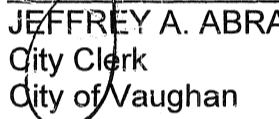


I, JEFFREY A. ABRAMS, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 729 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board as per Order issued on the 28th day of June, 2013.



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JEFFREY A. ABRAMS  
City Clerk  
City of Vaughan

DATED at the City of Vaughan  
this 8<sup>th</sup> day of October, 2013.

ISSUE DATE:  
**June 28, 2013**



**RECEIVED**  
Copy To: J. Hamill  
JUL 3 2013  
CITY OF VAUGHAN  
CLERKS DEPARTMENT

Ontario  
**Ontario Municipal Board**  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Home Depot Holdings Inc.  
Subject: By-law No. 102-2012  
Municipality: City of Vaughan  
OMB Case No.: PL120910  
OMB File No.: PL120910

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Home Depot Holdings Inc.  
Subject: Proposed Official Plan Amendment No. 729  
Municipality: City of Vaughan  
OMB Case No.: PL120910  
OMB File No.: PL121102

**APPEARANCES:**

<u>Parties</u>	<u>Counsel</u>
City of Vaughan	C. Storto
Home Depot Holdings Inc.	S. Zakem
2159645 Ontario Inc.	B. Horosko C. Facciolo

**MEMORANDUM OF ORAL DECISION DELIVERED BY JAMES R. McKENZIE  
ON MAY 22, 2013 AND ORDER OF THE BOARD**

[1] On June 26, 2012, the City of Vaughan ("City") adopted Official Plan Amendment No. 729 ("OPA 729") and enacted Zoning By-law No. 102-2012 ("By-law"), both of which are site-specific planning instruments that apply to 7777 Weston Road ("subject property"), situated at the north-east corner of Weston Road and Highway No. 7. Northview Boulevard bounds the subject property on the north.

[2] The subject property was previously occupied by the Palladini car dealership and is now owned by 2159645 Ontario Inc. ("Liberty"). The intent of the instruments is to

facilitate its redevelopment with a mixed-use project consisting of two residential condominium buildings and an office building.

[3] The Region of York modified and approved OPA 729 on August 21, 2012.

[4] Home Depot Holdings Inc. ("Home Depot") owns and operates a retail warehouse facility opposite the subject property on the north side of Northview Boulevard. Concerned that the introduction of residential uses would have potentially negative implications for its operation, it appealed OPA 729 and the By-law.

[5] The parties participated in a Board-convened mediation process that culminated in a full resolution of the substantive issues giving rise to the appeals. The resolution is reflected in modifications to OPA 729 and the By-law and in Minutes of Settlement executed by the parties.

[6] James Levac, a professional planner retained by Liberty, provided uncontested land use planning evidence in support of the settlement and the modifications agreed to through mediation.

[7] Mr. Levac testified that OPA 729 and the By-law, each in its modified form reflected in Exhibits 3 and 4, respectively, conform to the Provincial Policy Statement ("PPS") and are consistent with the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). It is his professional opinion that they facilitate an intensified form of development that efficiently utilizes existing municipal infrastructure, is transit supportive, provides housing and employment choice, and promotes a pedestrian-friendly urban environment.

[8] Mr. Levac also testified that OPA 729 and the By-law, as modified to reflect the settlement, are consistent with the Region of York Official Plan.

[9] With respect to the noise issues raised in Home Depot's appeals, Mr. Levac confirmed that the noise impact analysis completed by Liberty's acoustical engineer demonstrates full compliance with Ministry of the Environment Noise Guidelines LU-131 and NPC-205. He also confirmed that the noise impact analysis was peer reviewed by both the City's and Home Depot's respective acoustical engineers, each of whom is satisfied with its conclusions.

[10] The Board accepts and relies on Mr. Levac's uncontradicted, expert planning evidence to find that OPA 729 and the By-law, as modified through the settlement process, fulfill the legislative requirements respecting the PPS and Growth Plan,

conform with the Region of York Official Plan, represent good planning, and are in the public interest.

