

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 149-2019

A By-law to adopt Amendment Number 52 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 52 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 16th day of October, 2019 (LPAT File No. PL170836), attached hereto as Attachment “1” consisting of the attached text, Schedules “1”, “2”, “3”, “4” and Appendices “I” and “II” are hereby adopted.

Enacted by City of Vaughan Council this 19th day of November, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: October 16, 2019

CASE NO(S): PL170836

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Gatehollow Estates Inc.
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	Community Areas – Low Rise Residential
Proposed Designated:	To Be Determined
Purpose:	To permit a mixed-use development
Property Address/Description:	9681 Islington Avenue
Municipality:	City of Vaughan
Approval Authority File No.:	OP.16.010
OMB Case No.:	PL170836
OMB File No.:	PL170836
OMB Case Name:	Gatehollow Estates 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:	Gatehollow Estates Inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	Agricultural (A)
Proposed Zoning:	To Be Determined
Purpose:	To permit a mixed-use development
Property Address/Description:	9681 Islington Avenue
Municipality:	City of Vaughan
Municipality File No.:	Z.16.039
OMB Case No.:	PL170836
OMB File No.:	PL170837

Heard: September 24, 2019 in Vaughan, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Gatehollow Estates Inc. (“Applicant”)	Michael Melling
City of Vaughan (“City”)	Denise Baker Caterina Facciolo
Greater Woodbridge Ratepayer’s Association (“GWRA”)	Tony Lorini*

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER ON
SEPTEMBER 24, 2019 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] In September of 2016 the Applicant made application to the City for an Official Plan Amendment and a Zoning By-law Amendment (the “Applications”) to permit a two-phased residential development comprised of two mid-rise apartment buildings of 7 and 10 storeys on a block of land located at 9681 Islington Avenue in the City of Vaughan (the “Site”). A public meeting was conducted but the City Council failed to make a decision within the statutory time period and accordingly the Applicant appealed to the Tribunal pursuant to sections 22(7) and 34(11) of the *Planning Act* (“Act”) as amended (collectively, the “Appeals”).

[2] The Tribunal conducted two Pre-Hearing Conferences. Party status was granted to three Parties: Carrying Place Ratepayers Association (“Carrying Place”); the GWRA; and the Toronto and Region Conservation Authority (“TRCA”). Two persons, An Trinh and Helen Ha Vu were granted status as Participants.

[3] Discussions between the Applicant and the City continued which led to a number of changes to the original proposed development and eventually, as the hearing of the

Appeals was scheduled to proceed, the Tribunal was advised that a settlement had been reached, but was awaiting approval by City Council.

[4] On September 18, 2019 the Tribunal convened a brief telephone conference call (“TCC”) with the parties to address the scheduling of the hearing and confirm whether the settlement had received the endorsement of City Council. The Tribunal was then advised that the settlement was approved and the hearing was accordingly rescheduled to today’s date as a settlement hearing for the presentation of the proposed Development and draft Official Plan Amendment (“OPA”) and to address the matter of the appeal relating to the Zoning By-law Amendment (“ZBLA”). The settlement of the OPA Appeal is now before the Tribunal for approval with the consent of all parties.

[5] By the time that the settlement was reached and this hearing date was scheduled, TRCA had withdrawn as a party to the Appeals and Carrying Place had advised that it would attend the hearing as a Participant rather than as a Party. GWRA, as represented by Mr. Tony Lorini remained as a party. Prior to the scheduled settlement hearing, as a result of the TCC, the City and the Applicant were to advise Carrying Place and GWRA as to the proposed terms of the settlement in advance of this hearing. GWRA was directed to then provide a summary of any outstanding concerns and issues to counsel so that the matters could be discussed but this did not happen. Neither did any of the Participants comply with the requirements of the Procedural Order, and provide the required statement.

[6] The President of the GWRA, Mr. Lorini attended to the hearing. Neither of the three Participants appeared at the hearing. The Tribunal learned, after the hearing that a representative of Carrying Place had communicated with the Tribunal by email, very late in the evening prior to the hearing, and advised that no one would be attending, but making certain requests that were impractical given the nature of the scheduled settlement hearing the following morning. No representative of Carrying Place attended the hearing.

[7] The Tribunal received planning evidence from Ms. Wendy Nott, on behalf of the Applicant. Mr. Lorini, on behalf of GWRA was permitted to provide limited evidence,

and otherwise there was no other evidence before the Tribunal.

[8] The final design of the proposed residential development has undergone a number of revisions to address various concerns expressed by the City. The proposed dual building development on the Site, now before the Tribunal, will be comprised of two six-storey residential buildings (exclusive of mechanical penthouse) containing a total of 252 units with a net density of three times the developable area of the site, with a shared underground garage (the "Development"). Further particulars, as reviewed in the planning evidence presented to the Tribunal are discussed below.

[9] The draft form of the OPA that would permit the Development, was presented at the hearing and marked as Exhibit 6. The final form of the draft instrument was not, however, finalized in a fully reviewed and confirmed format at the time of the hearing and accordingly the Tribunal was asked, under the terms of the settlement, to approve the Application relating to the OPA, and Exhibit 6 in draft form, but withhold the final Order pending review by the City's Chief Planner, Director and solicitors and subject to the delivery of notice from the Applicant that the final form of the OPA has been confirmed and agreed-upon by all Parties.

