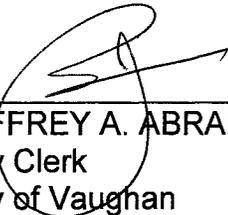


I, JEFFREY A. ABRAMS, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 722 to the Official Plan of the Vaughan Planning Area, which was approved and modified by the Ontario Municipal Board (in part) as per Order issued on the 9th day of December, 2011.



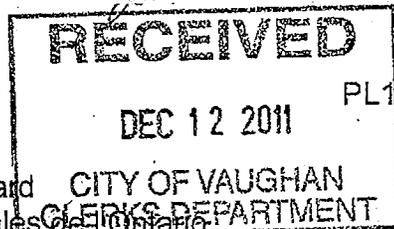
---

JEFFREY A. ABRAMS  
City Clerk  
City of Vaughan

DATED at the City of Vaughan  
this 19 day of January, 2012.

ISSUE DATE:

December 9, 2011



Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

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

Referred by: 2177419 Ontario Limited  
Subject: Site Plan  
Property Address/Description: 2396 Major Mackenzie Drive  
Municipality: City of Vaughan  
OMB Case No.: PL110354  
OMB File No.: PL110354

2177419 Ontario Limited 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 refusal or neglect to enact a proposed amendment to the Official Plan of the City of Vaughan by specifically amending the "Maple Commercial Core Area" policy in the City's Official Plan No. 350 (Maple Community Plan), as amended by Official Plan Amendment No. 533, to increase the maximum building height from 3 storeys to 4 storeys pertaining to a proposal for a 4-storey mixed-use development comprising 104 residential apartment units totalling 9,609 square metres (103,430 square feet) in gross floor area and to permit 931 square metres (10,021 square feet) of ground floor commercial uses along Major Mackenzie Drive for a total of 10,540 square metres (113,452 square feet) of building gross floor area on lands located at 2396 Major Mackenzie Drive

City of Vaughan File No.: OP.10.004  
O.M.B. Case No.: PL110354  
O.M.B. File No.: PL110398

(OPA 722)

2177419 Ontario Limited 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 refusal or neglect to enact a proposed amendment to Zoning By-law 1-88, as amended, of the City of Vaughan, to rezone lands respecting 2396 Major Mackenzie Drive from "C6 Highway Commercial Zone" to "C1 Restricted Commercial Zone" with site-specific provisions to permit a 4-storey mixed-use development comprising 104 residential apartment units totalling 9,609 square metres (103,430 square feet) in gross floor area and to permit 931 square metres (10,021 square feet) of ground floor commercial uses along Major Mackenzie Drive for a total of 10,540 square metres (113,452 square feet) of building gross floor area

City of Vaughan File No.: Z.10.023  
O.M.B. Case No.: PL110354  
O.M.B. File No.: PL110399

**Parties**

2177419 Ontario Limited  
City of Vaughan  
Regional Municipality of York

**Counsel**

G. Borean  
C. Storto  
B. Montgomery

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. CHEE-HING ON  
NOVEMBER 23, 2011 AND PARTIAL ORDER OF THE BOARD**

**Background and Context:**

At the onset of this Pre-hearing Conference (PHC), the Board was advised that the Parties have settled this matter and as such, this hearing event became a settlement hearing. Ms Storto advised that Vaughan Council had ratified the settlement. Mr. Borean advised that the concerns of the Participants had been addressed in the revised proposal before the Board. On consent of the Parties, the Board heard expert evidence from a qualified planner on the revised Official Plan Amendment (OPA), Zoning By-law Amendment (ZBLA) and Site Plan.

By way of a brief background, the Applicant/Appellant proposes to develop a 1.89 acre parcel of land located at 2396 Major Mackenzie Drive, in the City of Vaughan (Vaughan), into a mixed use development comprising a four-storey residential condominium building with ground floor retail/commercial uses. Amendments to the Official Plan (OP), and Zoning By-law and Site Plan approval are required to facilitate the Applicant's/Appellant's proposal. Vaughan Council had failed to make a decision on the Amendments within the prescribed statutory periods and the matters are now before the Board on appeal. The Site Plan Application had also been referred to the Board and has been consolidated with these appeals.