**ORDER**

→ [11] The appeals are allowed in part and OPA 729 and By-law 102-2012 are approved in the form reflected in Exhibits 3 and 4, respectively. To avoid future confusion, they are appended to this decision as "Attachment 1" and "Attachment 2," respectively.

"James R. McKenzie"

JAMES MCKENZIE  
VICE CHAIR

**ATTACHMENT 1**

Exhibit:	3
File #	PL120910

**AMENDMENT NUMBER 729  
TO THE OFFICIAL PLAN  
OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 729 to the Official Plan of the Vaughan Planning Area and Schedules "1" and "2" constitute Amendment Number 729.

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. 500 (Vaughan Corporate Centre Plan), as amended by Amendment No. 663 (The Avenue 7 Land Use Future Study).

The subject Amendment will add site-specific policies on the lands shown as "Area Subject to Amendment No. 729" on Schedule "1" attached hereto. OPA No. 500, as amended by OPA No. 663, permits a maximum density of 2.5 FSI (Floor Space Index) and building height of 25 metres on the Subject Lands. The purpose of this Amendment is to:

- i) increase the maximum permitted density on the Subject Lands from 2.5 FSI to 4.59 FSI and maximum building height from 25 metres to 105 metres (and 33-storeys), subject to the provisions in the implementing Zoning By-law;
- ii) permit a maximum gross floor area of 12,000m<sup>2</sup> for a retail use within a single unit, and permit a retail warehouse use with a maximum gross floor area of 9,290m<sup>2</sup> provided that these uses shall only be located within the podium levels of the proposed development and are not permitted within a free-standing building on the Subject Lands.

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. 729". The lands are located on the north east corner of Weston Road and Regional Road 7, municipally known as 7777 Weston Road, in Lot 6, Concession 5, City of Vaughan.

III BASIS

The decision to amend the Official Plan to increase the maximum permitted density on the Subject Lands from 2.5 FSI to 4.59 FSI; a maximum building height of 105 m (33-storeys); a maximum gross floor area of 12,000m<sup>2</sup> for retail uses within a single unit; and a retail warehouse with a maximum gross floor area of 9,290m<sup>2</sup>, provided the retail and retail warehouse uses shall only be located within the podium levels of the proposed development and are not permitted within a free-standing building on the lands shown as 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 PPS also promotes cost-effective development standards to minimize land consumption and servicing costs and public transit supportive developments. It supports and encourages intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses that make more efficient use of land and public infrastructure. The proposed mixed-use residential development supports intensification of the Subject Lands and accommodates a range of uses, including residential, office and commercial uses, which are appropriate for the area. The development provides additional accommodation choices while utilizing the existing municipal infrastructure efficiently through a compact building form. The proposed development conforms to the goals, objectives and policies of the PPS.
  
2. The policies of the Provincial Growth Plan - Places to Grow (Growth Plan) are intended to guide the development of land in the Greater Golden Horseshoe; encourage compact built form; transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems to make better use of land and infrastructure.

The Growth Plan identifies the Subject Lands as being located within a built-up area and adjacent to an urban growth centre (Vaughan Metropolitan Centre). The Growth Plan encourages intensification throughout the built-up area and includes infill development and the development of underutilized lots. Intensification, a mix of uses and transit supportive densities are encouraged for new developments to promote reduced dependence on the automobile and provide pedestrian-friendly urban environments. The Growth Plan encourages that population and employment growth be accommodated by reducing dependence on the automobile through the development of mixed-use transit supportive, pedestrian-friendly urban environments, providing convenient access to intra and inter-city transit, and encouraging the development of complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services. The Subject Lands will be serviced by the planned Regional Road 7 Bus Rapid Transit Route providing access to the Vaughan Metropolitan Centre Subway Station.