[10] As to the matter of the ZBLA Appeal relating to the proposed amendment of the City Zoning By-law No. 1-88, the parties have jointly requested that the Tribunal adjourn the hearing of this Appeal to continue ongoing discussions based upon the consensus reached on the OPA. The Tribunal will grant that request, subject to the requirement for delivery of a status report from the parties in the event they have not, by that date, requested a hearing of the ZBLA Appeal on its merits or a settlement hearing.

[11] The Tribunal considered the uncontroverted planning evidence presented by Ms. Nott, as supported by the documentary record, as well as the limited testimony provided by Mr. Lorini on behalf of the GWRA. Upon hearing the evidence, for the reasons indicated herein, the Tribunal was satisfied that the proposed Development, permitted, in part, through approval of the OPA, represents good planning and achieves conformity and consistency with Provincial and Municipal planning policies and legislation and that the Appeal under s. 22(7) of the Act should be allowed in part, subject to the conditions

and provisions as provided herein. The Appeal of the ZBLA under s. 34(11) of the Act is adjourned for the reasons, and upon the terms, provided.

[12] The Panel provided a brief Oral Decision approving the Development as outlined in the terms of the settlement, and the draft OPA filed as Exhibit 6, subject to the stipulated conditions as provided for herein. The Oral Decision was provided on the basis that this Memorandum of Decision, more fully setting out the reasons supporting the Tribunal's decision, would then follow.

THE DEVELOPMENT AND ITS CONTEXT

[13] With the assistance of the visual exhibits in Exhibit 3, Ms. Nott provided a thorough overview of the proposed Development as it will be permitted through the OPA and, eventually the ZBLA, as well as a site plan (which is not before the Tribunal). The Site is notably located at the very eastern edge of the Woodbridge Community with only Greenbelt conservation lands lying beyond and further to the east.

[14] The Development's Site is rather unique as it is bounded by Islington Avenue, a major arterial road, to the west and by Canada Company Avenue ("CC Avenue"), a local road to the east. CC Avenue then veers west around the southern perimeter of the Site, thus surrounding the Site on three sides with a maintained municipal parcel of land between the south boundary of the Site and the junction of CC Avenue and Islington Avenue. Immediately further south is a regional emergency services complex.

[15] To the north of the Site there are natural heritage features which operate as a buffer to the five residential lots further north along CC Avenue. The Site itself also contains natural heritage features and is heavily treed along the east perimeter with CC Avenue.

[16] Conservation lands under the jurisdiction of the TRCA are located on the east side of CC Avenue and are not likely to be developed in the foreseeable future, or ever. On the west side, across Islington Avenue, there are, from north to south : a subdivision of single detached dwellings; a large residential property containing a single equally

large residence; Napa Valley Avenue as it runs west to east and meets Islington Avenue at a T intersection; and then a large commercial/retail plaza with a large surface parking lot.

[17] The Site itself has somewhat dramatic topography with a low-lying area in the center, berms and raised elevations to the west and east perimeters, and part of a natural valley extending to the north beyond the north boundary.

[18] As indicated, the proposed Development will now be composed of the two six-storey residential buildings which will be outside of the designated Natural Area in the north part of the Site and the protection zone around the north and east of the buildings and amenity areas. Iterations of the Developments plans, drawings and renderings are contained in Exhibit 3. The protection zone/buffer and the general layout of the Site are shown at Tab 6 of Exhibit 3 which identifies the Top of Bank that has now been staked and which has determined the buffer. Plantings along the entire west side of the Development, along Islington Avenue will provide a visual landscape buffer.

[19] The Site is currently designated as Low Rise Residential under the City's Official Plan ("City OP") which permits only detached and semi-detached residential uses or townhouses up to three storeys in height. The OPA is thus required to permit the multi-unit residential development.

[20] Of note is the fact that the large single residential property across Islington Avenue to the west, as well as the commercial plaza to the south of that property, are already identified for planned intensification with designations under the City OP that will allow for redevelopment and intensification of up to five and four storeys respectively and greater identified density. Ms. Nott has noted that these adjacent lands in proximity to the Site will permit a different built-form than what presently exists and thus the planned context already provides for increased density built-forms in this area without impacting the stability or character of the existing residential community.

[21] Generally Ms. Nott aptly characterized the unique characteristics of the Site as being circumstantially separated and buffered by both roads and natural features from

aspects of the adjacent community including the closest residential units, and on the eastern edge of the developed Woodbridge community. These various locational aspects of the Site that physically disconnect it from the larger residential community thus allow for a more intensified residential land use that is easily compatible with nearby contextual components.

ANALYSIS OF THE PLANNING EVIDENCE AND FINDINGS

[22] With this background, Ms. Nott provided her opinion evidence in relation to all relevant planning policies.