**The Settlement:**

Mr. Alan Young, a qualified planner, provided expert evidence on the revised planning instruments. The proposal has been revised so that the height of the building at the rear has been reduced to three storeys. The front portion of the proposed mixed use building, which fronts on Major Mackenzie Drive, remains at four storeys. The building is now terraced and steps down in height to three storeys at the rear. The rear of the property abuts residential properties and the height of the proposal was a principal concern of the neighbours (Exhibit 5A-D). Mr. Young testified that the reduced height of the proposed building at the rear now meets the 45 degree angular requirement found in Vaughan's new OP.

Due to the reconfiguration of the building, the number of residential units has been reduced from the original proposed 104 to 97 residential units and the number of ground floor commercial units increased from 7 to 8 units as shown in the revised Site Plan (Exhibit 5A). The site will be served by both underground and surface parking. This development is subject to Site Plan control and the Site Plan will require the approval of Vaughan as well as the Region. The Region's Site Plan conditions relate to the road widening dedication at this part of Major Mackenzie Drive which is a regional road.

It is Mr. Young's planning opinion that the proposed OPA and ZBLA that facilitate this development proposal represent good planning and are consistent with the provincial planning policies of the Provincial Policy Statement and the Growth Plan as it relates to promoting compact urban forms utilizing existing urban infrastructure. Mr. Young noted that the proposal respects the Maple Heritage Conservation District Plan and the required heritage permit approvals would be addressed through the site plan process. This mixed use development utilizes existing infrastructure to promote an urban form that is consistent with the Municipality's planning vision for this part of Vaughan. It is his opinion that the proposed OPA found in Exhibit 7 conforms to the OP policies found in OPA 350, as amended by OPA 533. The ZBLA found in Exhibit 8, rezones the subject property from C6 to C1(H). The holding designation will be removed by the Municipality upon confirmation of the servicing allocation for the proposal.

**Board's Findings and Reasons:**

The Board having heard the expert planning evidence, which was given on consent of the Parties, finds that the revised OPA, ZBLA and Site Plan to be good planning. The Board notes that the proponent must fulfill the Site Plan conditions of the City and the Region (Exhibits 9-10). The Board finds that this mixed use project is consistent with Vaughan's planning vision and objectives for this part of the Municipality.

The Board finds that the proposed OPA conforms to the in-force OP and Secondary Plans. The proposed ZBLA also conforms to Vaughan's Official Plan and it is not premature. The proposed mixed use project supports the provincial policies of encouraging compact urban forms that utilize existing infrastructure. It is the Board's

finding that these planning instruments, which are found in Exhibits 5A, 9 and 10, will facilitate the development of a mixed use proposal that is compatible with the development activity occurring in this area.

Therefore, the **BOARD ORDERS** that:



1. The appeal is allowed in part and Amendment No. 350 to the Official Plan as amended by Amendment No. 533 for the City of Vaughan is modified as set out in Exhibit 7 and as modified is approved;
2. The appeal is allowed in part and By-law 1-88 of the City of Vaughan is hereby amended in the manner set out in Exhibit 8.
3. The revised Site Plan as set out in Exhibit 5A is approved subject to the fulfilment of the City's and Region's conditions found in Exhibits 9 and 10. The Board will withhold its Order on Site Plan approval pending confirmation of an executed Site Plan agreement with the Region.

So Orders the Board.

"J. Chee-Hing"

J. CHEE-HING  
MEMBER

**AMENDMENT NUMBER 722  
TO THE OFFICIAL PLAN  
OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 722 to the Official Plan of the Vaughan Planning Area and Schedules "1", and "2" constitute Amendment Number 722.

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

## I PURPOSE

The purpose of this Amendment to the Official Plan is to amend the provisions of the Official Plan of the Vaughan Planning Area respecting Amendment No.350 (Maple Community Plan), as amended by Amendment No. 533, herein referred to as OPA #350 and OPA #533, respectively.

The subject Amendment will add a site-specific policy on the lands shown as "Area Subject to Amendment No. 722" on Schedule "1" hereto to permit an increase to the maximum permitted building height on the Subject Lands from 3 to 4 storeys for a portion of a proposed mixed-use, residential and commercial building.

## II LOCATION

The lands subject to this Amendment (hereinafter referred to as "Subject Lands"), are shown on Schedules "1" and "2" attached hereto as "Area Subject to Amendment No. 722". The lands are located on the north side of Major Mackenzie Drive and west of Keele Street, municipally known as 2396 Major Mackenzie Drive, in Part of Lot 21, Concession 4, Part 1 on Plan 65R-33135, PIN 03333-0451 (LT), City of Vaughan.