The proposed mixed-use development is supported by municipal water and wastewater systems, public transit and would provide an alternative housing form that maximizes the use of land along with opportunities for employment opportunities throughout the mixed-use development. The proposed development is consistent with the goals of the Growth Plan.

3. The new York Region Official Plan ("ROP") was partially approved by the Ontario Municipal Board on July 11, 2012, with portions of the plan coming into force and effect. The Subject Lands is designated "Urban Area", which permits a wide range of land uses, and is adjacent to the Vaughan Metropolitan Centre, which is one of four Regional Centres.

The ROP encourages a broad range of housing types with efficient and mixed-use compact communities at an overall transit supportive density. The range of housing includes different forms, types and tenures to satisfy the needs of the Region's residents. The housing market is faced with demands for a broader variety of housing types and sizes to meet the diverse range of needs of the Region's residents and workers.

The ROP also identifies Regional Road 7 at this location as a Regional Corridor and a Regional Rapid Transit Corridor. Regional Corridors are intended to support an urban structure that facilitates intensification, as determined through local municipal planning exercises. The policies pertaining to corridors encourage mixed-uses and high densities, supported by high quality public transit services. The Subject Lands are suitable for more intensive, mixed-use development by being located along a Regional Corridor and future bus rapid transit corridor, in close proximity to the Vaughan Metropolitan Centre Subway Station, and is currently available for redevelopment.

The ROP further encourages pedestrian scales, safety, comfort and mobility, the enrichment of the existing area with an attractive building, landscaping and public streetscapes. The proposed mixed-use development and the associated amenity areas enhance the streetscape. Furthermore, the ROP recognizes that there is a strong relationship between transportation and urban form. A mixed-use, compact and higher density urban form encourages and supports a higher level of transit services while helping to reduce the overall parking demand and trip length required for work, shopping, school, and other destinations. The proposed development is consistent with the ROP policies.



4. The Subject Lands are designated "Corporate Centre Corridor" and "Transit Stop Centre" by OPA #500 (Corporate Centre Plan) as amended by OPA #663 (The Avenue 7 Land Use Future Study). The Amendment implements a mixed-use development with a maximum permitted density on the Subject Lands from 2.5 FSI to 4.59 FSI and maximum building height from 25 metres to 105 metres (33-storeys), subject to the density-bonusing policies provided in Amendment No. 663 to the Vaughan Official Plan and the implementing Zoning By-law, a maximum GFA of 12,000m<sup>2</sup> for retail uses within a single unit or building and a retail warehouse with a maximum gross floor area of 9,290m<sup>2</sup>, provided that these uses are located within the podium levels of the proposed development and are not permitted within a free-standing building on the Subject Lands. The development facilitated by this Amendment is supported by Provincial and Regional policies that encourage intensification and mixed-use, compact developments with densities that encourage public transit and provide opportunities for a mix of housing types and employment opportunities in the community.
  
5. Having received a statutory Public Hearing held on February 2, 2010, on June 26, 2012, Vaughan Council approved Official Plan Amendment Application File OP.08.005 to permit a maximum density of 4.49 FSI, a maximum building height of 103 m or 33 storeys, a maximum gross floor area of 12,000m<sup>2</sup> for a retail store within a single unit, and a retail warehouse with a maximum gross floor area of 9,290m<sup>2</sup>, provided the said use is located within the podium levels of the proposed development and are not permitted within a free-standing building on the Subject Lands.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 500 (Vaughan Corporate Centre Plan), as amended by Amendment No. 663 (Avenue 7 Land Use Future Study Plan) to the Official Plan of the Vaughan Planning Area, is hereby amended by:

1. Adding the following Paragraph to Section 3.4 Corporate Centre Corridor, after Section 3.4.3 l):

"(729) m) Notwithstanding Section 3.4.3 d), the maximum permitted density on the Subject Lands located on the northeast corner of Weston Road and Regional Road 7, municipally known as 7777 Weston Road, may be increased from 2.5 FSI to a maximum of 4.59 FSI, subject to the provisions in the implementing zoning by-law. (729)"

