

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 188-2015

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 27th day of November, 2015 (OMB File No. PL 130656), attached hereto as Schedule “1”, is hereby designated as By-law Number 188-2015.

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

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

Ex(3)

ATTACHMENT 1

PL130656

Draft Zoning By-law Amendment

BY-LAW NUMBER 188 - 2015

A By-law to amend City of Vaughan By-law 1-88 and By-law 80-90.

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 Vaughan Official Plan adopted by Council but 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 Number 80-90, be and it is hereby further amended by:
 - a) Permitting a maximum fence height of 2.4384 metres (8 feet), notwithstanding the provisions of Section 3.5 - Fences in Residential Zones.
2. That the 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 "R1 Single Family Detached Dwelling" Zone to "RA3 Apartment Dwelling" Zone and "OS1 Open Space Conservation" Zone in the manner shown on Schedule "1".

Draft Zoning By-law

- b) The lands will be subject to a future severance to accommodate a Plan of Condominium for Parcel B. This future condominium line will not be treated as an actual property boundary as it relates to Ontario Building Code requirements. The delineation of Parcel A and Parcel B is shown on Schedule "3".
- c) Adding the following to Section 9.0. "EXCEPTIONS"

~~"(1431)~~ Notwithstanding the provisions of:

- a) Section 3.17 Portions of Building Below Grade
- b) Section 3.20 Use of Residential Lots
- c) Section 3.25 Temporary Sales Office
- d) Section 3.8 Parking Requirements
- e) Section 4.1.6 Minimum Amenity Area
- f) Schedule 'A' respecting lot area minimum per unit, minimum rear yard, minimum front yard, minimum interior side yard and minimum frontage;

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E- 1561":

- ai) The minimum setback to the front line to the nearest part of a building below grade shall be 0.0 metres;
- bi) The provisions of Section 3.20 " Use of Residential Lots" shall not apply;

Draft Zoning By-law

- ci) A temporary sales office shall be permitted on the site within which the units will be sold regardless of Official Plan permissions;
- di) The parking requirement shall be a minimum of 0.73 parking spaces per unit provided over Parcels A & B and shall be a minimum of:
 - 0.389 parking spaces per unit for Parcel A
 - 1.2 parking spaces per unit for Parcel B
- ei) The minimum amenity area requirement unit shall be 8.2 square metres per unit provided over Parcels A & B and shall be as follows:
 - 4.7 square metres/unit for Parcel A
 - 13 square metres/unit for Parcel B
- fi) The lot area minimum per unit shall be 32.8 square metres provided over Parcels A & B and shall be as follows:
 - 31.2 square metres/unit for Parcel A
 - 35.2 square metres/unit for Parcel B
- fii) The minimum front yard shall be 2 metres
- fiii) The minimum interior yard shall be as follows
 - 2.5 metres for Parcel B
 - 4.5 metres for Parcel A
- fiv) The minimum frontage shall be as follows

2058258 Ontario Ltd. – 4603 & 4611 Highway #7

October 20, 2015

Draft Zoning By-law

- 0m for Parcel B"

- c) Adding Schedule "E- 1561", attached hereto as Schedule "1".
 - d) Deleting Key Map 7A and substituting therefore the Key Map 7A attached hereto as Schedule "2".
3. Schedules "1", "2" and "3" shall be and hereby form part of this By-law.

