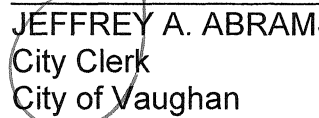


I, JEFFREY A. ABRAMS, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 743 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board as per Order issued on the 5th day of December, 2013.



JEFFREY A. ABRAMS
City Clerk
City of Vaughan

DATED at the City of Vaughan
this *26th* day of January, 2014.

ISSUE DATE:

December 5, 2013



PL130526

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

FCHT Holdings (Ontario) Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's to enact a proposed amendment to the Official Plan for the City of Vaughan to redesignate land at 9300-9370 Bathurst Street from "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential/Commercial" to permit the development of a 12-storey, mixed-use residential/commercial apartment building (Approval Authority File No. OP.11.013)
OMB File No. PL130526 (OPA 743)

FCHT Holdings (Ontario) Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands respecting 9300-9370 Bathurst Street zoned "C4" Neighbourhood Commercial Zone to add residential uses, increase the permitted height and make other minor amendments to the zone
OMB File No. PL130527

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

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

APPEARANCES:

Parties

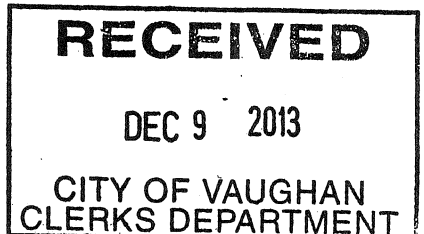
City of Vaughan

FCHT Holdings (Ontario)
Corporation

Counsel

Jennifer Meader

Steven Zakem



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

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

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

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

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

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

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

REVIEW OF THE EVIDENCE

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

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

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


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

FINDINGS OF THE BOARD

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

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

ORDER

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

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

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

"J. E. Sniezek"

J. E. SNIEZEK
MEMBER

AMENDMENT NUMBER 743
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text to Amendment Number 743 to the Official Plan of the Vaughan Planning Area and Schedules "1" and "2" constitute Amendment Number 743.

Also attached hereto but not constituting part of the Amendment are 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. 600 (City of Vaughan Plan), as amended by site-specific Amendment No. 689.

The subject Amendment will redesignate Part "A" of the subject lands (0.58 ha) shown as "Area Subject to Amendment No. 743 on Schedule "1" attached hereto from "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential/Commercial" to permit the development of a 12-storey mixed-use residential/commercial apartment building on the subject lands.

The subject Amendment will also permit the following site-specific policies:

1. Part "A" (0.58 ha) and Part "B" (0.71 ha) on Schedule "1" attached hereto shall be used for the calculation of residential density;
2. Increase the permitted density from a maximum of 40 units per hectare to 195 units per hectare, to a maximum of 250 units, on the portion of the subject lands shown as Part "A" (0.58 ha) and Part "B" (0.71 ha) on Schedule "1" attached hereto;
3. Parking for the 12-storey mixed-use residential/commercial apartment building and 2-storey commercial building shall be located on or below lands identified as Part "A" (0.58 ha) and Part "B" (0.71 ha) Schedule "1", attached hereto;
4. Reduce the permitted maximum Gross Leasable Area (GLA) for the lands shown as Part "B" (0.71 ha) and Part "C" (5.92 ha) on Schedule "1" attached hereto, from 26,800 m² to 22,124 m².

II LOCATION

The lands subject to this Amendment hereinafter referred to as "Subject Lands", comprise approximately 6.5 ha, and are shown on Schedules "1" and "2" attached hereto as "Area Subject to Amendment No. 743". The lands are located on the northwest corner of Bathurst Street and Rutherford Road, being Block 23 on Plan 65M-3918, in Part of Lot 16, Concession 2, City of Vaughan.