2. Adding the following Paragraph to Section 3.3.3 Policies, after Section 3.3.3 f):

"(729) j) Notwithstanding Section 3.3.3 g), the maximum building height on the Subject Lands located on the northeast corner of Weston Road and Regional Road 7 municipally known as 7777 Weston Road, may be increased from 25 metres to a maximum of 105 metres (33-storeys), subject to the provisions in the implementing zoning by-law. (729)"

3. Adding the following Paragraph to Section 3.4.2 Permitted Uses, after Section 3.4.2 a) ix):

"(729) x) Notwithstanding Section 3.4.2 v), retail uses of all types with a maximum Gross Floor Area of 12,000m<sup>2</sup> (129,167 square feet) and a retail warehouse use with a maximum Gross Floor Area of 8,290m<sup>2</sup> shall be permitted only within the podium levels of the proposed development on the Subject Lands located at the northeast corner of Weston Road and Regional Road 7, municipally known as 7777 Weston Road. These uses shall not be permitted within a free-standing building on the Subject Lands. (729)"

4. Adding the following Paragraph to Section 3.4.2 Permitted Uses, after Section 3.4.2 a) x):

"(729) xi) Notwithstanding the uses permitted in ii), iii), viii), and ix) above, residential uses, institutional uses, day cares, hotels / motels, and places of worship, shall only be permitted where a Noise Impact Analysis Report has been prepared in accordance with LU-131 and NPC-205 which identifies noise impacts and proposes mitigation measures, to the satisfaction of the City. Mitigation measures shall be implemented through the Zoning By-law and through Site Plan Control and shall include but not be limited to: restrictions on the permission, occupancy and / or location of that use; screening; upgraded façade and window treatment; noise warning clauses; and other measures. At source mitigation measures to the noise source, including design changes required for noise mitigation purposes, shall be studied and undertaken by the proponent. (729)"

5. Deleting Section 6.4.2 a) vi) from Section 6.4 Implementation and replacing it with the following:

"(729) vi) the degree of compatibility with adjacent existing and / or approved land uses in proximity to the proposed use, including noise compatibility and implementation of noise mitigation measures as required. (729)"

6 Deleting Section 6.4.2 b) vi) from Section 6.4 Implementation and replacing it with the following:

"(729) vi) a Noise Impact Analysis Report and / or Vibration Impact Analysis Report for any proposed development within 300 metres of employment uses or within 300 metres of an identified Provincial Highway or arterial road. (729)"

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 1-08 and Site Plan Agreement, 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.



**THIS IS SCHEDULE '1'  
TO AMENDMENT No. 729  
ADOPTED THE 26th DAY OF JUNE, 2012**

*Not to Scale*

 **AREA SUBJECT  
TO AMENDMENT  
No. 729**

FILE: OP.08.005  
RELATED FILE: Z.08.022  
LOCATION: Part of Lot 6, Concession 5  
APPLICANT: 2159645 ONTARIO INC. C/O LIBERTY DEVELOPMENT CORP.  
CITY OF VAUGHAN

