

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 187-2015

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 16th day of November, 2015 (OMB File No. PL 120407), attached hereto as Schedule “1”, is hereby designated as By-law Number 187-2015.

Enacted by City of Vaughan Council this 15th day of December, 2015.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

THE CITY OF VAUGHAN

Exhibit.	A
File #:	PL120407

BY-LAW

187-
BY-LAW NUMBER xxx-2015

A By-law to amend City of Vaughan By-law No. 1-88 as amended by By-law No. 218-2005 and By-law No. 179-2009.

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 C3 Local Commercial Zone to RA2(H) Apartment Residential Zone with the Holding Symbol "(H)" in the manner shown and the said Schedule "1".
 - b) Deleting Exception Paragraph 9(457) in its entirety in Section 9.0 'EXCEPTIONS' and replacing it with Paragraph 9(457) to Section 9.0 "EXCEPTIONS" hereto as follows:
 - (457) A. The following provisions will apply to all lands zoned with the Holding Symbol "(H)" until the Holding Symbol 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 187-2015. The removal of the Holding Symbol "(H)" is contingent upon the following:
 - (1) 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 276 residential units, to the satisfaction of the Vaughan Development Engineering and Infrastructure Planning Services Department, for an additional 46 units; recognizing that 230 units have already been allocated capacity, and that development can occur in phased manner, with the holding symbol removed from the phase 1 lands, as depicted on Schedule 1,

prior to the additional 46 units being allocated sanitary sewage capacity/water supply, and subject to the phase 1 lands meeting the condition below.

- (2) The Vaughan Development Engineering and Infrastructure Planning Services Department has approved a Remediation Action Plan (RAP) and is in receipt of a Record of Site Condition (RSC) filed with the Ministry of Environment and Climate Change's (MOECC) Environmental Site Registry.

B Notwithstanding the provisions of:

- a. Schedule "A" and subsection 3.14 respecting Minimum Lot Area, Maximum Gross Floor Area, Minimum Yard Setbacks, and Maximum Building Height for the RA2 Zone;
- b. Subsection 3.8 respecting Parking Requirements for Residential-Multiple Family Dwelling; Apartment Dwelling;
- c. Subsection 4.1.6 respecting Minimum Amenity Areas for the RA2 Zone;
- d. Subsection 4.11 respecting Uses Permitted in the RA2 Apartment Zone; and
- e. Subsection 3.17 respecting Portions of Buildings Below Grade;
- f. Subsection 2.0 respecting Definition of "Car Share".
- g. Subsection 3.9d) respecting the Location of Loading Spaces
- h. Subsection 2.0 respecting Definition of "Live-Work Units"
- i. Subsection 2.0 respecting Definition of "Parking Space and Parking Space, Handicapped"
- j. Subsection 3.8 respecting entrance widths
- k. Subsection 4.1.4 b) respecting Landscaping for Parking Areas for Multiple Family Dwellings

3. The following provisions shall apply to the lands identified as "Subject Lands" on Schedule "1":

- ai. the minimum lot area shall be 7317.0m² and the maximum Gross Floor Area (GFA) shall be 21,966m².
- aii. the minimum yard setbacks shall be as follows:

Setback from South lot line (Regional Road 7)	3.0m
Setback from East lot line (Wigwoss Drive)	3.0m
Setback from North lot line for a 2 storey portion of the building (Benjamin Drive)	3.0m
Setback from North lot line (Benjamin Drive) above a 3 storey portion of the building except for the exit stair from the pool deck are as follows:	
• 30.0m from centerline of Benjamin Drive for existing residential lots fronting on street	

• 30.0m from front lot line for existing residential lots flanking on North side of Benjamin Drive

The setback at the North East corner of the site shall be 1.0m

The setback at the South East Corner of the site shall be 2.0m

Setback from west lot line –up to the portion of the building 3 storeys in height 15.0m

Setback from west lot line to portion of the building 4 storeys and greater 30.0m

Notwithstanding the provision of By-law 1-88, the following features may have a setback of 0.0m to any lot line:

- Planter boxes
- Stairs (both covered and uncovered)
- Decorative fences and piers
- Other architectural features
- Covered and uncovered exterior porches, stairs and balconies
- Other encroachment features listed in section 3.14

aiii. the maximum building height for the east tower shall be 10- storeys to an overall maximum of 31m to the top of the roof slab, and for the west tower shall be 9 storeys to an overall maximum of 28.0m to the top of the roof slab.