## III BASIS

The decision to amend the Official Plan to increase the permitted building height from 3 storeys to 4 storeys and 15.7 m for a portion of the mixed-use building on the Subject Lands is based on the following considerations:

1. The Provincial Policy Statement (PPS) provides broad based policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a settlement area where growth, vitality and regeneration are promoted. The PPS also promotes cost-effective development standards to minimize land consumption and servicing costs and ensures necessary infrastructure and public service facilities are or will be available to meet current and projected needs. Furthermore, transportation systems should be provided which are safe, energy efficient and facilitates the movement of people and goods.

The PPS also supports an appropriate range and mix of employment opportunities and housing through intensification and redevelopment. The development of the subject lands provides additional accommodation choices while utilizing the existing municipal infrastructure efficiently through a compact form, mix of use, and increased density while conserving the significant cultural heritage landscape of the Village of Maple Heritage Conservation District.

The proposed development is consistent with the policies of the PPS including the provision of a balance and mix of uses, the efficient use of existing infrastructure, public service facilities, transportation systems, consistency with the significant cultural heritage landscape, and the development of a compact form through the intensification of a brownfield site.

2. The Places to Grow Act (“the Growth Plan”) sets out policies applicable to the Greater Golden Horseshoe. The policies of the Growth Plan encourage compact built forms, transit supportive communities, diverse land uses, a range and mix of employment and housing types, and directed growth to settlement area that offer municipal water and wastewater systems.

The proposed development, which is supported by municipal water and wastewater systems, would offer housing choices in a mixed-use and compact form. The proposal maximizes the use of land with the development of a partial 3 and 4 storey and 15.7 m high, 97-unit residential apartment building with 8 commercial ground floor units, which will contribute employment opportunities to the local economy.

The proposed development achieves the goals of the Growth Plan. The proposed development provides a mix of land uses at a density that supports intensification and better utilizes a brownfield site. Public transit and community infrastructure are utilized more efficiently and effectively, not requiring any increase in infrastructure investment.

3. The subject lands are designated “Urban Area” in the Region of York Official Plan and Major Mackenzie Drive is identified as a “Local Corridor”. The Plan encourages urban areas to permit a broad range of housing types within efficient and mixed-use compact communities at an overall transit-supportive density. The proposed development provides an additional housing choice, along with employment opportunities, to the local area that is compact and efficient. The Plan further encourages pedestrian scales, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes.

Local corridors are identified as having great potential for more intensive and mixed-use land development, which would be supported by public transit services, with the opportunity to promote residential and employment growth and intensification. This is accomplished by establishing a range of residential and commercial land uses, density and performance standards to encourage mixed-use residential and commercial building forms, and site-specific parking requirements that recognize the level of planned public transit service.

The proposed mixed-use development is consistent with the Regional Official Plan policies in that it focuses growth and intensification within the urban area and along a local corridor in a compact form and increased density suitable for the area. Existing infrastructure and services are optimized as the development encourages better transit connections and alternative forms of transportation through walking and cycling.

4. Under the City of Vaughan's Official Plan, the subject lands are designated "Maple Commercial Core Area (Service Centre)" by OPA #350 (Maple Community Plan), as amended by OPA #533. The Owner proposes a partial 3 and 4 storey (15.7m building height), 10,090 m<sup>2</sup> gross floor area, mixed-use, residential and commercial building consisting of 97 residential units and 8 commercial ground floor units totaling 1,034 m<sup>2</sup> of gross floor area with direct access on Major Mackenzie Drive. The development proposal is located on a primary arterial in the Maple Community and is highly accessible by transit. In light of the Provincial and Regional policies encouraging intensification and providing a mix of housing types in a compact mixed-use form in the community, the official plan amendment can be supported.
5. A statutory Public Hearing was held on December 7, 2010 and the report of the Committee of the Whole (Public Hearing) was adopted by Vaughan Council on December 14, 2010. On April 18, 2011, the Owner appealed Official Plan Amendment File OP.10.004 to the Ontario Municipal Board (OMB), along with Zoning By-law Amendment File Z.10.023 and Site Development File DA.10.052, for the City's failure to make a decision on the applications within the time frames prescribed by the Planning Act. As a result, the OMB is the approval authority.

#### IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 350 (Maple Community Plan), as amended by Amendment No. 533 to the Official Plan of the Vaughan Planning Area, is hereby amended by:

1. Adding the following section to Part C Land Use Policies, Section 2.2 Maple Commercial Core Area, after section 2.2.c):  
  
"2.2.d) Notwithstanding the policies pertaining to the maximum permitted building height in Section 2.2.a), the following shall apply to the lands municipally known as 2396 Major Mackenzie Drive, being Part of Lot 21, Concession 4,
  - i) the maximum building height shall be:
    - 4 storeys and 15.7m; and,

- 3 storeys and 11.7 m for any portion of the building within 34 m of the rear (north) property line, save and except for only the raised parapet features on the east, west and south elevations of the 3 storey portion of the building, which may exceed 11.7m to a maximum of 12.5m”.

- ii) The minimum development standards including the maximum building height shall be included in the implementing Zoning By-law.

## V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands will be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88 and a Site Plan Letter of Undertaking, pursuant to the Planning Act.

## VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

## **APPENDIX I**

The subject lands are located on the north side of Major Mackenzie Drive, west of Keele Street, municipally known as 2396 Major Mackenzie Drive, in Part of Lot 21, Concession 4, Part 1 on Plan 65R-33135, PIN 03333-0451 (LT), City of Vaughan.

Vaughan Council supported the development proposal presented to the Ontario Municipal Board (OMB) on November 23, 2011. Due to the appeals before the OMB, the OMB retains jurisdiction with respect to the approval of this matter.



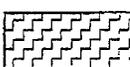
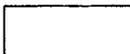
NOT TO SCALE

# APPENDIX II EXISTING LAND USES OFFICIAL PLAN AMENDMENT 722

FILES: OPA 722, OP.10.004  
 RELATED FILES: Z.10.023, DA.10.052  
 LOCATION: Part of Lot 21, Concession 4  
 APPLICANTS: 2177419 ONTARIO LIMITED (SANDRO PALAZZO)  
 CITY OF VAUGHAN

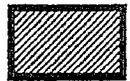
N:\DFT\1-BY-LAWS\op\opa722op.10.004.dwg



-  AREA SUBJECT TO AMENDMENT No.722
-  MIXED RESIDENTIAL/ COMMERCIAL
-  INSTITUTIONAL
-  COMMERCIAL
-  RESIDENTIAL



**THIS IS SCHEDULE '1'**  
**TO AMENDMENT 722**  
 ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011



AREA SUBJECT TO  
 AMENDMENT No.722

FILES: OPA 722, OP.10.004  
 RELATED FILES: Z.10.023, DA.10.052  
 LOCATION: Part of Lot 21, Concession 4  
 APPLICANTS: 2177419 ONTARIO LIMITED (SANDRO PALAZZO)  
 CITY OF VAUGHAN