[23] Before undertaking an overview of that planning evidence, the Panel would first comment on the evidence/submission provided by Mr. Lorini on behalf of the GWRA. The Tribunal finds that aside from posing open-ended questions and voicing some very generalized concerns about traffic and transportation, and very broad servicing issues on a City wide basis that might somehow be impacted by this single development, the GWRA advanced no compelling evidence, expert evidence or substantive issue warranting serious consideration by the Tribunal. The Applicant has noted in its submissions that the failure of the GWRA to assume responsibility for actively advancing concerns or issues, having been granted formal party status, represents an unwarranted expenditure of additional time and resources where no real issue has been advanced by it. The Tribunal is inclined to agree with the Applicant's submission and the Panel has noted to the GWRA that because it remains as a recognized party to the ZBLA Appeal, the Association would be well-served to effectively consider all further information that will be communicated by the Applicant and the City with respect to the ultimately proposed ZBLA, and ensure that it is prepared to focus on any real issues that might remain, and effectively advocate those issues, if any do exist, as the ZBLA Appeal will be eventually before the Tribunal.

[24] Turning to the planning evidence in this hearing, Ms. Nott has directed the Tribunal's attention to the various planning policy elements which highlight the fact that although the Site is not within a designated Intensification Area, those Intensification Areas, under the City OP are not exclusive and do not preclude the Site from being

considered as an appropriate location for this type of intensification provided that there are no impacts which may be detrimental to the surrounding land uses and the City OP's broad growth objectives. Further, there is, in Ms. Nott's opinion, nothing that would preclude a change to the designation of the Site to permit a more intensified land use through a site-specific Official Plan Amendment, as has been done before. In this case, with the unique locational characteristics, in Ms. Nott's opinion, there are no such adverse impacts, and to the contrary, the Site is quite appropriate for exactly this type of intensification under the City's OP.

[25] Ms. Nott reviewed the broader policies of the 2014 Provincial Policy Statement ("PPS") and the 2019 Growth Plan for the Greater Golden Horseshoe ("Growth Plan") Ms. Nott was of the opinion that the Development, as it will be permitted under the OPA, is consistent with the PPS, and conforms to the Growth Plan, and in particular the policies relating to residential intensification within designated settlement areas, the protection of natural heritage features, safe and healthy communities, the optimization of infrastructure and services, full range of housing, and policies supportive of efficient use of transit services and existing transportation infrastructure.

[26] With respect to the York Regional Official Plan ("York OP)", the evidence before the Tribunal is that the Region identified the proposed Development as a routine matter of local significance that would not adversely affect Regional planning policies or interests. Ms. Nott nevertheless considered the York OP and in her analysis, was of the opinion that the Development would conform to the various policies in the York OP.

[27] Ms. Nott's opinion evidence supportive of the Development and the proposed OPA, was focused primarily on the City OP and the question of whether the Development, subject to the site-specific OPA, in conformance with the City OP.

[28] As already indicated above, the primary conclusive planning opinion was that the City OP did not exclude the Site from consideration for this type of development and that due to the Site's unique locational conditions, it could accommodate intensification of this type without impacting the stability of the existing residential community, due to the inherent buffers provided by the Site's spatial context and the contextually-

appropriate built-form proposed. Ms. Nott provided a fulsome review of the various applicable policies of the OP relating to managing growth, local infill and intensification, identified Intensification Areas, the efficiencies of the urban structure, the stability of Community Areas and changes to the existing character of Community Areas, development criteria for Mid-Rise Residential policies, urban design and built-form.

[29] In all respects, Ms. Nott opined that the Development, as it would be permitted by the OPA, conformed to the City OP. Specifically, Ms. Nott concluded that although a new built-form and development density would be introduced to the Site through the OPA, it is contextually appropriate for the reasons already identified above, and does not adversely impact or de-stabilize the existing physical character or uses in the broader low-rise community area to the west of Islington Avenue or result in any change to the function of the existing residential areas.

[30] In the course of her testimony Ms. Nott also addressed the issue of the possible integration of a trail through the Site (the "Trail") which has been the subject of ongoing discussions between the Parties and the TRCA. The Parties submitted Minutes of Settlement relating to the Trail (Exhibit 5) confirming the intent and agreement of the Parties that: they will continue processes to determine the feasibility of the Trail; the Trail issues have been resolved between them for the purposes of the Appeals, as provided for in the Minutes; and that if the Trail is to be included in the Development it will be submitted as part of any future Site Development application to the satisfaction of the City and the TRCA.

[31] Upon this opinion evidence, and the balance of her planning analysis and review of all relevant policies and legislation, Ms. Nott concluded that the built-form and type of residential intensification for the Site was supportive of broad provincial policies and objectives, and represented an efficient use of the lands while achieving the many identified benefits objectives and policies of both provincial and City planning policies, all without any undue adverse impact or destabilization. In her final opinion, Ms. Nott advised the Tribunal that the Development and the OPA, have regard to matters of Provincial interest, are consistent with the PPS and conform to the Growth Plan, the

York OP and the City OP, and represent good planning in the public interest.

[32] Upon this uncontroverted planning evidence, which the Tribunal accepts in its entirety, the Tribunal accordingly finds that the Development as it will be permitted under the provisions of the draft OPA, has regard to matters of Provincial interest, is consistent with the PPS, conforms to the Growth Plan, the York OP and the City OP, and represents good planning in the public interest.