2058258 Ontario Ltd. – 4603 & 4611 Highway #7

October 20, 2015

Draft Zoning By-law

SUMMARY TO BY-LAW 188 -2015

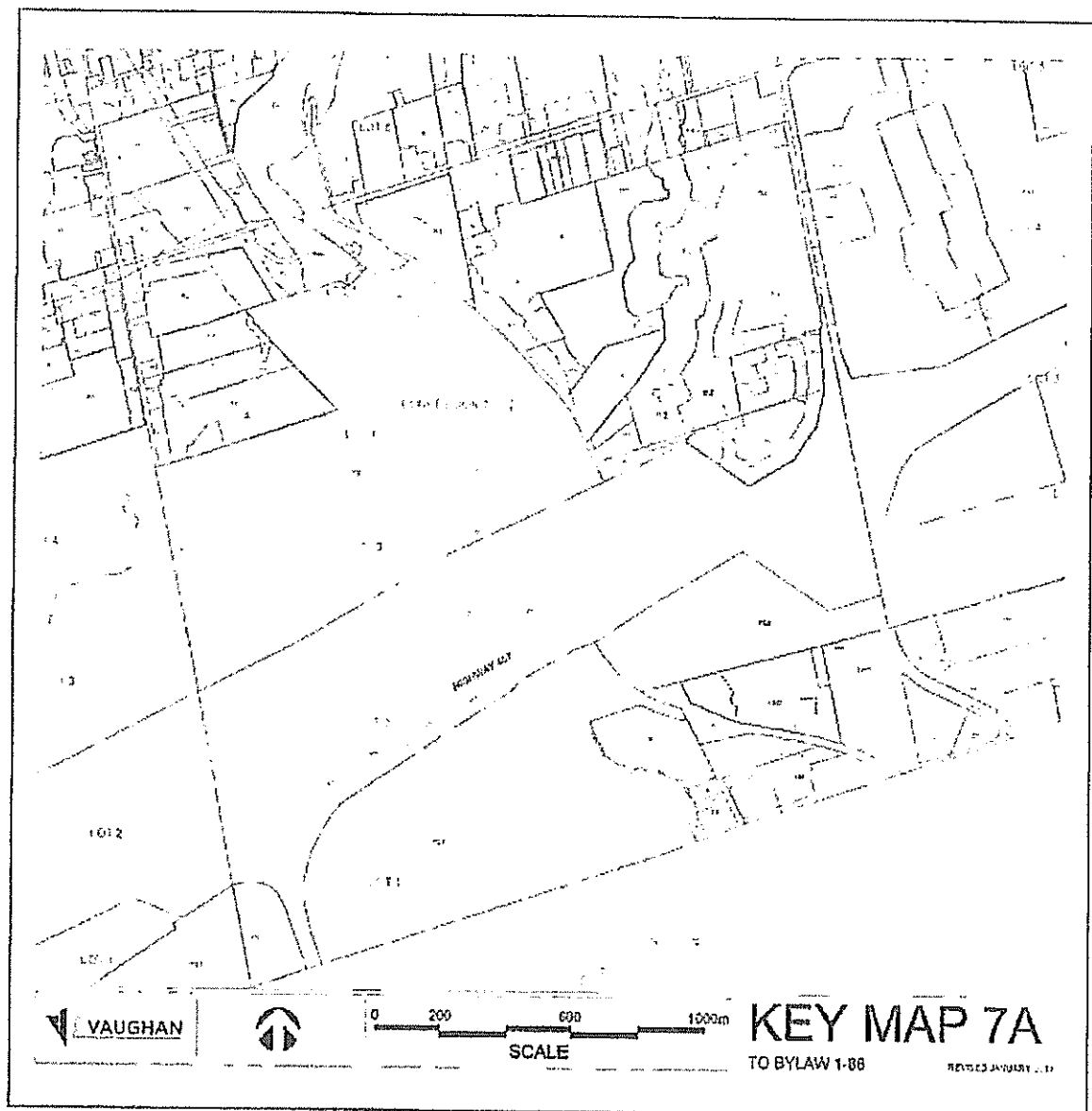
The subject lands are located south of Highway No. 7 on the west side of Pine Valley Drive, described as Part of Lot 4 & 5, Registered Plan 4319 and all of Lot 29, Registrar's Complied Plan 9831, Part of Lot 5, Concession 7, Geographic Township of Vaughan, municipally known as 4603 and 4611 Highway No. 7, City of Vaughan.