SIGNING OFFICERS

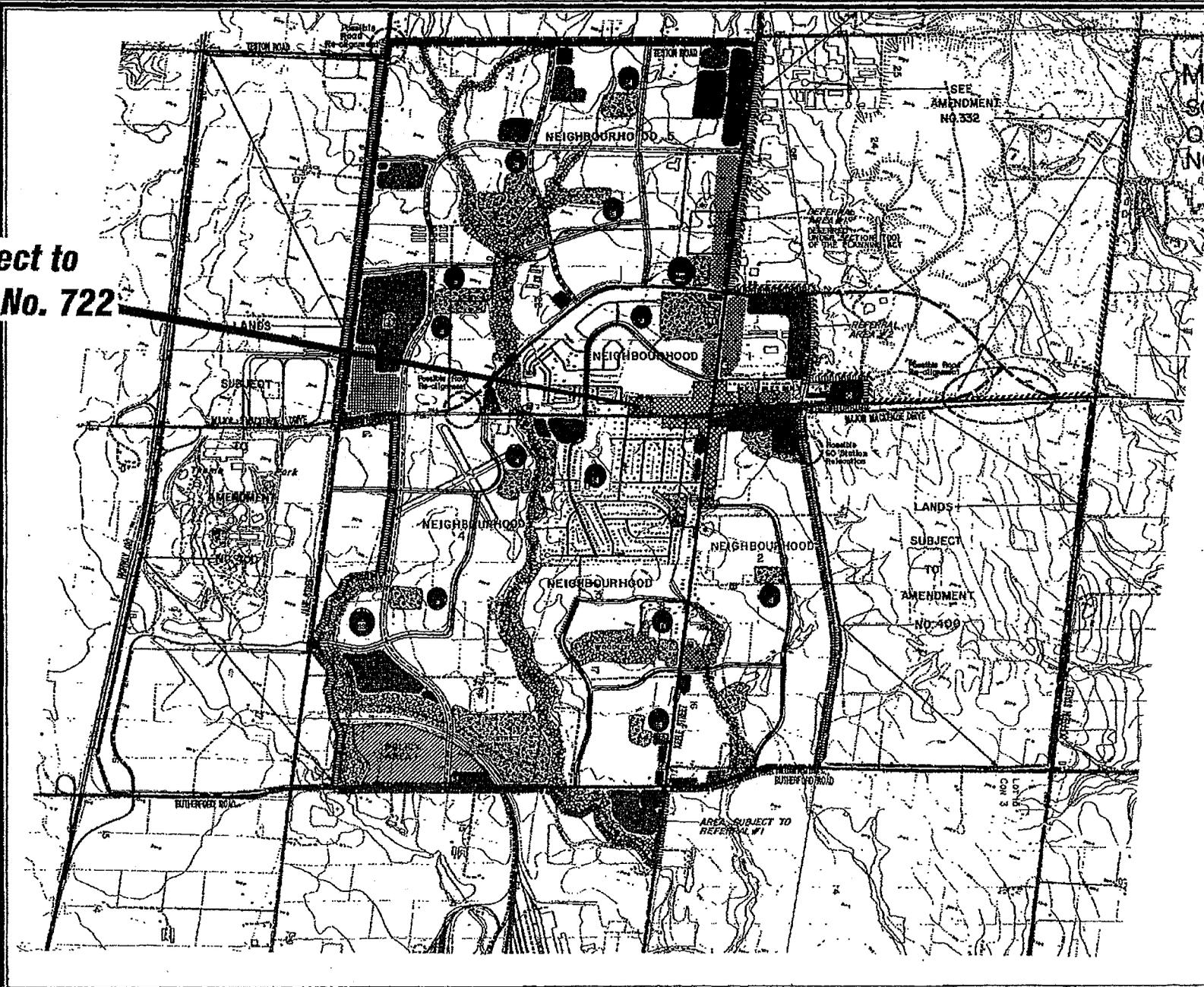
BOARD ORDER DATED  
 DECEMBER 9, 2011

MAYOR  
 CLERK

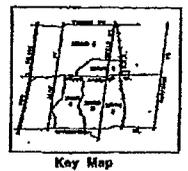
MODIFICATION  
NO. 83  
UNDER SECTION 17(9) OF  
THE PLANNING ACT

**MAPLE COMMUNITY PLAN  
SCHEDULE 'A' TO  
OFFICIAL PLAN AMENDMENT  
NO. 350**

**Area Subject to  
Amendment No. 722**



- LEGEND**
- Low Density Residential
  - Medium Density Residential
  - Park
  - Open Space
  - Institutional
  - Elementary School
  - Secondary School
  - Firehall
  - Library
  - Community Centre
  - Church
  - Cemetery



- Commercial**
- Maple Commercial Core Area
  - Community Commercial Centre
  - Neighbourhood Commercial Area
  - Local Convenience Commercial
  - Office Commercial
  - Service Centre
- Industrial**
- Prestige Industrial
- Roads**
- Policy Area 1
  - Pedestrian and Bicycle Path System
  - Existing Arterial
  - Proposed Arterial
  - Collector
  - Feeder
  - Community Boundary
  - Planning Area Boundary

SCALE: 1:10000



DEC./93

FILES: OPA 722, OP.10.004  
 RELATED FILES: Z.10.023, DA.10.052  
 LOCATION: Part of Lot 21, Concession 4  
 APPLICANTS: 2177419 ONTARIO LIMITED (SANDRO PALAZZO)  
 CITY OF VAUGHAN  
 N:\DFT\1-BY-LAWS\op\opa722op.10.004schedule3.dwg

**THIS IS SCHEDULE '2'  
 TO AMENDMENT No. 722  
 ADOPTED THE \_\_\_ DAY OF \_\_\_, 2011**

SIGNING OFFICERS

BOARD ORDER DATED  
 DECEMBER 9, 2011

MAYOR  
 CLERK