[33] The Tribunal also finds that it is appropriate, given the ongoing discussions which will now continue with respect to the required ZBLA, that the appeal relating to the ZBLA be held in abeyance for the time being to allow for the Parties to continue discussions regarding the further specifics of the Development as it has now been permitted under the approved OPA. The Tribunal will accordingly adjourn the ZBLA Appeal without a fixed date, on the understanding that the Parties will provide a status update to the Tribunal as provided for in the terms of the Order.

[34] As the Panel provided its Oral Decision, the Parties had presented only the initial draft OPA on the understanding that further review and drafting was necessary to complete the instrument in final form. The Panel accordingly directed that the draft OPA filed as Exhibit 6 to the hearing would be withheld pending further review and approval.

[35] Subsequent to the delivery of the oral decision, and prior to the issuance of this Decision, the Tribunal received the final version of the OPA for approval and issuance and accordingly it is no longer necessary, for the purposes of this Decision and Order, to withhold the Order to await the approval of the final draft of the OPA presented at the hearing (Exhibit 6). The Tribunal will accordingly approve the final form of the OPA as now presented jointly by the Parties and issue a final Order.

ORDER

[36] The Tribunal orders that the Appeal relating to the amendment of the City's Official Plan is allowed in part and the OPA Application is approved, as it is now amended. Official Plan Amendment Number 52 to the Vaughan Official Plan 2010 of

the Vaughan Planning Area, appended as Attachment 1 to this Decision, is hereby approved.

[37] The Appeal relating to the Zoning By-law Amendment to the City of Vaughan Zoning By-law No. 1-88, in LPAT File No. PL170837 is adjourned without a fixed date, subject to the directions provided for below, regarding the delivery of a status report.

[38] The Panel Member shall remain available for the further attendance of the Parties in the event any matters arise with respect to case management of the outstanding Zoning By-law Amendment Appeal, to the extent that he is able. The Panel Member is not however seized with respect to the eventual hearing of the Zoning By-law Amendment Appeal on its merits.

[39] If the Parties do not advise the Tribunal that they are prepared, on a consensual basis to submit a final draft of a Zoning By-law Amendment for consideration and approval of the Tribunal under the terms of an agreed-upon settlement, or alternatively do not advise the Tribunal that they require a hearing of all or some of the issues relating to the Zoning By-law Amendment Appeal, on or before **Friday, July 31, 2020**:

- (a) The Applicant shall provide a written status report to the Tribunal by that date, as to the expected timing of the anticipated confirmation and submission of the final form of draft Zoning By-law Amendment or scheduled hearing, or alternatively the hearing of the Appeal in LPAT File No. PL170837;
- (b) The Tribunal may, as necessary, arrange the further attendance of the Parties by TCC to determine the time lines for the determination of the outstanding issues in the Zoning By-law Amendment Appeal;
- (c) All remaining Parties and Participants who have been granted status, and who have not formally withdrawn as a Party or Participant as of the time of any future hearing event in relation to the Zoning By-law Amendment

Appeal, will receive notice of all future hearing events;

- (d) The continued status or participation by those Parties or Participants who have not withdrawn in the hearing of that Appeal may be subject to further review by the Tribunal under the terms of the Procedural Order.

“David L. Lanthier”

DAVID L. LANTHIER
MEMBER

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

Local Planning Appeal Tribunal

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

ATTACHMENT 1

**AMENDMENT NUMBER 52
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules “1”, “2”, “3” and “4” constitute Amendment Number 52 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices “I” and “II”.

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 ('VOP 2010') is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Schedule 1 – Urban Structure, Schedule 2 – Natural Heritage Network, Schedule 13 – Land Use, and Schedule 14-C – Areas Subject to Site Specific Policies and Section 13 – “Site Specific Policies” to permit the development of two, 6-storey residential apartment buildings with a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Area Subject to Amendment No. 52” on Schedule “1” attached hereto:

1. redesignate the portion of the Subject Lands identified as “Part A” on Schedule “4” attached hereto, from “Low-Rise Residential” to “Natural Areas” to add lands within the staked stable top-of-bank plus the 10 m vegetation protection zone (“VPZ”), which includes a provincially significant wetland (“PSW”) plus 30 m VPZ, to the existing “Natural Areas” designation.
2. redesignate the portion of the Subject Lands identified as “Part B” on Schedule “4” attached hereto, from “Low-Rise Residential” to “Mid-Rise Residential”.
3. permit two residential apartment buildings, each with a maximum Building Height of 6-storeys exclusive of a rooftop mechanical room.
4. permit a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on the east side of Islington Avenue, north of Canada Company Avenue, municipally known as 9681 and 9691 Islington Avenue, being Part of Lots 18 and 19, Concession 8, City of Vaughan, as shown on Schedule “1” attached hereto as “Area Subject to Amendment No. 52.”

