

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 18, 2024

CASE NO(S):

OLT-21-001787
(Formerly PL111184)
OLT-22-002335
(Formerly PL200260)
OLT-22-002358
(Formerly PL200473)
OLT-22-002340
(Formerly PL210178)
OLT-21-001218

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)
Appellant: 1096818 Ontario Inc.
Appellant: 11333 Dufferin St. et. al.
Appellant: 1191621 Ontario Inc.; and others
Subject: Failure to announce a decision respecting
Proposed New Official Plan
Municipality: City of Vaughan
OLT Case No.: OLT-21-001787
Legacy Case No.: PL111184
OLT Lead Case No.: OLT-21-001787
Legacy Lead Case No.: PL111184
OLT Case Name: Duca v. Vaughan (City)

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

Applicant and Appellant: Yonge & Steeles Development Inc.
Subject: Request to amend the Official Plan - Failure of
the City of Vaughan to adopt the requested
amendment
Existing Designation: General Commercial Area
Proposed Designated: General Commercial Area – Site Specific
Purpose: To permit the existing commercial uses to
continue and permits retail stores, restaurants,

	banks and business and professional offices, retail and hotel uses
Property Address/Description:	7028 Yonge Street & 2 Steeles Avenue West
Municipality:	City of Vaughan
Approval Authority File No.:	OP.18.016
OLT Case No.:	OLT-22-002335
Legacy Case No.:	PL200260
OLT Lead Case No.:	OLT-22-002335
Legacy Lead Case No.:	PL200260
OLT Case Name:	Yonge & Steeles Development 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:	Yonge & Steeles Development Inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C1 Restricted Commercial Zone subject to site- specific Exceptions 9(865) and 9(331)
Proposed Zoning:	RA3 Residential Apartment Zone and to permit site-specific zoning exceptions
Purpose:	To permit the existing commercial uses to continue and permits retail stores, restaurants, banks and business and professional offices, retail and hotel uses
Property Address/Description:	7028 Yonge Street & 2 Steeles Avenue West
Municipality:	City of Vaughan
Municipality File No.:	Z.18.028
OLT Case No.:	OLT-22-002338
Legacy Case No.:	PL200261
OLT Lead Case No.:	OLT-22-002335
Legacy Lead Case No.:	PL200260

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

Applicant and Appellant:	Development Group (100 SAW) Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	“General Commercial” and “Low Density Residential” in accordance with Official Plan

Proposed Designated: Amendment No. 210 (OPA 210), the Thornhill-Vaughan Community Plan
 Purpose: "Mixed Commercial and Residential"
 To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses

Property Address/Description: 100 Steeles Avenue West
 Municipality: City of Vaughan
 Approval Authority File No.: OP.20.001
 OLT Case No.: OLT-22-002358
 Legacy Case No.: PL200473
 OLT Lead Case No.: OLT-22-002358
 Legacy Lead Case No.: PL200473
 OLT Case Name: Development Group (100 SAW) 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: Development Group (100 SAW) Inc.
 Subject: Application to amend Zoning By-law No. 1-88, as amended - Neglect of the City of Vaughan to make a decision

Existing Zoning: "C2 General Commercial Zone"; subject to Exception 9(731)
 Proposed Zoning: "RA3 Apartment Residential Zone"; subject to Exception 9(xxx)
 Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses

Property Address/Description: 100 Steeles Avenue West
 Municipality: City of Vaughan
 Municipality File No.: Z.20.004
 OLT Case No.: OLT-22-002359
 Legacy Case No.: PL200474
 OLT Lead Case No.: OLT-22-002358
 Legacy Lead Case No.: PL200473

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Development Group (100 SAW) Inc.
 Subject: Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision

Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses

Property Address/Description: 100 Steeles Avenue West

Municipality: City of Vaughan

Municipality File No.: 19T-20V001

OLT Case No.: OLT-22-002360

Legacy Case No.: PL200475

OLT Lead Case No.: OLT-22-002358

Legacy Lead Case No.: PL200473

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

Applicant and Appellant: Mizrahi Constantine (180 SAW) Inc. et al.

Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: General Commercial Area and Low Density Residential

Proposed Designated: Mixed Commercial/Residential Area

Purpose: To permit 6, mixed-use residential apartment buildings

Property Address/Description: 180 Steeles Avenue West

Municipality: City of Vaughan

Approval Authority File No.: OP.20.002

OLT Case No.: OLT-22-002340

Legacy Case No.: PL210178

OLT Lead Case No.: OLT-22-002340

Legacy Lead Case No.: PL210178

OLT Case Name: Mizrahi Constantine (180 SAW) 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: Mizrahi Constantine (180 SAW) Inc. Et Al

Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision

Existing Zoning: C4 Neighbourhood Commercial Zone

Proposed Zoning: RA3 Apartment Residential Zone

Purpose: To permit 6, mixed-use residential apartment buildings

Property Address/Description: 180 Steeles Avenue West
 Municipality: City of Vaughan
 Municipality File No.: Z.20.005
 OLT Case No.: OLT-22-002341
 Legacy Case No.: PL210180
 OLT Lead Case No.: OLT-22-002340
 Legacy Lead Case No.: PL210178

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
 Existing Designation: General Commercial
 Proposed Designated: Mixed Use – Residential and Commercial
 Purpose: To permit the development of high density, mixed-use development
 Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
 Municipality: City of Vaughan
 Approval Authority File No.: OP.20.014
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001218
 OLT Case Name: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited 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: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
 Existing Zoning: C1 Restricted Commercial Zone
 Proposed Zoning: RA3 Apartment Residential Zone with site specific exceptions
 Purpose: To permit the development of high density, mixed-use development
 Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge Street

Municipality: City of Vaughan
 Municipality File No.: Z.20.038
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001219

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision
 Purpose: To permit the development of high density, mixed-use development
 Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
 Municipality: City of Vaughan
 Municipality File No.: 19T-20V007
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001220

Heard: August 21 – 23, 2023 by Video Hearing

APPEARANCES:

Parties

Counsel/Representative

Regional Municipality of York
 (“Region”)

S. D’Agostino
 B. Ogunmefun

City of Vaughan (“City”/ “Vaughan”)

B. Engell
 E. Lidakis

City of Markham

A. Biggart

Yonge-Steeles Landowners Group
 Inc.

I. Kagan
 S. Kagan
 J. Park

Yonge & Steeles Developments Inc.

D. Artenosi
 N. Ast

Auto Complex Ltd.

S. Rosenthal

	K. Gossen (<i>in absentia</i>) N. Koschany (student at law)
Development Group (100 SAW) Inc.	T. Halinski S. Tomasella
1306497 Ontario Inc.	M. Rutledge J. Farber (<i>in absentia</i>)
398 Steeles Avenue West Inc. and Associated Vaughan Properties Limited	M. Flynn-Guglietti P. Pinho (<i>in absentia</i>)
Mizrahi Constantine (180 SAW) Inc.	B. Ruddick Q. Annibale (<i>in absentia</i>) A. Whyte (<i>in absentia</i>)
1163919 Ontario Limited, 1930238 Ontario Limited, 1888836 Ontario Limited, 1211612 Ontario Limited, 228 Steeles West Limited, 480 Steeles West Limited, 390 Steeles West Limited	A. Heisey
Roman Catholic Episcopal Corporation for the Diocese of Toronto	J. White D. Tang (<i>in absentia</i>)
72 Steeles Holdings Limited and 7040 Yonge Holdings Limited	C. Barnett

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
AUGUST 23, 2023 AND ORDER OF THE TRIBUNAL**

Introduction

[1] The issuance of this Decision was delayed given the time required by the Parties to confirm their requested wording used in the Order.

[2] This Phase 3 Hearing was held for:

- remaining appeals to the Vaughan Official Plan 2010 involving the Yonge Steeles Corridor Secondary Plan (“SP”) s. 5.8 for parking requirements and s. 8.4 on the use of Holding symbols (“H”);
- remaining issues with the four site-specific Zoning By-law Amendment (“ZBA”) appeals being heard with the SP appeals, being OLT File Nos. (reference “names” were used in evidence and are well-known by the Parties):
 - OLT-22-002338 (“Gupta”)
 - OLT-21-001219 (“Humbold”)
 - OLT-22-002359 (“Salz”/“Dream”)
 - OLT-22-002341 (“Mizrahi”); and
- two site-specific draft Plan of Subdivision (“Sub”) appeals being heard with the SP and ZBA appeals, being OLT File Nos.:
 - OLT-21-001220 (“Humbold”)
 - OLT-22-002360 (“Salz”/“Dream”).