III BASIS

The decision to amend the Official Plan is based on the following considerations:

1. The proposal is in keeping with the efficient development and intensification policies of the *Provincial Policy Statement*. The proposed development represents an intensification of the subject lands and accommodates a range of uses, including residential, office and commercial. The development will provide additional accommodation choices and a mix of uses while utilizing the existing municipal infrastructure efficiently through compact built form and increased density. The development makes efficient use of land by implementing a mixed-use residential and commercial development that offers an alternative housing type and higher densities that are compact and pedestrian-friendly, and will support the use of transit along Regional transit routes (Bathurst Street and Rutherford Road).
2. The proposal is in accordance with the "Designated Greenfield Area" policies of *Places to Grow* ("the Growth Plan"). The Growth Plan states that a focus for transit and infrastructure investments to support future growth can be provided by concentrating new development in "Designated Greenfield Areas" and creating complete communities. The proposed 12-storey mixed-use residential/commercial apartment building is supported by municipal water and wastewater systems, and would provide an alternative housing form that maximizes the use of land, while offering an alternative housing option in the vicinity of commercial development. The proposed development is consistent with the goals of the Growth Plan.
3. The subject lands are designated "Urban Area" in the Region of York Official Plan. The subject lands are located in the vicinity of the Bathurst Street and Rutherford Road corridors, and offer an alternative housing form (residential apartment units) in proximity to commercial developments and public transit. The Regional Plan encourages a broad range of housing types within efficient and mixed-use compact communities at an overall transit-supportive density within urban areas. The range of housing includes different forms, types and tenures to satisfy the needs of the Region's residents. The development is consistent with the Regional Official Plan policies.
4. The subject lands are designated "Medium Density Residential/Commercial" with a "Neighbourhood Commercial Centre" overlay by in-effect OPA #600, as amended by site-specific OPA #689. The "Medium Density Residential/Commercial" designation permits detached, semi-detached, and street townhouse dwellings, a duplex, triplex and fourplex units, and, en bloc townhouses at a maximum residential density of 40 units per hectare on the subject lands. A maximum of 52 residential units are permitted on the subject lands (1.285 ha x 40 units per hectare = 52 units). The proposal incorporates 250 units in a mid-rise building with commercial uses at grade on a portion of the subject lands. The Provincial policies and Regional Official Plan policies encourage intensification and provide for mixed-use development that is compact 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 September 4, 2012, on November 19, 2013, Vaughan Council approved Official Plan Amendment Application OP.11.013 to redesignate a portion of the subject lands from "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential/Commercial", increase the maximum residential density from 40 units per hectare to 195 units per hectare and to amend the total Gross Leasable Area of 22,124 m² for the balance of the lands not including Part "A".

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 600, as amended by Amendment No. 689, to the Official Plan of the Vaughan Planning Area, is hereby amended by:

1. Redesignating the lands shown as "Area Subject to Amendment No. 743" and further identified as Part "A" on Schedule "1" attached hereto from "Medium Density Residential/Commercial" to "High Density Residential/Commercial".
2. Adding the following site-specific development policies to the end of Section 4.2.1.4 "High Density Residential/Commercial" of Amendment No. 600:

"(OPA #743) Notwithstanding the above, the lands identified as "Area Subject to Amendment No. 743" and further identified as Parts "A" and "B" on Schedule "1", comprising of approximately 1.285 ha and located on the south east corner of Ilan Ramon Boulevard and George Kirby Street, being Block 23 on Plan 65M-3918, in Part of Lot 16, Concession 2, in the City of Vaughan, are subject to the following policies:

- i) the area included in the calculation of residential density shall include the lands identified as Parts "A" and "B" on Schedule "1", attached hereto;
 - ii) the maximum permitted residential density for lands identified as Parts "A" and "B" on Schedule "1", attached hereto shall be 195 units per hectare, to a maximum of 250 units to be developed solely on Part "A"; and,
 - iii) parking for the 12-storey mixed-use residential/commercial apartment building shall be located below lands identified as Parts "A" and "B" on Schedule "1", attached hereto.
3. Adding the following site-specific development policies to the end of Subsection 4.2.2.4.1 "Exceptions":

"(OPA #743) Notwithstanding the policies above, the maximum permitted gross leasable area

(GLA) shall be 22,124 m² on the subject lands comprising approximately 5.92 ha and identified as Parts "B" and "C" on Schedule "1" attached hereto, being Block 23 on Plan 65M-3918, in Part of Lot 16, Concession 2, City of Vaughan."