The purpose of this by-law is to rezone the subject lands from "R1 Single Family Detached Dwelling" Zone to "RA3 Apartment Dwelling" Zone and "OS1 Open Space Conservation" Zone. The by-law also provides the following exceptions: more than one dwelling can be erected on Registered Plan 4319, reduced parking requirements, reduced minimum setback to the front line to the nearest part of a building below grade to 0.0 metres, reduced minimum amenity area per unit requirement to 8.2 square metres per unit, lot area minimum per unit shall be 32.8 square metres, front yard shall be 2.0 metres, frontage shall be 0m for Parcel B and interior side yard shall be 4.5 metres for Parcel A and 2.5 metres for Parcel B.



188
THIS IS SCHEDULE 1 TO BY-LAW 2015-XX

———— Subject Lands



THIS IS SCHEDULE 2 TO BY-LAW 2015-XX
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Draft Zoning By-law



THIS IS SCHEDULE 3 TO BY-LAW 2015-XX
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———— Subject Lands

Ex (4)

ATTACHMENT 2

OMB Case No. PL130656

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

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

Applicant and Appellant:	2058258 Ontario Ltd. (Forest Green Homes)
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	Prestige Areas - Centres and Avenue Seven Corridor and Transit Stop Centre
Proposed Designation:	Modify Official Plan Amendment 661
Purpose:	To permit an increase in the maximum permitted height from 10 storeys to 14 storeys
Property Address/Description:	4603 and 4611 Highway 7
Municipality:	City of Vaughan
Approval Authority File No.:	OP. 12.004
OMB Case No.:	PL130656
OMB File No.:	PL130656

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

Applicant and Appellant:	2058258 Ontario Ltd. (Forest Green Homes)
Subject:	Application to amend Zoning By-law No. 1-88- Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	R1 Residential Zone
Proposed Zoning:	OS1 Open Space Conservation Zone (valleyland) and RA3 Apartment Residential Zone (tableland)
Purpose:	To permit site-specific exceptions to the RA3 Zone to implement an increase in the maximum permitted height from 10 storeys to 14 storeys
Property Address/Description:	4603 and 4611 Highway 7
Municipality:	City of Vaughan
Municipal File No.:	Z.12.010
OMB Case No.:	PL130656
OMB File No.:	PL130657

DRAFT ORDER

Recitals:

- A. WHEREAS 2058258 Ontario Ltd. ("Forest Green Homes") is the owner of 4603 and 4611 Highway 7 in the City of Vaughan (the "Lands").

- B. **AND WHEREAS** Forest Green Homes filed applications to amend the applicable City of Vaughan Official Plan (including Official Plan Amendment No. 661) and the comprehensive City of Vaughan Zoning By-law 1-88 to permit a proposed development on the Lands.
- C. **AND WHEREAS** a Prehearing Conference was held on March 5, 2015, and the following parties to the hearing were identified:
- (i) Forest Green Homes;
 - (ii) City of Vaughan;
 - (iii) Toronto Region Conservation Authority ("TRCA");
 - (iv) Rick DiZazzo; and
 - (v) Piazza Capri Inc. and 1326719 Ontario Limited ("Piazza Capri").
- D. **AND WHEREAS** Forest Green Homes has modified its development proposal, following numerous discussions with the parties, such that:
- (i) The modified development proposal (the "Proposal") generally provides for the western portion of the site to be dedicated to the TRCA; and for a 10-storey residential condominium building, and a 7-storey retirement home/apartment building on the eastern portion of the site;
 - (ii) Only a Zoning By-law amendment, and not an Official Plan amendment, is required to permit the Proposal;
 - (iii) Forest Green Homes' appeal of its application for an Official Plan amendment is therefore withdrawn;
 - (iii) The parties to the hearing support and/or do not object to Forest Green Homes' Proposal, including the proposed implementing Zoning By-law amendment. In particular:
 - (a) The TRCA has no objection to the Proposal and has withdrawn as a party to the hearing;
 - (b) The City of Vaughan supports the Proposal;
 - (c) Rick DiZazzo supports the Proposal; and
 - (d) Piazza Capri does not oppose the Proposal.
- E. **AND WHEREAS** the City of Vaughan further consents to have the new Vaughan Official Plan (VOP-2010) amended and approved as necessary, in OMB Case No. PL111184, in order to reflect the Proposal.
- F. **NOW THEREFORE**, having heard uncontested expert land use planning evidence from Rosemarie Humphries, BA, MCIP, RPP; and having heard the submissions of the parties, the Board orders as follows:

Order:

1. The appeal by Forest Green Homes is allowed in part as follows:
 - (a) Zoning By-law 1-88 of the City of Vaughan is amended generally in the form attached hereto and marked as Exhibit 3.
2. The Board's Order is withheld until the parties provide the Board with a final copy of Exhibit 4, and:
 - (a) The site plan for the Proposal is finalized and approved; or
 - (b) Forest Green Homes and the City advise the Board that the Board's Order may be released.
3. The parties shall bear their own costs in respect of these proceedings.
4. The Board may be spoken to should any matters arise respecting either the implementation of this Order, or finalization of the site plan.

SECRETARY

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



emailed to E. Brisco by
NOV 30 2015 Cary
Gugliemi
CITY OF VAUGHAN
CLERKS DEPARTMENT

ISSUE DATE: November 27, 2015

CASE NO(S): PL130656

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

Applicant and Appellant:	2058258 Ontario Ltd. (Forest Green Homes)
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
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Approval Authority File No.:	OP.12.004
OMB Case No.:	PL130656
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OMB Case Name:	2058258 Ontario Ltd. 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:	2058258 Ontario Ltd. (Forest Green Homes)
Subject:	Application to amend Zoning By-law No. 1-88– Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	R1 Residential Zone
Proposed Zoning:	OS1 Open Space Conservation Zone (valleyland) and RA3 Apartment Residential Zone (tableland)
Purpose:	To permit site-specific exceptions to the RA3 Zone to implement an increase in the

Property Address/Description:	maximum permitted height from 10 storeys to 14 storeys
Municipality:	4603 and 4611 Highway 7
Municipal File No.:	City of Vaughan
OMB Case No.:	Z.12.010
OMB File No.:	PL130656
	PL130657

Heard: November 12, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel*/Representative

2058258 Ontario Ltd. (Forest Green Homes)

Christopher Williams* and Andrea Skinner*

City of Vaughan

Dawne Jubb*

Riccardo DiZazzo

Self-represented

MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON NOVEMBER 12, 2015

[1] These appeals were scheduled for a hearing pursuant to notice given by the Board following the pre-hearing process. The Applicant, 2058258 Ontario Ltd. (also known as Forest Green Homes) initially sought approval for an Official Plan Amendment ("OPA") to the City of Vaughan ("City") in-force Official Plan ("OP") and a Zoning By-law Amendment ("By-law") to facilitate a development proposal for lands situated on the south side of Highway 7, just west of Pine Valley Drive. At the outset of the hearing, counsel for the Applicant advised that it had revised its development application with the result that the OPA appeal was withdrawn. With the support of the City and no opposition from the parties, the Board was asked to approve the By-law and withhold its order to permit additional time to finalize the precise wording of the instrument.

[2] The original parties to the hearing were identified during the pre-hearing process and include the Applicant, the City, the Toronto and Region Conservation Authority

("TRCA"), Piazza Capri Inc. and 1326719 Ontario Limited ("Piazza Capri") and Rick DiZazzo. Mr. DiZazzo appeared on his own behalf as well as several residents of Woodbridge who reside on Sydel Crescent and Anacapri Court. The residents had appointed him as their representative as reflected in the disposition arising from the pre-hearing process. Mr. DiZazzo confirmed that he supported the development application, as revised. Similarly, the TRCA indicated in correspondence that its issues were resolved and it had no concerns. Accordingly the TRCA withdrew as a party prior to the commencement of the hearing. Mr. Weisman, counsel to Piazza Capri, wrote to the Board that his clients (adjacent landowners) would not oppose the revised application. There were no participants identified at the pre-hearing (beyond those represented by Mr. DiZazzo) nor did any appear at the hearing.