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (“VOP 2010”) is based on the following considerations:

1. The Provincial Policy Statement, 2014 (“PPS”) provides policy direction on matters of Provincial interest related to land use planning and development and establishes the framework for regulating the development of land. The PPS is applied province-wide and includes policies that focus growth and development to “Settlement Areas”. The Subject Lands are located within a settlement area as defined by the PPS. The proposed development is consistent with the intent of the intensification and housing policies of the PPS, promotes the efficient use of land, supports a complete and healthy community and contributes to the variety of housing types available. The Subject Lands are located on Islington Avenue and are in the vicinity of retail and service commercial uses, community services and institutional uses. On this basis, the Development is consistent with the PPS.
2. A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) builds on the policies of the PPS to establish a land use planning framework that encourages compact built form, complete communities, diverse land uses, and a range and mix of housing types; and, to direct growth to settlement areas that offer appropriate infrastructure. This Amendment, to permit intensification within the built-up portion of a settlement area, is consistent with the policies of the Growth Plan.
3. The York Region Official Plan 2010 (“YROP”) designates the Subject Lands “Urban Area”. The YROP encourages a broad range of housing types within efficient and mixed-use compact communities. The proposed development will provide ownership apartment units in close proximity to a variety of community services and facilities within the Woodbridge community. The proposed development conforms with YROP policies.
4. York Region considered Official Plan Amendment File OP.16.010 and determined that the Amendment is a matter of local significance as the proposal does not adversely affect Regional interests. On November 17, 2016, York Region exempted this Amendment from approval by the Regional Planning Committee and Council, in accordance with Regional Official Plan Policy 8.3.8.
5. The Subject Lands are designated “Low-Rise Residential” and “Natural Areas” by VOP 2010 and are located within a “Community Area” and “Natural Areas and Countryside” as identified on Schedule 1 – Urban Structure, of VOP 2010. The “Low-Rise Residential” designation permits low-rise built form including single detached, semi-detached and townhouse dwellings with no prescribed density and a maximum building height of three (3) storeys. The Vaughan Official Plan 2010 provides a policy framework with respect to the development of mid-rise buildings and the relationship of such buildings to stable Community Areas. The Amendment would permit intensification of the lands through an appropriately scaled, compatible, mid-rise residential

development on a site with unique locational characteristics.

6. The statutory Public Hearing was held on February 7, 2017. The Recommendation of the Committee of the Whole to receive the Public Hearing report of February 7, 2017, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on February 21, 2017. Vaughan Council, on May 23, 2018, ratified the May 8, 2018, Committee of the Whole recommendation, to refuse Official Plan Amendment File OP.16.010 (together with Zoning By-law Amendment File Z.16.039). The applicant subsequently revised the development proposal in accordance with this Official Plan Amendment and on September 24, 2019, a Settlement Hearing was held before the Local Planning Appeal Tribunal for Official Plan and Zoning By-law Amendment Files OP.16.010 and Z.16.039 (Gatehollow Estates Inc.) in respect of the Subject Lands.
7. This Amendment to VOP 2010 was approved by the Local Planning Appeal Tribunal pursuant to Section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13 on September 24, 2019 (LPAT File No. PL170836).

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (“VOP 2010”) is hereby amended by amending the following Schedules and Sections of VOP 2010, as approved by the Local Planning Appeal Tribunal on September 24, 2019:

1. Amending Volume 1, Schedule 1 – “Urban Structure” of VOP 2010, attached hereto as Schedule “2”, to redesignate a portion of the Subject Lands identified as “Part A” on Schedule “2” attached hereto, from “Community Areas” to “Natural Areas and Countryside”.
2. Amending Volume 1, Schedule 2 – “Natural Heritage Network” of VOP 2010, attached hereto as Schedule “3”, to identify a portion of the Subject Lands identified as “Part A” on Schedule “3” attached hereto, as “Core Features”.
3. Amending Volume 1, Schedule 13 – “Land Use” of VOP 2010, to redesignate the portion of the Subject Lands identified as “Part A” on Schedule “4” attached hereto, from “Low-Rise Residential” to “Natural Areas” to add lands within the staked stable top-of-bank and a provincially significant wetland (“PSW”) with their respective required vegetation protection zones (10 m and 30 m) to the existing “Natural Areas” designation.
4. Amending Volume 1, Schedule 13 – “Land Use” of VOP 2010, to redesignate the portion of the

Subject Lands identified as “Part B” on Schedule “2” attached hereto, from “Low-Rise Residential” to “Mid-Rise Residential” and identify a Maximum Building Height (“H – Height”) of 6-storeys and a maximum density/Floor Space Index (“D – Density”) of 3 times the developable area of the Subject Lands.

5. Amending Volume 1, Schedule 14-C – “Areas Subject to Site Specific Policies” of VOP 2010, to add the Subject Lands identified on Schedule “1” to this Amendment attached hereto municipally known as 9681 and 9691 Islington Avenue, identified on Schedule 14-C as Item 50.

6. Amend Volume 2, Section 13.1 – “Lands Subject to Site Specific Policies” of VOP 2010, to add the following policy, to be renumbered in sequential order:

“(OPA 52) 13.1.1.50 The lands known as 9681 and 9691 Islington Avenue are identified on Schedule 14-C as Item 50 are subject to the policies set out in Section 13.51 of this Plan.”