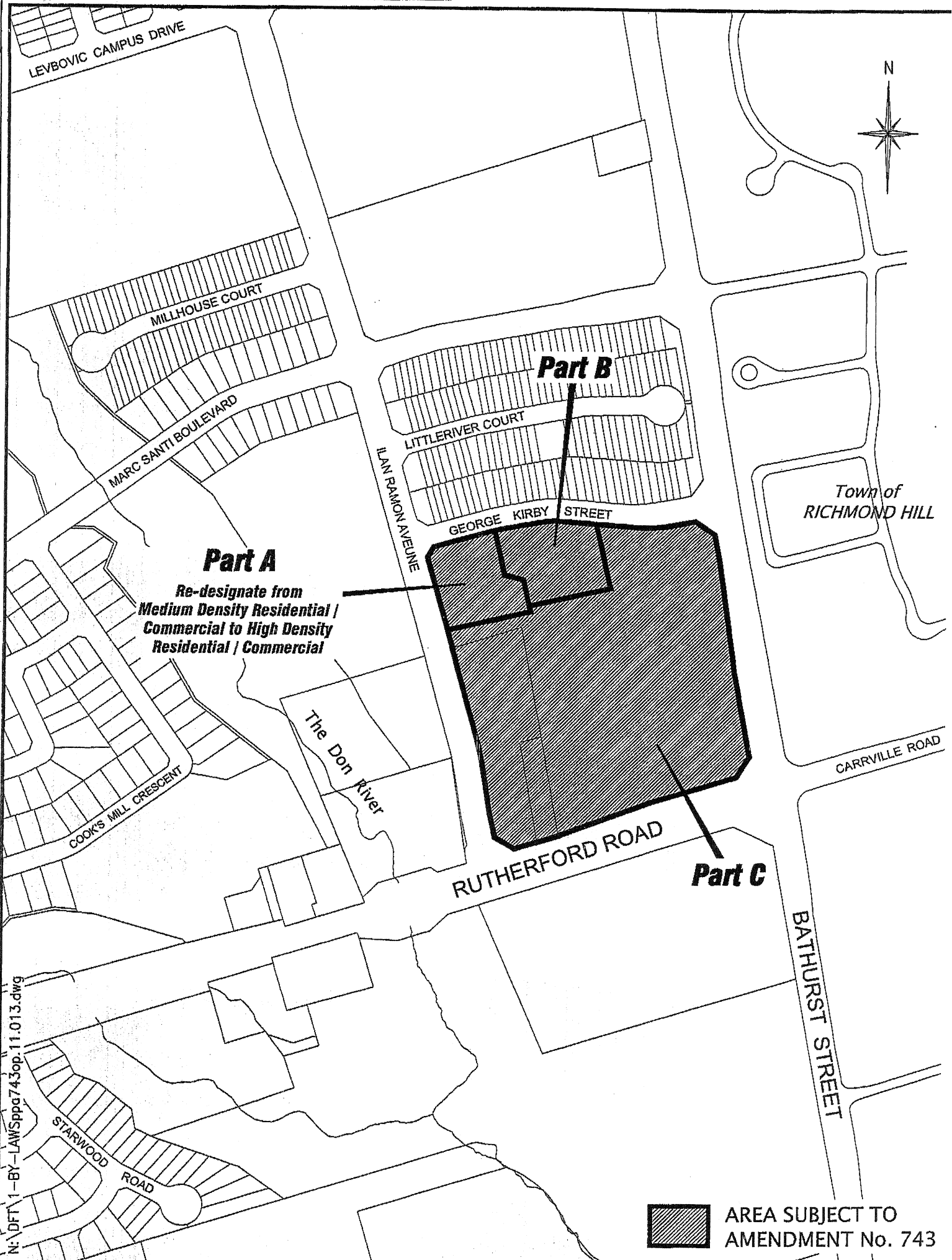
4. Deleting Schedule "C" to Amendment No. 600, and replacing therefore with the Schedule "C" attached hereto, as Schedule "2"

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, Site Development and Draft Plan of Condominium approval 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.