The enclosed mechanical room above the west 9 - storey tower shall not exceed 3.8m in height and shall only be used for mechanical equipment and elevator areas. The east 10- storey tower will not have an enclosed mechanical room, only the elevator overrun and a stair access onto the roof will project above 31m to top of roof slab.

Parapets are permitted and shall not exceed the maximum permitted building height of either tower by more than 0.45m.

Architectural features are permitted to exceed the maximum permitted *building height* of either tower by 1.5m.

Building Height shall be measured from *finished grade* along the south lot line, being an elevation of 165.75.

aiv. the maximum Floor Space Index shall be 3.0 x lot area

bi. Minimum parking requirements shall be:

Residential

One (1) bedroom unit::	0.85 spaces per unit
Two (2) bedroom unit:	0.95 spaces per unit
Visitor Parking:	0.2 spaces per unit
Live-work unit:	2.0 space per unit Which may be provided using tandem spaces
Commercial Uses:	3 spaces per 100m ²
Car Share	2 spaces

- bii. Where an access is provided across the subject site in favour of the lands to the immediate west, loss of parking spaces, up to a maximum of 4, shall not be applied against the subject site for zoning compliance purposes.
- ci. the minimum amenity area to be provided shall be a total of 6000m².
- di. the following uses shall be permitted:
 - An apartment building comprised of an east and west tower with maximum building heights of 10 storeys (31m) and 9 storeys (28 m) respectively and consisting of a maximum of 276 residential units and with ground floor commercial uses along Regional Road #7.
 - the following uses, shall be located along Regional Road #7 exclusively at *finished grade /ground floor*:
 - Live-Work units
 - Day Nursery
 - Banks or Financial Institutions
 - Business or Professional Offices
 - Personal Service Shop
 - Pharmacy
 - Studio
 - Retail Store
 - Car Share Use
 - Video Store
 - Eating Establishments: including outdoor patio

A maximum of one Eating Establishment is permitted on site, which can be no larger than 100m². Any outdoor patio area shall not be applicable for parking space requirement purposes, and shall not count towards the 100m² gfa maximum.
- ei. the minimum setback for portions of the building below grade including underground garages from all lot lines including daylighting triangles is 0.0m.
- fi. for the purposes of this paragraph a "Car Share" shall be defined as follows:

Car Share – means a service for local users in support of community transit and environmental goals. It is a membership-based service offering members access to a dispersed network of shared vehicles 24 hours, 7 days a week. It is primarily designed for shorter times and shorter distance trips providing a public service to enhance mobility options. It does not include a dealership, rental uses or car brokerage use. A maximum of 2 spaces shall be set aside for the development and located in a covered area.

- gi. Notwithstanding section 3.9 d) an enclosed loading space may be located between a building and a street.
- ii. For the purposes of this paragraph "Live-Work Unit" shall be defined as follows:

Live-Work Unit - shall mean a dwelling that contains an ancillary business, which is operated by at least one individual that lives in the dwelling unit, and which occupies not more than 50% of the gross floor area of the entire live/work unit, and the uses shall be limited to the following:

- Business or Professional Office excluding the Office of a Regulated Health Professional and Veterinarian;
- Retail Store;
- Personal Service Shop;
- Eating Establishment, Convenience;
- Studio; and,
- Service or Repair Shop, limited only to the servicing or repairing of small household appliances and home computers.

- ji. Notwithstanding section 2.0, the minimum dimensions of a *Parking Space* shall be 2.6 metres by 5.7 metres. The minimum dimensions of a *Parking Space, Handicapped* shall be 3.65 metres by 5.7 metres, unless two *Handicapped Parking Spaces* are located adjacent to each other, and share an access aisle, in which case the minimum width of each shall be 2.4m, with a 1.5m access aisle between the spaces.

- kj. Notwithstanding section 3.8, the minimum driveway entrance width shall be 6.0m.

- li. Landscaping around the periphery of the outdoor parking area located in the Drop off Area shall not be less than 2.0 m and shall not be screened by a 1.2 m earth berm or an evergreen hedgerow.

- 4. Adding Schedules "1" and "2", attached hereto;
- 5. Deleting Key map 7A and substituting therefore the Key Plan 7A, attached hereto as Schedule "2".