7. Adding the following policies to Volume 2, Section 13 – “Site Specific Policies”, and renumbering in sequential order, including a location map of the Subject Lands shown on Schedule “1” attached hereto:

“(OPA #52) 13.51 9681 and 9691 Islington Avenue

13.51.1 General

13.51.1.1 The following policies shall apply to the lands identified on Map 13.51.A

13.51.1.2 Notwithstanding the Mid-Rise Residential Policy 9.2.2.3.c.

i) A Mid-Rise Building to a maximum height of 6-storeys is permitted, with no residential unit(s) (or portion thereof) or indoor/enclosed amenity space (or portion thereof) permitted above the 6th storey. Only a rooftop mechanical room and outdoor/unenclosed rooftop amenity space and access to same, shall be permitted above the 6th storey.

13.51.1.3 Notwithstanding the Mid-Rise Residential Policy 9.2.2.3.d.

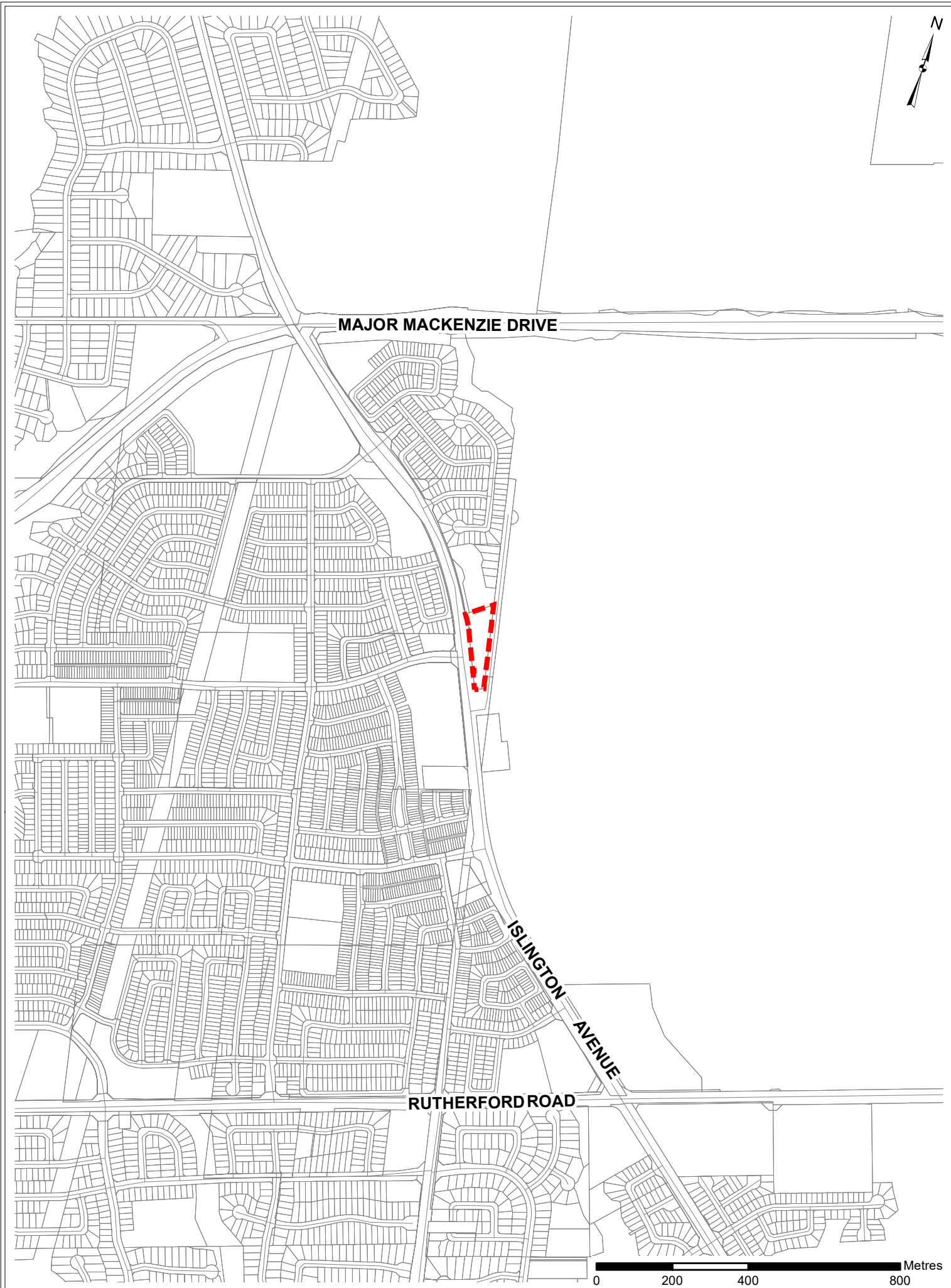
i) A Mid-Rise Building to a maximum building height of 6-storeys and a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands, is a permitted building type on a street that is not an arterial street or Major Collector street (i.e. Canada Company Avenue). For the purposes of calculating the density/Floor Space Index for this Amendment, the developable lot area is 0.67 hectares.”

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88, and Site Development 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.