[3] Rosemarie Humphries, qualified to provide opinion evidence in the discipline of land use planning, explained the revised development application and the draft By-law for which approval is sought. The Applicant's original proposal was to develop its lands with a 14-storey apartment building (residential condominium) and a 7-storey building to be marketed to seniors and retirees. The revised proposal changes the location of the buildings to move the condominium building further away from surrounding residents and most significantly, the height of the building is proposed to be reduced from 14 storeys to 10 storeys. The reduction in height means that an OPA is no longer required and on that basis, that appeal is withdrawn. What remains for approval is the By-law, which has been structured to reflect the revised application. The City is satisfied with the elements of the draft By-law, although it agrees that any order from the Board should be withheld in the event that minor changes are required as a result of site plan review.

[4] Ms. Humphries filed a Document Book (Exhibit 1) which contained the relevant appeal materials, maps and comments by municipal staff with respect to the project. The property is located south of Highway 7, west of Pine Valley Drive and north of Sydel Crescent. There is an existing hammerhead at Sydel Crescent and part of the proposal includes replacement of that terminus with a cul-de-sac. The western portion of the site

will remain as open space (0.9588 hectares) and that land will be transferred to the TRCA and/or the City. Beyond the transfer of the valleylands and construction of the cul-de-sac, other attributes of the project include significant landscaping, access from Highway 7, parking (with a green roof) and a re-location of the buildings so that the condominium tower is closest to Highway 7. A detailed explanation of proposal was set out in Ms. Humphries witness statements (Exhibit 5 and 6) and in providing her opinions, she indicated that she relied on the detailed work of the other experts retained by the Applicant (Exhibits 7 through 11). In this regard supporting studies had been prepared and provided to the public agencies for review and comment as part the original proposal and in certain cases the work was updated to reflect the revised development concept.

[5] The draft By-law (Exhibit 3) sets out the site specific standards for the development and re-zones the property from R1 Single Family Detached Dwelling Zone to RA3 Apartment Dwelling Zone and OS1 Open Space Conservation Zone, all of which is shown on Schedule 1 to the By-law. The lands will be subject to a further severance to accommodate a Plan of Condominium for Parcel B and the delineation of Parcel A and B is shown on Schedule 3 to the By-law. Schedule 2 to the By-law provides a new Key Map 7 to By-law No. 1-88 (in force zoning).

[6] Ms. Humphries testified that the By-law is consistent with the Provincial Policy Statement ("PPS") and conforms to all applicable provincial plans, including the Growth Plan. The By-law conforms to the provisions of the Region of York Official Plan ("Region OP") and with the reduction in height (from 14 to 10 storeys) and Floor Space Index ("FSI"), there is conformity with the City's OP ("OPA 661") which is why the application for an OPA is no longer required. The property is within the Urban Area of Region's OP and designated Prestige Area-Centres and Avenue Seven Corridor Designation and Transit Stop Centre Designation in OPA 661. Ms. Humphries testified that the development conforms to OPA 661. The City and the Applicant have agreed that the new Vaughan OP (2010) will be amended in due course to reflect the proposal. The TRCA is satisfied that the development and related infrastructure can be

accommodated in accordance with its requirements as they relate to natural hazard and natural heritage. The reduction in height and density and proposed siting of the buildings as well as the access arrangements make the project more palatable for local residents. The transit in the area continues to improve and intensification along Highway 7 is appropriate at this location. A mix of housing will be provided given the seniors residence, long term care facility and condominium accommodation offered by the project.

[7] I adopt and rely upon the opinions offered by Ms. Humphries and find that the By-law should be approved. In arriving at this determination I have had regard to the provincial interest as well as the decision of City Council. Ms. Jubb indicated that throughout the process the Applicant has been very responsive in addressing issues and worked constructively with City staff, agencies and the residents. The City's view is that the outcome is an excellent result.

[8] Based on the submission of the parties and the evidence of Ms. Humphries, the decision of the Board is to allow the appeal, in part. By-law No. 1-88 of the City of Vaughan is amended in the manner set out in Attachment 1 (Exhibit 3), subject to minor modifications that may be required. The Board's order is withheld at the request of the parties as set out in Attachment 2, which is the draft order filed by counsel (Exhibit 4). The OPA appeal is withdrawn.

"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

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

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248