6. Schedules "1" and "2" shall be and hereby form part of this By-law.

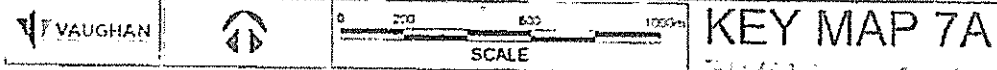
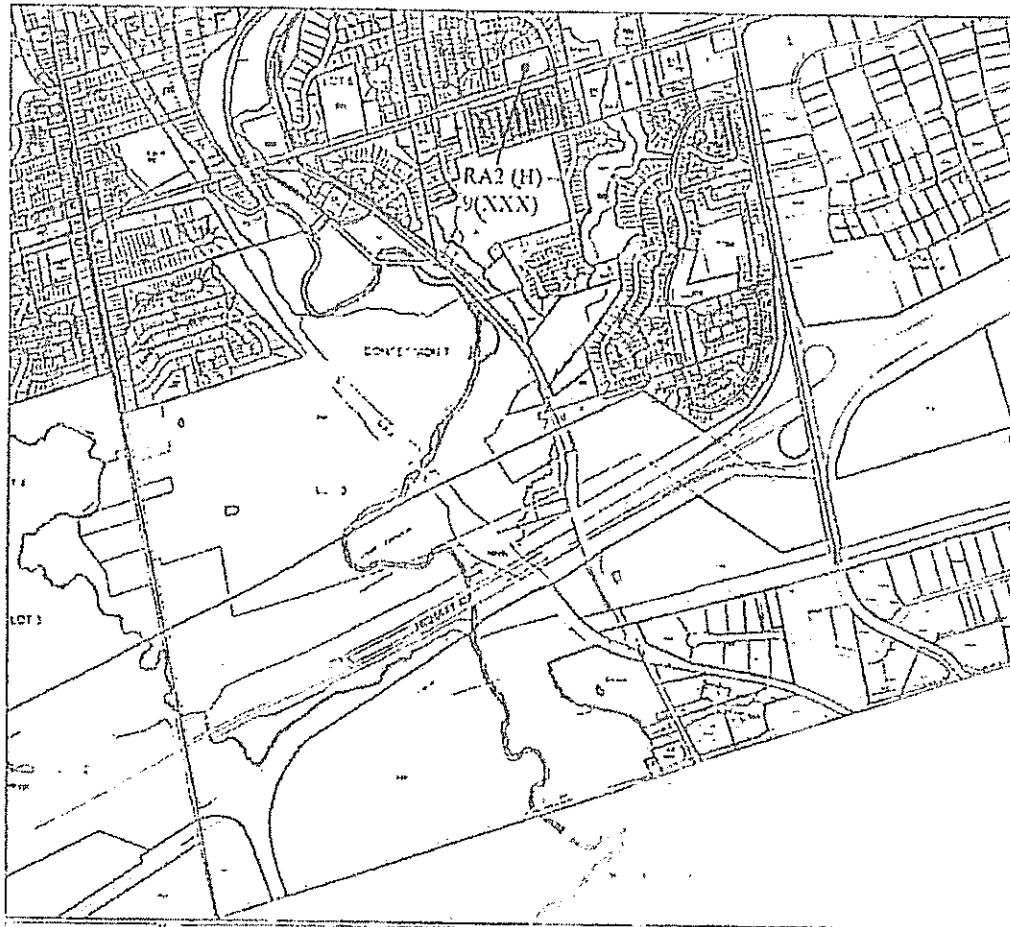
READ A FIRST, SECOND and THIRD time and finally passed this _____
Day of _____, 2015.

Mayor

BOARD ORDER DATED
NOVEMBER 16, 2015

City Clerk

<p>THIS IS SCHEDULE 'E-XXXX' 1560 TO BY-LAW 1-88</p> <p>SECTION 9(XXXX) 457</p> <p>SUBJECT LANDS</p>	<p>NOT TO SCALE</p> <p>THIS IS SCHEDULE '1' TO BY-LAW 187 - 2015</p> <p>PASSED THE 15th DAY OF December 2015</p> <p>FILE NO. Z.11.26 LOCATION: Pt. Lot 6, Con. 7 APPLICANT: 2410174 Ontario Inc. CITY OF VAUGHAN</p> <p>SIGNING OFFICERS</p> <p>MAYOR _____ CLERK _____</p> <p>BOARD ORDER DATED NOVEMBER 16, 2015</p>
<p>BENJAMIN DRIVE</p> <p>W. G. WOODS DRIVE</p> <p>REGIONAL ROAD #7</p> <p>PHASE 1</p> <p>PHASE 2</p>	



