
BOUNDARY

THIS IS SCHEDULE '4'
TO BY-LAW _____ - ~~2013~~ - 2014
PASSED THE _____ DAY OF _____, ~~2013~~ - 2014

FILE No.: Z.11.044

RELATED FILES: OP.11.013, DA.12.079

LOCATION: Part of Lot 16, Concession 2

APPLICANT: FCHT Holdings (Ontario) Corporation
CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER
ISSUED: Dec. 5, 2013

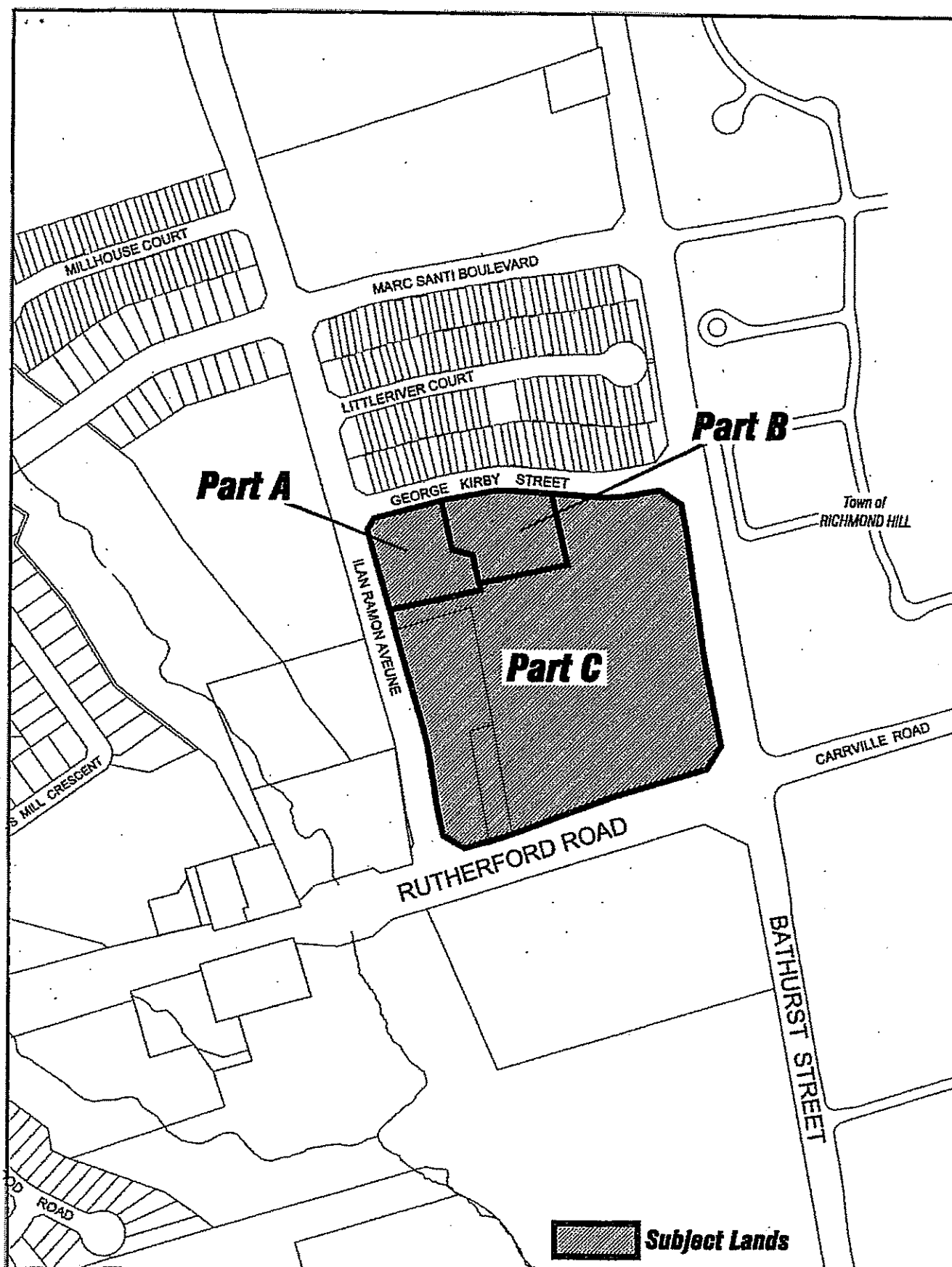
MAYOR

CLERK

_____ - 2014
SUMMARY TO BY-LAW - ~~2013~~

The lands subject to this By-law are located at the southeast corner of George Kirby Street and Ian Ramon Boulevard, being part of Block 23 on Registered Plan 65M-3918, in Lot 16, Concession 2, City of Vaughan.

The purpose of this by-law is to rezone a portion of the lands, those identified as Part "A" from C4 Neighbourhood Commercial Zone to C4 "(H)" Neighbourhood Commercial Zone with addition of the Holding Symbol "H" to facilitate the future development of Part "A" with a 12 storey, mixed use residential/commercial apartment building (future condominium), consisting of 250 residential units and 500m² of ground floor commercial area and permits the necessary zoning exceptions to C4 Zone to implement the development proposal.



LOCATION MAP TO BY-LAW _____ - ~~2013~~ 2014

FILE No.: Z.11.044

RELATED FILES: OP.11.013, DA.12.079

LOCATION: Part of Lot 16, Concession 2

APPLICANT: FCHT Holdings (Ontario) Corporation

CITY OF VAUGHAN