This is Schedule '1'
 To Official Plan Amendment No. 52
 Adopted the 19th Day Of November, 2019

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

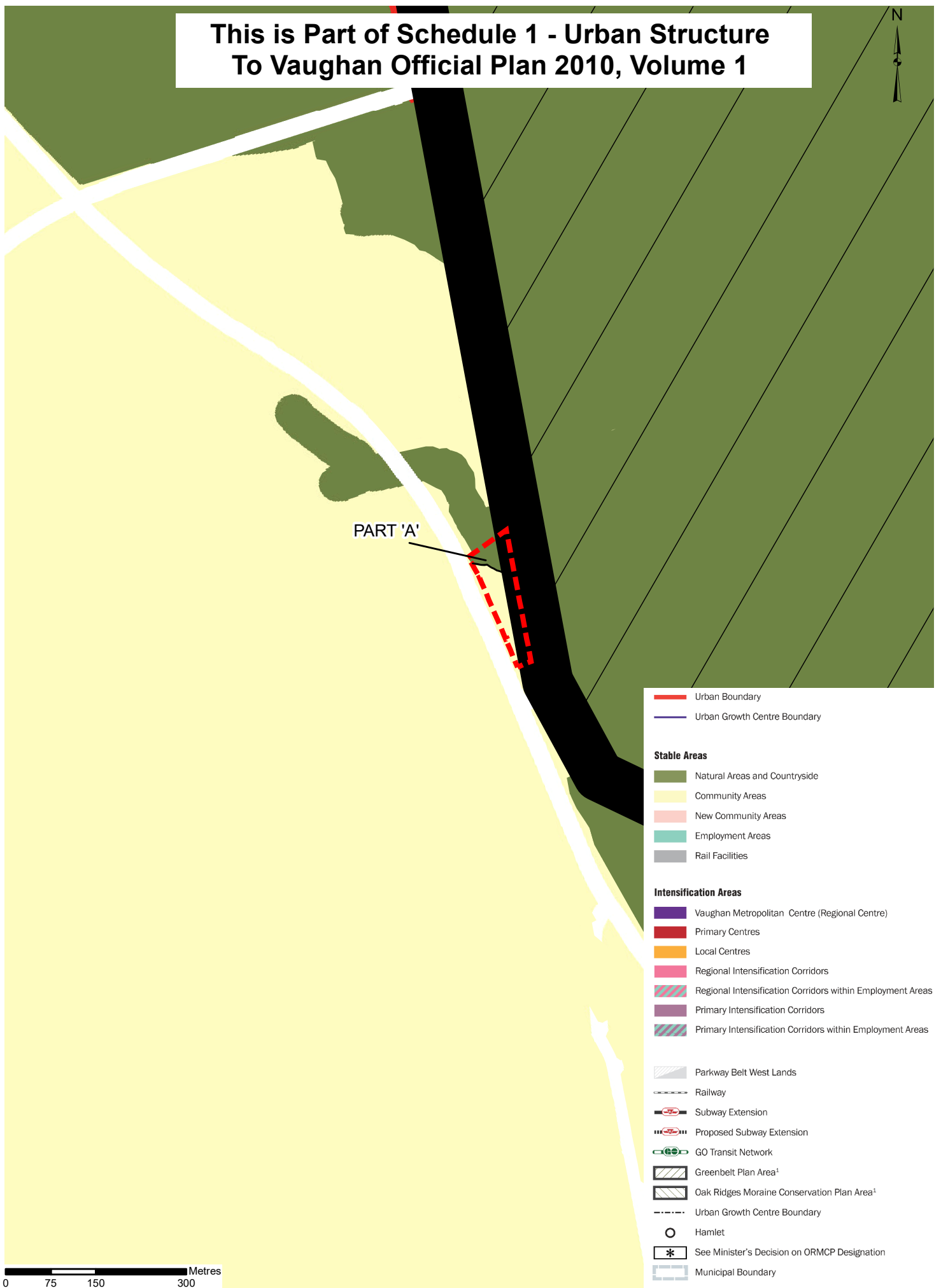
Applicant: Gatehollow Estates Inc.