7A
KEY MAP XX
BY-LAW 1-88

NOT TO SCALE

THIS IS SCHEDULE '2'
TO BY-LAW 187-2015
PASSED THE 15th DAY OF December 2015

FILE NO. Z.11.026
LOCATION: Pt. Lot 6, Con. 7
APPLICANT: 2410174 Ontario Inc.
CITY OF VAUGHAN

SIGNING OFFICERS

MAYOR

BOARD ORDER DATED
NOVEMBER 16, 2015
CLERK

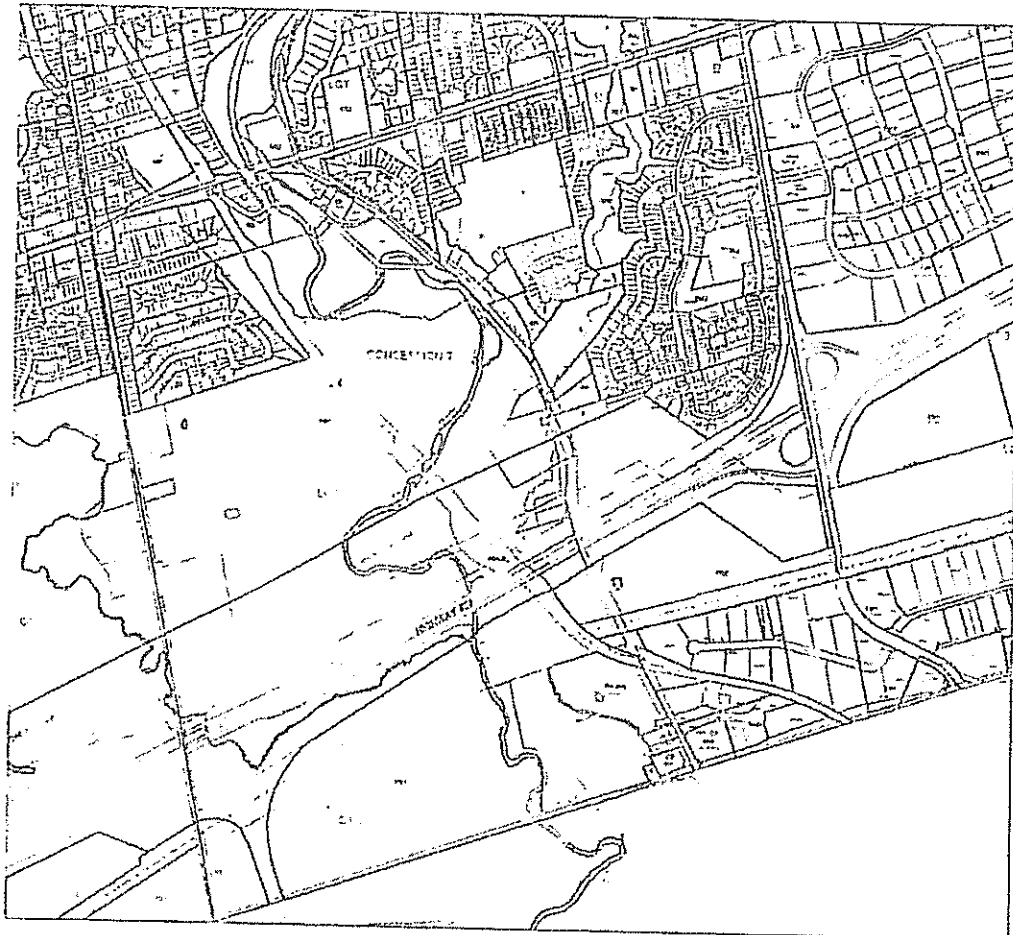
SUMMARY TO BY-LAW 183-2015

The Subject Lands are located at the northwest corner of Regional Road #7 and Wigwoss Drive, municipally known as 4800 Regional Road #7 and being Part of Block AX, on Plan M-1526, in the City of Vaughan.

The Purposes of this By-law is to rezone the subject lands from C3 Local Commercial Zone to RA2 (H) Apartment Residential Zone with Holding Symbol "(H)" to permit 2 apartment buildings, an east tower and west tower with maximum heights of 10 and 9 storeys respectively, and comprised of 276 units.