Part A

*Re-designate from
Medium Density Residential /
Commercial to High Density
Residential / Commercial*

Part B

Part C

 AREA SUBJECT TO AMENDMENT No. 743


NOT TO SCALE

**THIS IS SCHEDULE '1'
TO AMENDMENT No. 743**

ADOPTED THE _____ DAY OF _____, 2013

FILE No.: OPA 743
 RELATED FILE(S): OP.11.013, DA.12.079, Z.11.044
 LOCATION: Part Lot 16, Concession 2
 APPLICANT: FCHT HOLDINGS (ONTARIO) CORPORATION
 CITY OF VAUGHAN

SIGNING OFFICERS


 BOARD ORDER
 ISSUED: Dec. 5, 2013
 _____ MAYOR
 _____ CLERK

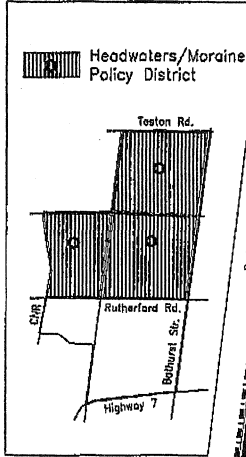
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CARRVILLE - URBAN VILLAGE 2

LEGEND

- Ⓞ ES Elementary School
- Ⓞ SS Secondary School
- Ⓞ NP Neighbourhood Park
- Ⓞ DP District Park
- Ⓞ NC Neighbourhood Commercial Cen.

- Lands Subject to Carrville Urban Village #2
- Low Density Residential
- Medium Density Residential/Commercial
- High Density Residential/Commercial
- Carrville District Centre
- Valley Lands
- Greenway System
- Tableland Woodlots
- Storm Water Management
- Special Policy Area



0 500 1000

REFERRED UNDER SECTION 17(36) OF THE PLANNING ACT - No. 6 OF OPA 600

LANDS SUBJECT TO AMENDMENT No. 743

REFERRED UNDER SECTION 34(11) OF THE PLANNING ACT - #9 OF OPA #600

HESPERUS FELLOWSHIP
WALDORF SCHOOL
STEINER CENTRE
ISLAMIC SHIA JAMAAT
NER ISRAEL YESHIVA

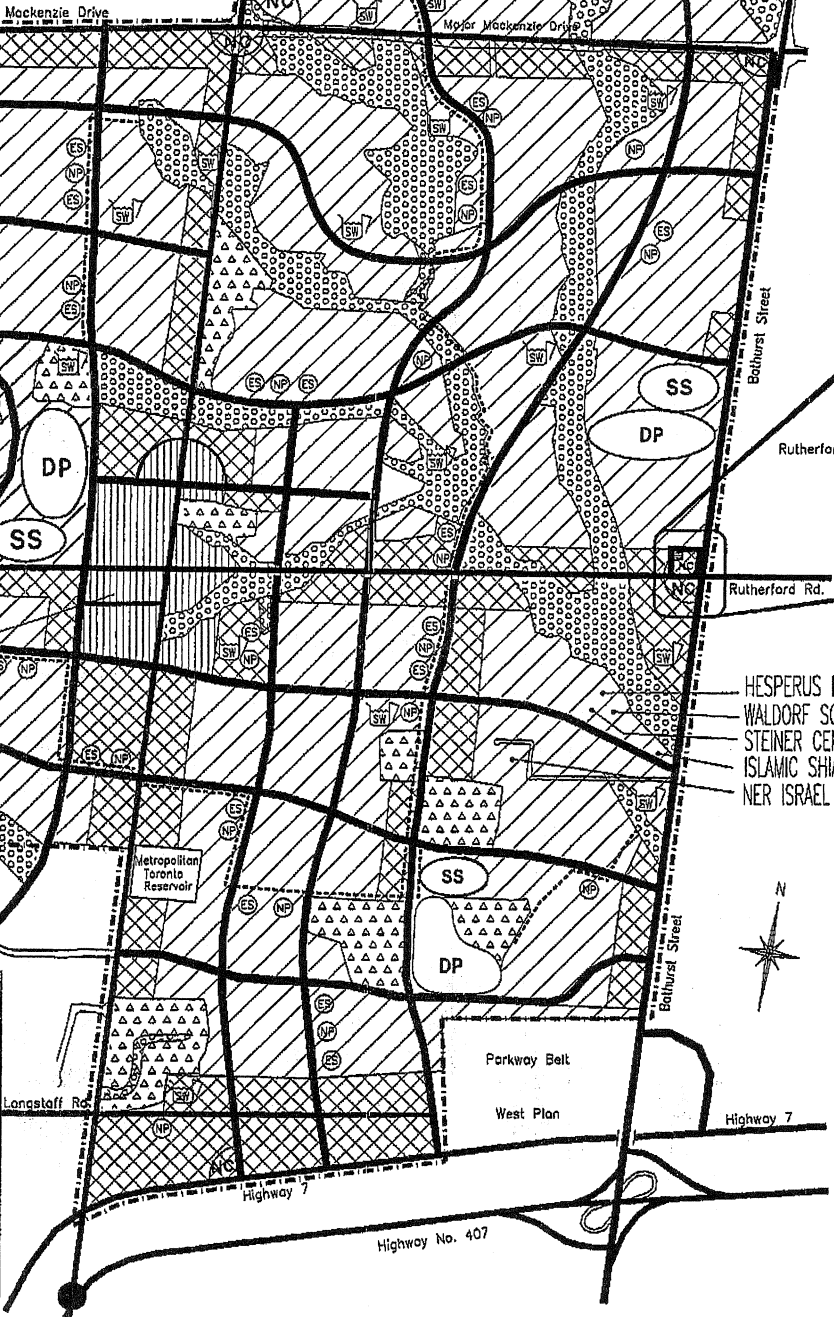
THIS IS SCHEDULE 'C' TO AMENDMENT No. 600