City of Vaughan



Lands Subject to
Amendment No. 52

**This is Part of Schedule 1 - Urban Structure
To Vaughan Official Plan 2010, Volume 1**



**This is Schedule '2'
To Official Plan Amendment No. 52
Adopted the 19th Day Of November, 2019**

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

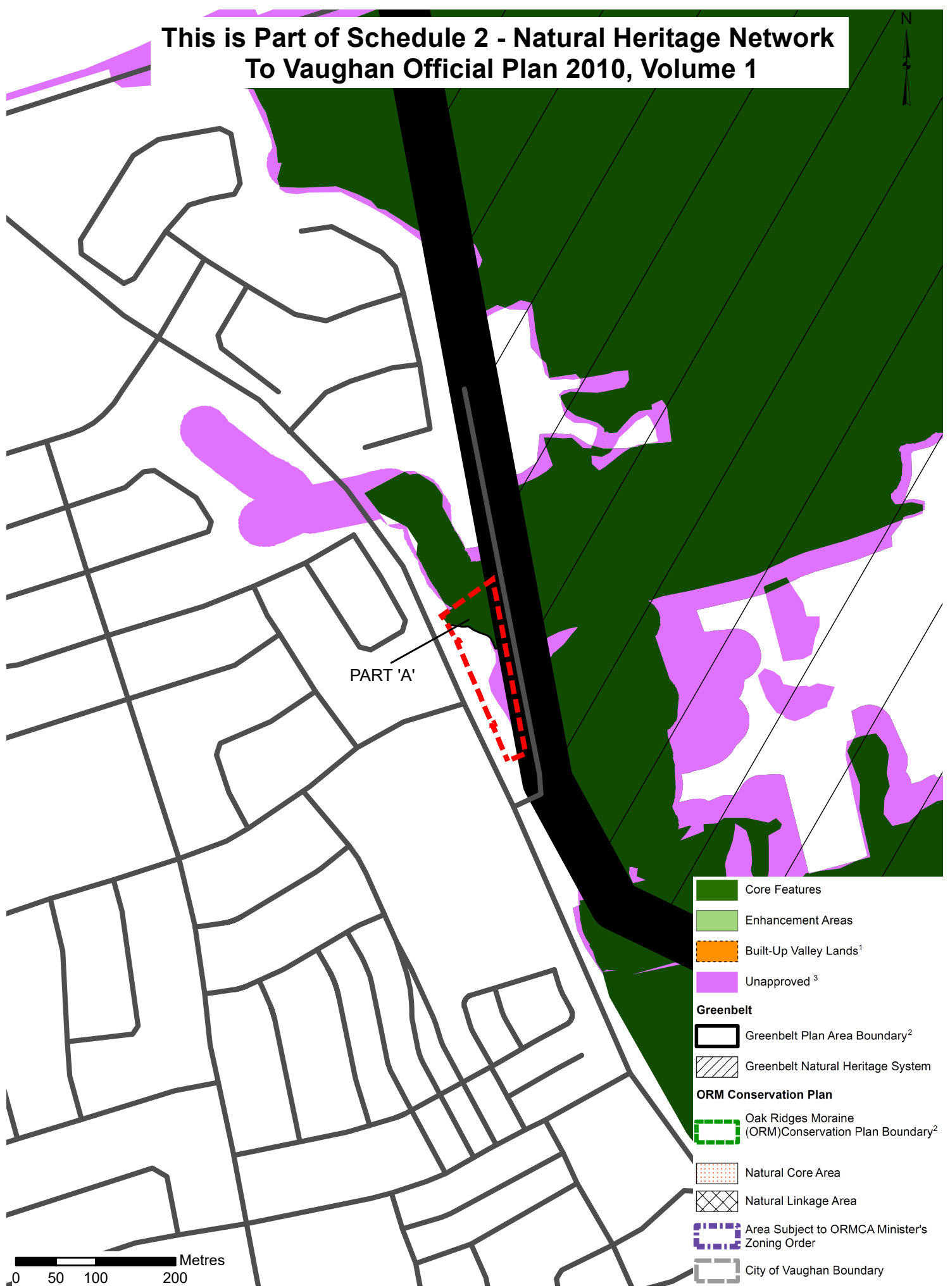
Applicant: Gatehollow Estates Inc.

City of Vaughan



**Lands Subject to
Amendment No. 52**

**This is Part of Schedule 2 - Natural Heritage Network
To Vaughan Official Plan 2010, Volume 1**



**This is Schedule '3'
To Official Plan Amendment No. 52
Adopted the 19th Day Of November, 2019**

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

Applicant: Gatehollow Estates Inc.

City of Vaughan

 **Lands Subject to
Amendment No. 52**

**This is Part of Schedule 13 - Land Use
To Vaughan Official Plan 2010, Volume 1**



**This is Schedule '4'
To Official Plan Amendment No. 52
Adopted the 19th Day Of November, 2019**

File: OP.16.010
Related Files: Z.16.039
Location: Part of Lots 18 and 19, Concession 8
Applicant: Gatehollow Estates Inc.
City of Vaughan

 **Lands Subject to
Amendment No. 52**

APPENDIX I

The Subject Lands are located on the east side of Islington Avenue, north of Canada Company Avenue, being Part of Lots 18 and 19, Concession 8, in the City of Vaughan.

The purpose of this Amendment is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically to redesignate the Subject Lands from “Low-Rise Residential” to “Natural Areas” and “Mid-Rise Residential” and to add site-specific policy 13.51 “9681 and 9691 Islington Avenue” to facilitate the development of two, 6-storey residential apartment buildings with a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands.

The Owner submitted Official Plan and Zoning By-law Amendment Application Files OP.16.010 and Z.16.039 to the City of Vaughan on September 8, 2016. On July 25, 2017, the Owner appealed the Applications to the Local Planning Appeal Tribunal (the “Tribunal”), citing non-decision by the City on these Applications pursuant to Sections 22(7) and 34(11), respectively, of the *Planning Act*.

Vaughan Council, at the Special Council Meeting of September 17, 2019, resolved to advise the Tribunal that it is supportive, in principle, of the redevelopment of the Subject Lands for the above-noted development.

The Amendment was presented to the Tribunal on September 24, 2019 and approved in its final form by the Tribunal on September 24, 2019.



Appendix II Existing Land Uses Official Plan Amendment No. 52

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

Applicant: Gatehollow Estates Inc.

City of Vaughan

**Lands Subject to
Amendment No. 52**