The By-law provides for the following site specific exceptions:

- Parking shall be provided as follows: 0.85 spaces / 1 bedroom unit. 0.95 spaces/ 2 bedroom unit, 0.2 spaces / unit for visitors and 3.0 spaces /100 m² for commercial uses;
- Live units shall require 2.0 spaces/unit and may be provided using tandem spaces
- 2 Car share spaces must be provided;
- The maximum Floor Space index shall not exceed 3.0 of the developable lot area.
- The minimum lot area shall be 7317.0 m² and the maximum GFA 21,966m²;
- Minimum setbacks to the south, east, west and north lot lines;
- Minimum Setbacks for the north lot line above 3 storeys shall be 30.0 m the centerline of Benjamin Drive and from the flankage lots on Benjamin Drive;
- Minimum setback of 0.0 m to any lot line for stairs, planter boxes, stairs, porches covered and uncovered and other encroachment features;
- maximum building height shall be 10 storeys for the easterly building and 9 storeys for the westerly building and 31m and 28m to the roof slab respectively. A parapet can exceed the maximum building height by 0.45m and architectural features by 1.5 m;
- Height shall be measured from the elevation 165.75;
- Minimum amenity area shall be 6000 m²;
- Commercial uses and live work uses shall be permitted only on the ground floor and along Highway #7;
- An eating establishment shall be restricted to 100 m² and shall permit an accessory patio;
- Provides definitions for car share, live-work units and parking spaces;
- Landscaping around the periphery of a parking area shall be less than 3 m.



Location Map

NOT TO SCALE

FILE NO. Z.11.026
LOCATION: Pt. Lot 6, Con. 7
APPLICANT: 2410174 Ontario Inc.
CITY OF VAUGHAN

15 201

Exhibit: <u>B</u>
File # <u>PL120407</u>

ATTACHMENT 3

PL120407

Site Plan Conditions October 2015

That Site Development File DA.11.073 (2410174 Ontario Inc.) BE APPROVED, to permit the development of the subject lands with two apartment buildings with maximum building heights of 9 and 10 storeys, comprised of 276 residential units and ground floor commercial, subject to the following conditions:

A) Prior to the execution of the Site Plan Agreement:

1. The final site plan, building elevations, photometric lighting plans landscape plan and landscape cost estimate shall be approved by the Vaughan Development Planning Department;
2. The final site grading, servicing plans, Stormwater Management, Functional Servicing Reports ,photometric lighting plans, Traffic and Parking Study, and Noise Report shall be approved to the satisfaction Development Engineering and Infrastructure Planning Department;
3. The Owner shall provide a noise report that includes an analysis of the noise impacts of Highway #7 traffic in the ultimate condition on the proposed development, together with recommended mitigation measures, to the satisfaction of the City.;
4. All the requirements of the Region of York Transportation and Community Planning Department shall be satisfied.
5. A Zoning By-law shall be prepared to implement the proposed development and shall include the addition of an "H" Holding Symbol. The condition(s) for the removal of the Holding Symbol (H) shall be included in the Zoning By-law and shall be fulfilled to the satisfaction of the City.
6. The final Waste Management Plan shall be in accordance with the requirements of the City's Waste Collection Design Policy to the satisfaction of Vaughan Public Works Department Waste Management Section;

7. The Owner shall provide a detailed capacity analysis of the downstream sanitary sewer system for review and approval to the satisfaction of the Department of Development Engineering and Infrastructure Planning. The Owner shall enter into a Development Agreement, if required with the City, to satisfy all conditions, financial or otherwise, with regard to the approved sanitary sewer improvements and related payments.

B) THAT the Site Plan Agreement include the following provisions:

1. The Owner shall pay by way of certified cheque , cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building permit, or a fixed unit rate , whichever is higher, in accordance with the Planning Act and the City's Cash-in-Lieu Policy, to the satisfaction of the Vaughan Legal Department, Real Estate Division;
2. Snow removal, and garbage and recycling pick-up shall be privately administered, and shall be the responsibility of the Owner/Condominium Corporation;
3. The Owner/Condominium Corporation shall ensure that the building include provisions for an internal garbage storage area, tri-sorters, proper access route and loading areas in accordance with the requirements of the City's Waste Collection Standards Policy, to the satisfaction of the Vaughan Public Works Department;
4. The Owner shall pay its proportional share of the cost associated with downstream sanitary sewer upgrades. The Owner may be required to design and implement the sewer upgrades upon completion of the flow monitoring and submission/approval of the results to the satisfaction of the City. Financial commitments will be secured via Development Agreements based on the City's latest available cost estimate for the required infrastructure improvements.
5. The Owner shall satisfy any and all issues raised by the City respecting the new proposal and any conditions set out in the Ontario Municipal Board Minutes of Settlement (OMB Case No. PL 120407) between the City of Vaughan, 2 410174 Ontario Inc. (Owner) and the Regional Municipality of York;
6. The Owner shall agree to implement the following to the satisfaction of the Development Engineering and Infrastructure Planning Department:
 - a) Submit Environmental Site Assessment (ESA) reports including updated Phase One ESA, updated Phase Two ESA and a hard copy of the complete Record of Site Condition (RSC) submission filed on the Environmental Site Registry including the acknowledgement letter from the Ministry of the Environment and Climate Change (MOECC) to the satisfaction of the City and as required by the MOECC in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) for the lands within the Plan.