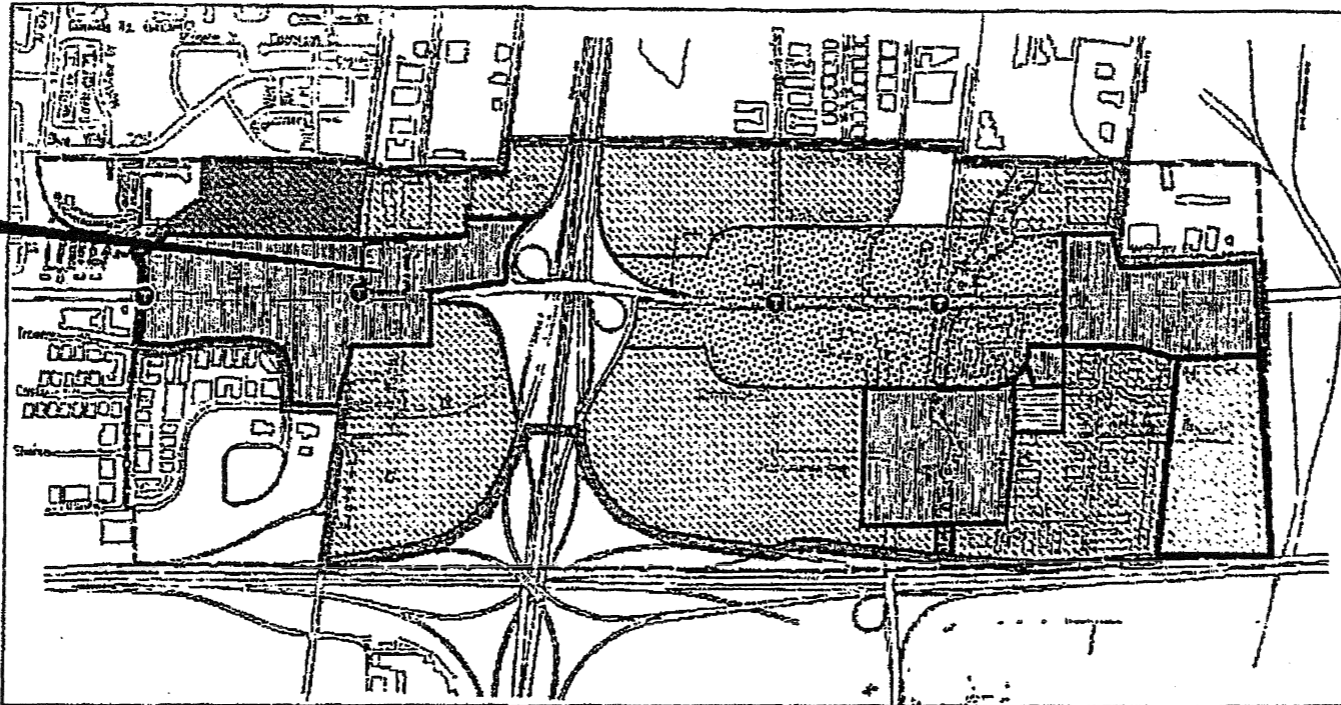
**SIGNING OFFICERS**

**BOARD ORDER ISSUE  
DATE: JUNE 28, 2013**

**MAYOR**

**CLERK**

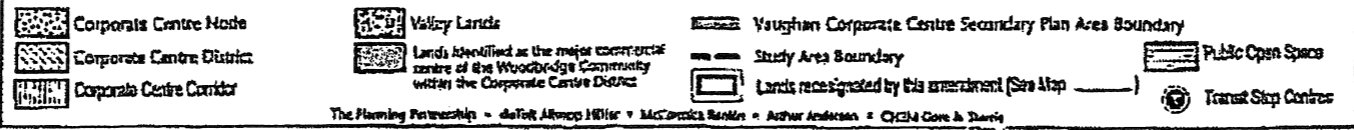
AREA SUBJECT  
TO AMENDMENT  
No. 729



Not to Scale

Vaughan Corporate Centre Secondary Plan  
Amendment No. 500

Schedule A - Land Use Plan



FILE: OP.08.005  
RELATED FILE: Z.08.022  
LOCATION: Part of Lot 6, Concession 5  
APPLICANT: 2159645 ONTARIO INC. C/O LIBERTY DEVELOPMENT CORP.  
CITY OF VAUGHAN

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**THIS IS SCHEDULE '2'**  
**TO AMENDMENT No. 729**  
**ADOPTED THE 26th DAY OF JUNE, 2012**

SIGNING OFFICERS

BOARD ORDER ISSUE  
DATE: JUNE 28, 2013

MAYOR

CLERK