[3] On the settlement of the Parties to the remaining two sections of the SP, the Tribunal modified, and approved as modified, the SP policies 5.8 and 8.4, such that the SP would be considered in effect for the hearing on the ZBAs and related Subs. The SP Order contained herein represents a Final Order.

[4] Certain adjournments were granted to the Parties during the hearing to enable their further deliberations on the ZBAs and Sub Conditions, which resulted in agreed

wording for the settlement of each of these appeals. The ZBAs and Subs Order contained herein is an Interim Order, subject to conditions requested with the consent of all Parties.

[5] Supporting the Tribunal's findings for the SP was the uncontested evidence of the City's witnesses, Christopher Tam, P.Eng. and Armine Hassakourians, RPP. Supporting the Tribunal's findings for the ZBAs/Subs was the uncontested and uncontroverted evidence of all planning witnesses: Ms. Hassakourians for the City; Lauren Capilongo, RPP for Gupta; Nick Pileggi, RPP for Humboldt; Michael Bissett, RPP for Salz; and Ryan Guetter, RPP for Mizrahi.

Yonge Steeles Corridor Secondary Plan ("SP")

[6] These appeals to the Vaughan Official Plan 2010 ("VOP"), related to policies 5.8 and 8.4 of the SP, are allowed in part, and the policies in Attachment 1 are approved as set out in this Decision's Order.

[7] After hearing the uncontradicted evidence advanced by the City, and on consent with all Parties, the Tribunal issued an Oral Decision approving the revised SP policies 5.8 and 8.4, such that those policies were considered in force and effect for the remaining matters to be heard in this Hearing. With these final modifications and approval of the last two sections under appeal, the full SP, as amended, is now in force and effect.

[8] On the accepted opinion evidence of the City's witnesses, the Tribunal summarizes its findings as follows.

Parking Policies

[9] SP s. 5.8 addresses travel demand management ("TDM") and vehicular parking in pursuit of the increased use of transit, cycling and walking.

[10] The parking issues involved various parking rates required within the south portion of the SP area. In the settled wording, residential parking rates may range from a minimum of zero spaces to a maximum of 0.5 spaces per dwelling unit, require a minimum of 0.15 visitor parking spaces per unit, permit shared parking for mixed uses, and enable possible future changes in parking standards (e.g., “swing spaces”). The policies also allow for future lower parking rates to be applied based on parking studies to be completed after the Yonge Street North subway extension is functional in this area. The policies provide some flexibility to enable site-specific variations for resident parking and future adjustments to various allocations based on supportive studies.

[11] Mr. Tam emphasized that the recommended policies account for the timing of the area’s subway services, and provide flexibility for landowners to address parking related to their site’s needs, while ensuring limited parking rates that support transit and active transportation. On Mr. Tam’s evidence, Ms. Hassakourians opined that the proposed modified parking policies satisfy all requirements of the *Planning Act* (“Act”) and represent good planning.

Holding (“H”) Policies

[12] The modified H policies in SP s. 8.4 will enable and guide the application of various requirements that must be satisfied before an H is lifted, by ZBA, to enable a development to proceed. Where applicable to a development, such provisions may relate to: hard services; transportation and transit connections; noise, vibration or environmental studies; parkland dedication, cash-in-lieu, and publicly accessible private open space; draft subdivision approval and/or site plan approval with appropriate agreements; cost sharing; and satisfying the population and job threshold requirements of the SP.

[13] SP s. 8.4.1 was added, which enables City Council to consider re-allocating pre-subway population allocated to a developer, to a different development if the original development has not obtained building permits within five years of the completed Collector Roads study.

[14] As articulated in detail in her written witness statement, Ms. Hassakourians opined in summary that the proposed modified H policies of s. 8.4 satisfy all requirements of the Act and represent good planning.

[15] On the uncontroverted evidence, the Tribunal found that the SP's modified policies of s. 5.8 and s. 8.4: have regard for the provincial interests in s. 2 of the Act; are consistent with the Provincial Policy Statement, 2020 ("PPS"); conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ("GP"); conform with the Region Official Plan ("ROP"); and constitute appropriate SP policies under the VOP. The modified SP policies were approved as set out in the Order below.

Site-specific Appeals of ZBAs/Subs

[16] The site-specific appeals are addressed together here, as they share many similarities arising from the City and Applicants' qualified planners, each of whom recommended approval of the final form of documents, having concluded that all requirements of the Act are satisfied and the resulting developments represent good planning in the public interest.