b) Should site remediation be required to meet the applicable Standards set out in the MOECC document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), the Owner shall submit to the City:

- i) A Remedial Action Plan (RAP) meeting the requirements outlined in the City's Environmental RAP checklist to the satisfaction of the Development Engineering and Infrastructure Planning Services Department;
- ii) A certificate letter prepared by the Owner's Qualified Person stating that they covenant and agree to carry out or cause to be carried out the recommendations and measures contained within the RAP and to obtain any necessary permits to perform the work(s) referred to, prior to the commencement of any grading or construction on the site;
- iii) A report (i.e., Phase Three ESA) documenting the successful implementation and completion of the approved RAP to the satisfaction of the Development Engineering and Infrastructure Planning Department; and
- iv) A hard copy of the complete Record of Site Condition (RSC) submission for the lands within the Plan filed on the Environmental Site Registry including the acknowledgement letter from the MOE.

7. The Owner shall agree to display on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No Building Permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan:

- The plan for the border area, showing surrounding land uses, arterial/highways, railways and hydro lines, etc.;
- The location of street utilities, community mailboxes, entrances features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval;
- The location of parks, open space, stormwater management facilities and trails;
- The location and type of commercial sites;
- The following notes in Bold Capital Type on the Map:

For further information, on proposed and existing land uses, please call or visit the City of Vaughan Development Planning Department, at 2141 Major Mackenzie Drive, (905) 832-8585.

For detailed grading and berming information please call the developer's engineering consultant, (name) at.....

This map is based on information available as (date of map), and may be revised or updated without notification to purchasers

[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]

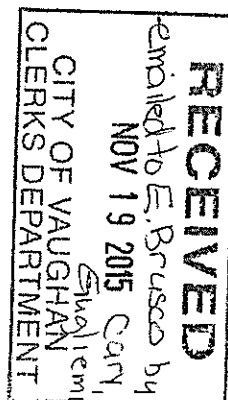
8. That the necessary warning clauses, including, but not limited to noise, access and easements shall be included in all Offers of Purchase and Sale and lease.
9. The Owner/ Condominium Agreement shall agree to provide a private access easement or other arrangement in favour of the lands to the west for the purpose of a driveway access for the adjacent property to the west, if redeveloped in the future, and for the west driveway, which has access to Benjamin Drive and Regional Road #7 to the satisfaction of the City and Region of York at the sole cost and expense of the owner/developer of the adjacent lands to the west and such owner/developer of the adjacent lands to the west shall also be required to enter into a cost sharing/shared facility agreement for the, inter alia, maintenance construction and insurance associated with such driveway on the subject property with the Owner/Condominium Corporation.
10. The owner shall agree in the site plan agreement to carry out the recommendations of the approved Servicing, TDM, Noise, and Traffic reports to the satisfaction of the City.
11. The Owner shall include in all offers of Purchase and sale, and in all condominium documents a clause indicating that that the west driveway, which has access to both Highway#7 and Benjamin Drive shall remain unobstructed for the purpose of access to Benjamin Drive and Regional Road #7, and that members of the public may travel across the west driveway between Regional Road #7 and Benjamin Drive. Further, there shall also be a clause indicating that the lands to the west, if developed, may need access over the subject lands in the future to the satisfaction of the City of Vaughan and Region of York; which access shall be provided to the favour of the land owner to the west at the sole cost and expense of the owner/developer of the adjacent lands to the west and such owner/ developer of the adjacent lands to the west shall also be required to enter into a cost sharing/shared facility agreement for, inter alia, maintenance, construction and insurance associated with the shared use of the west driveway on the subject property with the Owner/Condominium Corporation.
12. The implementation of any recommended noise mitigation measures identified in the Noise Report as accepted by the City of Vaughan as required in Part A.