ADOPTED THE _____ DAY OF _____, 2000

SIGNING OFFICERS

MAYOR

CLERK



NOT TO SCALE

THIS IS SCHEDULE '2' TO AMENDMENT No. 743

ADOPTED THE _____ DAY OF _____, 2013

FILE No.: OPA 743

RELATED FILE(S): OP.11.013, DA.12.079, Z.11.044

LOCATION: Part Lot 16, Concession 2

APPLICANT: FCHT HOLDINGS (ONTARIO) CORPORATION

CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER
ISSUED: Dec. 5, 2013

MAYOR

CLERK

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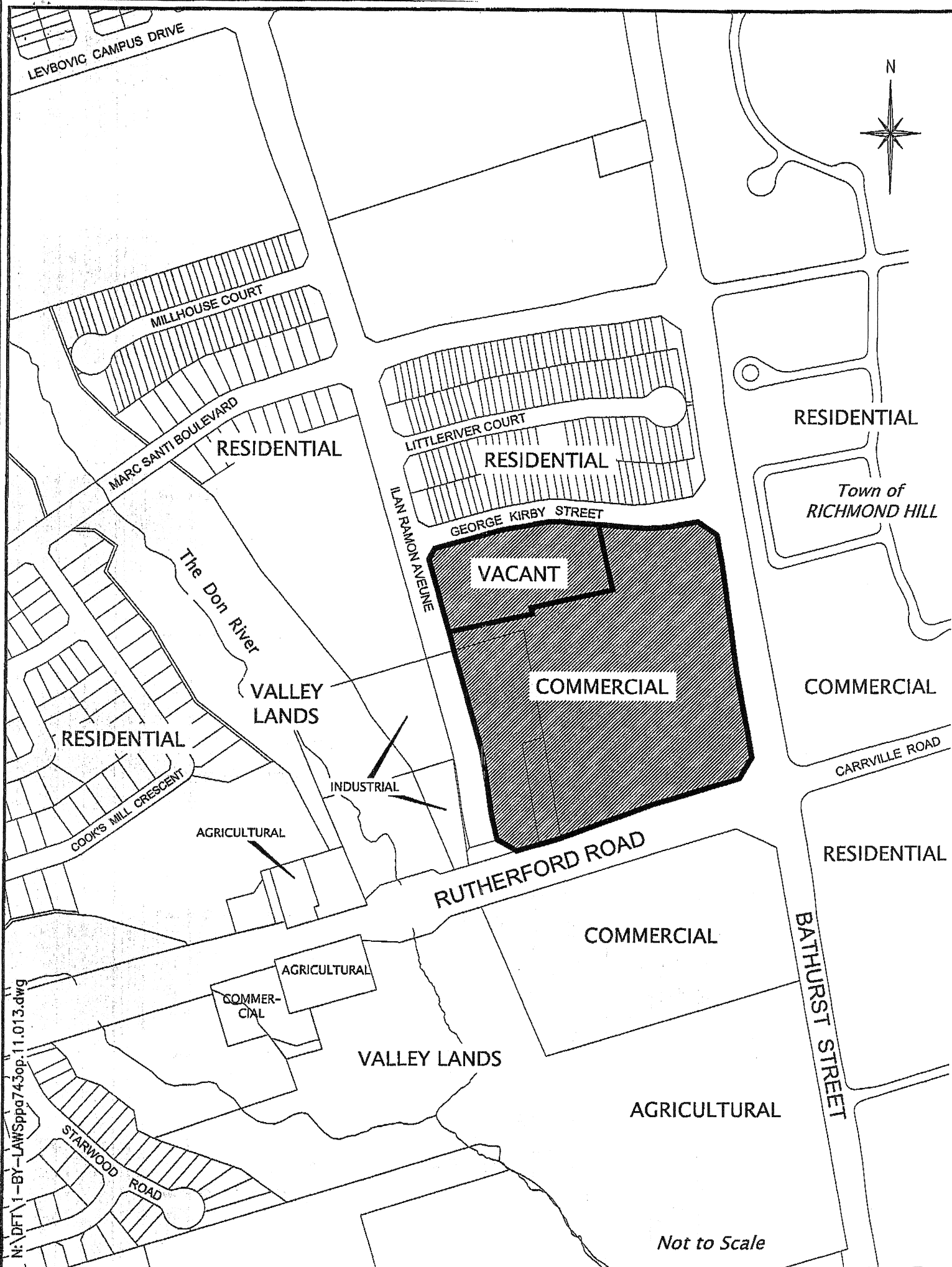
APPENDIX I

The subject lands are located on the northwest corner of Bathurst Street and Rutherford Road, being Block 23 on Plan 65M-3918, in Part of Lot 16, Concession 2, City of Vaughan

On November 19, 2013, Council considered an application to amend the Official Plan and resolved the following:

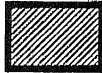
"THAT Official Plan Amendment File OP.11.013 (FCHT Holdings (Ontario) Corporation) BE APPROVED, specifically to amend OPA #600, as amended by site-specific OPA #689, as follows:

- a) to redesignate the portion of the subject lands shown as Part "A" (0.58 ha) on Attachments #2 and #3, from "Medium Density Residential/Commercial" with a "Neighbourhood Commercial" overlay to "High Density Residential/Commercial", and to increase the maximum permitted density in the "High Density Residential/Commercial" designation (Part "A") together with the lands identified as Part "B" (limit of the underground parking area associated with the proposed residential/commercial apartment building and commercial Building "3" with a combined lot area of 1.285 ha from 150 units per hectare (maximum 193 units) to 195 units per hectare (maximum 250 units);
- b) to permit parking for the proposed residential apartment/commercial building on Part "A and the commercial building on Part "B" to be located on or below "Parts "A" and "B" shown on Attachments #2 and #3; and,
- c) to amend the maximum permitted gross leasable area (GLA) for the balance of the Subject Lands (excluding Part "A") as shown on Attachments #2 and #3 from 26,800 m² to 22,124 m²."



APPENDIX II EXISTING LAND USE OFFICIAL PLAN AMENDMENT No. 743

LEGEND

 AREA SUBJECT TO AMENDMENT No. 743

FILE No.: OPA 743
 RELATED FILE(S): OP.11.013, DA.12.079, Z.11.044
 LOCATION: Part Lot 16, Concession 2
 APPLICANT: FCHT HOLDINGS (ONTARIO) CORPORATION
 CITY OF VAUGHAN