[17] The similar and complementary nature of these developments includes the following:

- all Parties settled on wording in the ZBAs and Subs;
- the four sites are located along Steeles, extending westerly from Yonge as follows:
 - Gupta fronts the Yonge-Steeles intersection;
 - Humboldt abuts to the north and west of (wraps around) Gupta, with frontage on both Yonge and Steeles;

- Salz has the fifth property west of Yonge; and
- Mizrahi is the sixth property west of Yonge, abutting to the west of Salz;
- the proposed site plans account for abutting site developments through such measures as: tower heights; building setbacks and stepdowns; a 45-degree angular plane to low density neighbourhoods; parkland dedications; at grade and below grade pedestrian ways; limited parking spaces; and shared vehicular access on private rights-of-way or conveyances for new public streets;
- the City's requirements for lifting the first H provision ("H1") will facilitate the allocation of population / dwelling units to these sites, after which the Applicants may proceed to satisfy standard City requirements listed under the second H provision ("H2");
- collectively, these four sites may accommodate, based on 1.9 persons/unit, some 12,000 people in over 6,000 units within (+/-) 13 mixed-use, residential towers;
- the towers will range in height from 65 storeys at Yonge-Steeles to 55 storeys further west on Steeles, and generally lower heights of towers on the north portions of these sites, stepping down to the parkland along Royal Palm Drive.

[18] The resulting developments will implement the visions of the SP where this area evolves from a car-centred, commercial area to an attractive, desirable, live-work community connected via contiguous parklands, pedestrian and cycling routes, and served by and supporting high order transit, including planned subway and bus rapid transit services. All of the planners agree that these ZBAs/Subs optimize land use and

infrastructure, expand the City's mix of housing, provide a substantial number of jobs through suitable rates of commercial/office space, support transit, and promote active transportation. They collectively recommend approval of the final instruments in the pursuit of good planning in the public interest.

[19] On the consistent and coordinated evidence and submissions, the Tribunal finds that these proposed ZBAs/Subs: have regard for the provincial interests in s. 2 of the Act; are consistent with the PPS; conform with the GP; conform with the ROP and TOP; and of primary relevance here, conform with the SP. In addition, the Tribunal finds that the Subs, with their Conditions, satisfy the requirements of s. 51(24) of the Act.

[20] The Tribunal's Interim Order is set out below, outlining the City's requirements to be met prior to a Final Order being issued by the Tribunal.

ORDER

Final Order – Secondary Plan

[21] **The Tribunal Orders** that the remaining appeals to the Yonge Steeles Corridor Secondary Plan within the Vaughan Official Plan 2010 are allowed in part, and sections 5.8 and 8.4 of the Yonge Steeles Corridor Secondary Plan are modified, and approved as modified, as set out in Attachment 1.

Interim Order – Site-specific Appeals

[22] The documents cited in the following Interim Orders are contained within the Parties' Settlement Document Exhibits, on consent of the Parties.

[23] For each of the appeals of **Gupta** (OLT-22-002338) and **Mizrahi** (OLT-22-002341), **the Tribunal Orders** that the appeal is allowed in part and the Zoning By-law

Amendment is approved in principle, with consideration of Final Approval dependent on satisfying the following conditions.

1. The City and Appellant advise the Tribunal that significant community infrastructure that benefits the Secondary Plan Area as a whole has been provided or secured, as contemplated by Policy 8.4(g) of the Secondary Plan;
2. The Yonge Steeles Landowners Group Inc. provides a clearance letter to the Tribunal and Parties from the Trustee confirming that the Appellant is a member in good standing of the Landowners Group; and,
3. The Tribunal has received the Zoning By-law Amendment submitted in a final form, and confirmed to be satisfactory by the City and Appellant.

[24] For each of the appeals of **Humboldt** (OLT-21-001219) and **Dream** (OLT-22-002359), **the Tribunal Orders** that the appeal is allowed in part, the Zoning By-law Amendment is approved in principle, and the Draft Plan of Subdivision is approved in principle, with consideration of Final Approval dependent on satisfying the following conditions.