13. A supplemental noise report shall be provided that includes data and analysis of the impact of the proposed towers' mechanical equipment, terrace pool and other noise emission sources on all adjacent existing development and impacted condominium units, to the satisfaction of the City. This report shall provide recommendations of noise mitigation and attenuation measures where required in accordance with current City, Regional and Provincial standards and tolerances. Prior to issuance of any Building Permit, the Owner's noise consultant shall certify that the building plans include the noise mitigation measures identified in the noise reports, to the satisfaction of the City.

C) Allocation of Servicing Capacity:

On May 19, 2015 Council allocated for 230 residential units of servicing capacity to the site plan based on the Ontario Municipal Board Order Issued May 15, 2013. The revised application, if approved, proposing 276 residential units (an additional increase of 46 residential units) may be allocated servicing capacity by Council in a subsequent servicing capacity distribution update at its discretion. Prior to the issuance of a final building permit Council shall have approved the allocation for a total of 276 residential units for this site.

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 16, 2015

CASE NO(S): PL120407

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	2190647 Ontario Inc.
Subject:	Site Plan
Property Address/Description:	4800 Highway #7
Municipality:	City of Vaughan
OMB Case No.:	PL120407
OMB File No.:	PL120407
OMB Case Name:	2190647 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:	2410174 Ontario Inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C3 Local Commercial Exception 9(457)
Proposed Zoning:	RA2 Apartment Residential Zone
Purpose:	To permit a mixed-use development
Property Address/Description:	4800 Highway No. 7
Municipality:	City of Vaughan
Municipality File No.:	Z.11.026
OMB Case No.:	PL120407
OMB File No.:	PL120432

Heard: October 16, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

2410174 Ontario Inc.

Counsel

G. Borean

City of Vaughan

C. Storto

Regional Municipality of York

F. Santaguida

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. CARTER-WHITNEY ON
OCTOBER 16, 2015 AND ORDER OF THE BOARD**

[1] In 2012, 2190647 Ontario Inc. (the former applicant) appealed the following two matters to the Ontario Municipal Board ("Board") with respect to a proposed development at 4800 Highway #7 ("subject property") in the City of Vaughan ("City"): an appeal from City Council's neglect to make a decision respecting an application to enact a site-specific amendment to the City's Zoning By-law 1-88 ("ZBL"); and an appeal from City Council's neglect to make a decision respecting a site plan application. The proposal was for a mixed-use development consisting of two residential apartment towers with grade-related retail.

[2] On April 24, 2013, the Board conducted a settlement hearing in this matter, hearing opinion evidence in support of the proposal as well as objections from a number of participants. The Board allowed the appeals but withheld its final order, as requested by the parties, pending receipt of the final zoning by-law amendment and final site plan conditions.

[3] Subsequent to the Board issuing its decision, the subject property was sold to a new owner, 2410174 Ontario Inc. ("Applicant"), and revisions were made to the proposed zoning by-law amendment and site plan. In July 2015, the parties requested a hearing before the Board in relation to the revised proposal.

[4] At the hearing, the Board was advised that the Applicant, the City and the Regional Municipality of York ("Region") were all in agreement concerning the proposed revisions, although the Applicant and the Region are continuing to work together to finalize site plan conditions. The parties provided the Board with: the proposed final version of the ZBL amendment (filed as Exhibit A and attached to this decision as

Attachment 1); the revised site plan (filed as Exhibit F and attached to this decision as Attachment 2); and the City's site plan conditions (filed as Exhibit B and attached to this decision as Attachment 3).

[5] The Board heard expert evidence on the revised proposal from the following witnesses, who testified on behalf of the Applicant: Harry Christakis, who was qualified to provide opinion evidence on urban design and architecture; Rosemarie Humphries, who was qualified as a land use planner; and Kim Nystrom, who was qualified to provide evidence on traffic management, parking, access and other transportation-related matters, as in the 2013 hearing.

[6] The following participants testified at the hearing: Guido Masutti, Teresa Polera, Giorgio Lucchese and Tina Cino. Maria McCurdy and Teresa Camillone also identified themselves as participants but chose not to give evidence. The participants raised a number of concerns, which included: the potential increase to the already heavy traffic in the area and related safety issues; the density of the proposal; safety issues during the construction phase; potential impacts on the sewage and water systems and questions about capacity; privacy; and noise from the proposed pool.

[7] Mr. Christakis provided information concerning the revisions to the original proposal approved in principle by the Board in 2013. He stated that the new proposal respects most of the parameters of the original proposal, including the 30.75 metre ("m") high ten-storey tower at the east of the site and the 28 m high nine-storey tower at the west. Mr. Christakis noted that the overall mass of the building has been shrunk to pull it away from the existing residences to the north and west of the subject property, and filling in a mezzanine in the original proposal has allowed for an increase in the number of units from 230 to 276. He added that the amount of retail space in the original proposal has been reduced and replaced with live-work units and some commercial space.

[8] Mr. Christakis stated that the new proposal maintains the access from Benjamin Drive for cars to enter a one-way driveway to allow for drop-offs, but revisions include

enhanced landscaping to provide buffering to the neighbours and brick cladding on that side of the building to respect the context of the existing homes to the north, and the removal of some parking spaces in that forecourt area. He said that another addition is a pool in the outdoor amenity area on the terrace roof, with opaque screening to minimize noise and overlook. Mr. Christakis noted that: 382 parking spaces would be provided in the revised plan, where 316 are required for the site; there would be additional parking spaces as well as a privacy fence and additional landscaping on the western boundary of the subject property; and two car share spaces would be provided as well. He further noted that the garbage and loading areas now would be completely enclosed as part of the building façade and there would be only one mechanical penthouse instead of two as originally proposed.

[9] Ms. Humphries gave an overview of the history of the project and the application process. She provided her opinion from a planning perspective that the revised proposal would result in a much nicer building that would better address both the existing community and the street frontage planned for Highway #7. Ms. Humphries discussed the provisions in the revised draft ZBL amendment, noting the holding provisions with respect to environmental remediation and confirmation of the availability of sanitary sewage capacity and water supply. She also testified concerning the site plan conditions.

[10] In Ms. Humphries' opinion, the proposed site-specific ZBL amendment and site plan, as revised, conform to the City's Official Plan ("City OP") and the Region's Official Plan ("Region OP") and the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), and are consistent with the Provincial Policy Statement ("PPS").

[11] Mr. Nystrom provided an update to the evidence he gave at the hearing in 2013, presenting his revised Traffic Impact and Parking Study, dated January 15, 2015. He provided his opinion that the net change in the number of residential units would not result in a significant impact on the road network and said the net difference in traffic would be virtually indiscernible to the average person. He also pointed out that there has been an increase in the number of parking spaces to be provided on the site. Mr.

Nystrom stated that there had been no change to his opinion provided at the 2013 hearing that the proposed development represents good transportation planning.

[12] The Board observes that it approved development on this site in principle in 2013. Based on the evidence heard at that time, the Board determined that the proposed ZBL amendment and site plan conformed to the City OP, which implements provincial policy goals of promoting intensification and sustainable transportation in urban areas. The Board further found that the proposed development would contribute to realizing the City's vision for the transformation of Highway #7. The Board, therefore, allowed the appeals and approved the proposed ZBL amendment and site plan, but withheld its order subject to receiving the final ZBL amendment and site plan conditions.

[13] The purpose of this hearing, in 2015, was not to revisit the earlier decision to approve the proposal in principle, but to hear evidence concerning the changes now proposed to the development as originally approved. As in 2013, the Board heard evidence from a number of participants who have clearly taken a great deal of time and effort to be involved in the consultation and hearing processes. The participants expressed a number of concerns about the proposal, many of which are similar to the concerns expressed two years ago. These concerns relate to the potential for additional traffic, impacts on water and sewage systems, impacts on safety due to construction, and noise impacts.

[14] Having reviewed all of the evidence, the Board is satisfied that the Applicant has fully addressed these concerns. Mr. Nystrom has testified that there will not be a significant impact on traffic and there is an increase in the amount of parking. Furthermore, specific ZBL provisions and site plan conditions have been included to address concerns in relation to overlook, noise, sewage and water, and potential construction impacts. It is clear that a number of improvements have been made to the original proposal.

[15] Therefore, the Board finds that the revised proposal now before it, as reflected in the revised ZBL amendment and site plan, conforms to the City OP and Region OP, is

consistent with the PPS and conforms to the Growth Plan. The Board will make its final order approving the ZBL amendment.

[16] The site plan, attached as Attachment 2 to this order, and the City of Vaughan's site plan conditions, attached as Attachment 3 to this order, are approved. However, the Board withholds its final order approving the site plan pending confirmation that a site plan agreement between the Applicant and the Region has been executed.

[17] The Board may be spoken to if any problems arise with respect to this matter.

ORDER

[18] The Board orders that City of Vaughan By-law No. 1-88 is hereby amended in the manner set out in Attachment 1 to this order.

"M. Carter-Whitney"

M. CARTER-WHITNEY
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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