1. The City and Appellant advise the Tribunal that significant community infrastructure that benefits the Secondary Plan Area as a whole has been provided or secured, as contemplated by Policy 8.4(g) of the Secondary Plan;
2. The Yonge Steeles Landowners Group Inc. provides a clearance letter to the Tribunal and Parties from the Trustee confirming that the Appellant is a member in good standing of the Landowners Group; and,

3. The Tribunal has received the Zoning By-law Amendment submitted in a final form and the Conditions of Draft Approval submitted in final form, as confirmed to be satisfactory by the City and Appellant.

[25] The City is directed to advise the Tribunal, within six months of the issuance of this Interim Order, of the Parties' request for issuance of the Final Order, or if more time is needed, the expected timeline for same.

[26] This Member will remain seized for the issuance of the Final Order and may be contacted through the Case Coordinator should procedural issues arise.

[27] **The Tribunal Orders** that, in accordance with Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*, this Order is effective on August 23, 2023.

"S. Tousaw"

S. TOUSAW
VICE-CHAIR

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Yonge Steeles Corridor Secondary Plan

Policy 5.8

5.8.2 The vehicular parking policies in paragraphs 5.8.2 to 5.8.6 apply to the South Area – south of the CN Railway. In this area, vehicular parking shall be provided at rates to promote the use of transit, walking and cycling as follows:

- i. The parking space standards for apartment dwellings, podium townhouse dwellings, live-work dwellings and multiple unit townhouse dwellings are:
 - for resident parking spaces, a minimum standard of 0 parking spaces to a maximum standard of 0.5 parking spaces per dwelling unit; and
 - for visitor parking spaces, a minimum standard of 0.15 parking spaces per dwelling unit. Visitor parking spaces are also subject to policies 5.8.4 to 5.8.6.
- ii. For non-residential uses, parking space requirements shall be based on Comprehensive Zoning By- Law No. 001-2021 for the VMC Zone. Non-residential parking space requirements are also subject to policy 5.8.5.
- iii. Shared parking reductions within a mixed-use development shall be permitted and calculated based on the Mixed-Use Development Shared Parking Reductions detailed in Comprehensive Zoning By- Law No. 001-2021.
- iv. For the purposes of calculating barrier-free parking spaces, the requirements in the Comprehensive Zoning By-Law No. 001-2021 Section 6.4.3 shall apply, except that references to “Total Required Parking Spaces” shall be replaced with “Total Provided Parking Spaces”.

5.8.3 Minor variations from the resident parking rates in 5.8.2 may be permitted without amendment to this Plan, provided that such variations are a result of specific design challenges, unique conditions or the unique context of an individual site and are supported by studies completed to the satisfaction of the City.

5.8.4 Visitor parking spaces based on the number of apartment dwellings, podium townhouse dwellings, live- work dwellings and multiple unit townhouse dwellings and non-residential parking spaces are also subject to the following:

- i. The visitor parking spaces and non-residential parking spaces, provided at the required rates specified in 5.8.2, are permitted to be physically shared,

- operated as a common parking pool, and may be provided as a commercial parking operation;
- ii. Prior to the opening of the Yonge North Subway Extension:
 - a. reductions to the minimum visitor parking supply and non-residential parking supply will not be permitted without amendment to this Plan; and,
 - b. visitor parking spaces and non-residential parking spaces will be provided at the required rates specified in 5.8.2.
 - iii. After the opening of the Yonge North Subway Extension, the City is prepared to conduct a study in consultation with interested landowners, or review a study undertaken by interested landowners respecting the usage of visitor parking spaces in order to assess the potential for a reduction in the visitor parking spaces to a rate of 0.10 spaces per unit. Should this study be conducted by interested landowners it shall be undertaken to the satisfaction of the City, and at a minimum, be completed in accordance with the City of Vaughan Parking Study Guidelines;
 - iv. A further reduction below 0.10 spaces per unit following six months after the opening of the Yonge North Subway Extension may be permitted provided such reduction is supported by studies conducted to the satisfaction of the City, and at a minimum, be completed in accordance with the City of Vaughan Parking Study Guidelines.

5.8.5 Reductions to residential visitor parking and non-residential parking standards following the opening of the Yonge North Subway Extension may be permitted through a minor variance or zoning by-law amendment process provided such reduction is supported by studies completed to the satisfaction of the City.

5.8.6 “Swing Spaces”

- i. The parking spaces represented by the difference between the required 0.15 spaces/unit and 0.1 spaces/unit are referred to in this Secondary Plan as “swing spaces”.
- ii. Swing spaces can be created as condominium units subject to 5.8.6vii and 5.8.6viii, but must be retained by the developer as one group of units (controlled by appropriate legal mechanisms on title such as no dealings restrictions) and made available as visitor parking spaces just as all other visitor parking spaces are, for a period of up to 10 years following the opening of the subway;
- iii. Following the earlier of the study process and zoning amendment process

- referred to in paragraph 5.8.4iii, or the expiry of the 10 years following the opening of the subway, in accordance with the provisions set out below, the swing spaces may be either conveyed to the condominium corporation to form part of the visitor spaces required, or be released from the no dealings restrictions so that the developer can convey those spaces to owners of residential units in the building, so that they become connected to those residential units in the same fashion as residential spaces originally available at the time of the creation of the condominium;
- iv. If the City amends the zoning by-law to reduce the visitor parking rate to 0.1 spaces/unit or less, all the swing spaces can be conveyed to residential unit owners in the condominium;
 - v. If the City does not amend the zoning to reduce the visitor parking rate at all, or 10 years have passed since the subway opened, then all the swing spaces will be conveyed to the condominium corporation for nominal consideration;
 - vi. If the City amends the zoning to reduce the visitor parking rate to between 0.1 and 0.15 spaces/unit then the number of swing spaces required to ensure the new visitor parking rate is complied with will be conveyed to the condominium corporation for nominal consideration, and the balance can be conveyed to residential unit owners in the condominium.
 - vii. The swing spaces may be provided in temporary surface parking lots or other buildings within a 200m walking distance (as measured by the direct path of travel) from the condominium to which they are connected to, provided that the following requirements are met to the satisfaction of the City:
 - That the necessary legal agreements are obtained by the applicant which ensure that the temporary surface parking lot shall be provided until no longer required by this Plan or subsequent adjustments to the visitor parking rate as contemplated above;
 - That the proposed walking route from the swing spaces to the entrance of the condominium is safe, accessible and convenient for the duration that the swing spaces are in use; and
 - That any public roads which must be crossed by the direct path of travel between the swing spaces and their associated condominium will have appropriate pedestrian crossing infrastructure provided and paid for by the developer to the satisfaction of the City.
 - viii. The maximum parking standard for resident spaces of 0.5 spaces per unit shall not be exceeded by the conversion of swing spaces to resident spaces. For

clarity, if the maximum number of swing spaces is proposed (i.e. 0.05 spaces per unit), then the effective maximum resident spaces per unit for the uses noted in 5.8.2i will be 0.45.

Policy 8.4

8.4 That the Holding Symbol (H) may be applied where Council has determined the specific land use for an area or a parcel of land but that development of the lands for the intended use is premature until the following have been provided and/or secured:

- a. The necessary public infrastructure such as wastewater, water supply and stormwater services.
- b. The necessary transportation facilities including the street network and road dedications in accordance with the requirements of Table A, and where applicable the SSPC and the subway access infrastructure components connecting private development to the subway station south of Steeles Avenue as set out in Policies 5.1.1, 5.1.2 and Table A, including the secondary station entrance, together with a tunnel below Steeles Avenue West and required public easements.
- c. Required technical studies on matters related to noise and vibration and/or environmental constraints, where applicable.
- d. The necessary parkland dedication, cash-in-lieu, Publicly Accessible Private Open Space and public art, where applicable.
- e. Approval of a draft plan of subdivision (where applicable), Site Plan application and appropriate agreements with the City including permissions from other agencies having regard to the delivery of the Yonge North Subway Extension project and the Steeles Avenue Bus Rapid Transit project.
- f. Cost sharing in conformity with Policy 8.1 – Cost Sharing and addressing Policy 8.5 – Development Blocks and Development Plans and Table A, and subway access infrastructure connecting private development to the subway station south of Steeles Avenue in accordance with Policy 8.4(b).
- g. Conformity with the population and job thresholds as per Policy 9.1 including consideration for agreements entered into with the City that advance the delivery of the significant infrastructure projects needed for the South Area.

8.4.1 Where pre-subway population has been allocated and an owner has not obtained building permits for all of the development to which population has been allocated within 5 years of the completion of the Yonge-Steeles Corridor Collector Roads Environmental

Assessment Study Council may, after giving consideration of the context and factors relating to the delay, pass a by-law to reimpose the holding symbol on the balance of the lands for which no building permits have been obtained in order to consider allocating that pre-subway population to another development.