

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 26, 2017

CASE NO(S): PL160758

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: City Park Homes et al.
Subject: Site Plan
Property Address/Description: 7803 & 7815 Dufferin Avenue
Municipality: City of Vaughan
OMB Case No.: PL160758
OMB File No.: PL160758
OMB Case Name: City Park Homes v. Vaughan (City)

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

Applicant and Appellant: City Park Homes et al.
Subject: Proposed Plan of Subdivision - Failure of City of Vaughan to make a decision
Purpose: To permit townhouse development
Property Address/Description: 7803 & 7815 Dufferin Avenue
Municipality: City of Vaughan
Municipality File No.: 19CDM-16V002
OMB Case No.: PL160758
OMB File No.: PL161137

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

Applicant and Appellant: City Park Homes et al.
Subject: Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation: Community Commercial Mixed-Use
Proposed Designated: Low-Rise Residential

Purpose: To permit a townhouse development
 Property Address/Description: 7803 & 7815 Dufferin Avenue
 Municipality: City of Vaughan
 Approval Authority File No.: OP.16.001
 OMB Case No.: PL160758
 OMB File No.: PL160878

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: City Park Homes et al.
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
 Existing Zoning: R1 9(329) Residential Zone
 Proposed Zoning: RM2-XX Multiple Residential Zone
 Purpose: To permit townhouse development
 Property Address/Description: 7803 & 7815 Dufferin Avenue
 Municipality: City of Vaughan
 Municipality File No.: Z.16.001
 OMB Case No.: PL160758
 OMB File No.: PL160814

Heard: July 24 and 25, 2017 in Vaughan, Ontario

APPEARANCES:

Parties

2464879 Ontario Inc.
 Ultra Towns Inc.
 (c.o.b. City Park Homes)

City of Vaughan

Regional Municipality of York

Counsel

Leo Longo

Barnet Kussner
 Caterina Facciolo

Gabriel Szobel
 Bolajoko Ogunmefun

DECISION DELIVERED BY PAULA BOUTIS AND C. CONTI AND ORDER OF THE BOARD

INTRODUCTION

[1] At the conclusion of a two-day appeal hearing into this matter, the Board issued an oral decision approving a requested Official Plan Amendment (“OPA”), and approving in principle a Zoning By-law Amendment (“ZBLA”), a draft plan of condominium, and a site plan to allow for the redevelopment of lands at 7803 and 7815 Dufferin Street (“Subject Property”) in the City of Vaughan (the “City”).

[2] The parties had reached an agreement on these matters and the Appellant, City Park Homes (“City Park”), presented uncontested planning evidence in support of the requested amendments, site plan and draft plan of condominium to support the redevelopment of the land for the purposes of a 56 unit common element townhouse development (“Proposal”). Currently, two detached dwelling homes are at the Subject Property.

[3] Only one issue remained contested at the hearing. The Regional Municipality of York (the “Region” or “York Region”) took the position that vehicular access should be right-in/right-out (“RIRO”) from the proposed access point on Dufferin Street, while City Park took the position that a full moves access, including left turns in and out, was appropriate and preferable. The City presented no evidence and took no position on this issue.

[4] Philip Antecol had been granted participant status for this appeal through a Pre-hearing Conference. Ultimately, he was unable to attend the hearing. On his behalf, counsel for City Park submitted Mr. Antecol’s email in which Mr. Antecol indicated his support, and apparently that of other local residents, for a full moves condition rather than providing another RIRO entrance like that at King High Drive. King High Drive is north of the proposed access point for the Subject Property (Exhibit 1).

[5] The parties had requested that the Board approve the OPA and approve in principle the other planning instruments withholding final approval to allow for

refinement of the details of these instruments. In view of the uncontested evidence, the Board issued an oral decision provided in the next section of this decision which approves the planning instruments as requested.

[6] At the hearing, the parties gave evidence on the one issue in dispute, being the matter of vehicular access to the site from Dufferin Street. At the conclusion of the hearing, the Board reserved its decision on the vehicular access issue. As there was some urgency to resolving it in order to finalize the plans for the proposal, on August 4, 2017, the Board issued a written order, without reasons, requiring that plans reflect a RIRO condition from the proposed Dufferin Street access point.

[7] Full reasons are now provided for the Board's order on vehicular access and also to confirm the basis for its oral ruling approving the OPA and the other planning instruments approval in principle.

EVIDENCE AND ANALYSIS

Planning Amendments, Site Plan and Draft Plan of Subdivision

[8] City Park proffered planning witness John Zipay, whom the Board qualified to provide opinion evidence in the area of land use planning. Mr. Zipay reviewed the Proposal and the proposed OPA, ZBLA, site plan and draft plan of condominium, and opined on their consistency with Provincial Policy Statement, 2014 ("PPS"), conformity with the Growth Plan for the Greater Golden Horseshoe, 2017 ("2017 Growth Plan"), conformity to the Region's Official Plan, and conformity to the City's Official Plan ("OP"), subject to the revisions proposed.

[9] The designation under the OP is "Community Commercial Mixed-Use" and the OPA seeks to re-designate the lands "Low-Rise Residential". Townhouses will be a permitted use, up to three storeys in height. The proposed ZBLA will rezone the Subject Property from R1, Residential Zone, which lands are also in part subject to an

exception, being Exception (9(329)), to Mixed Residential Zone with site specific provisions to facilitate the Proposal.

[10] The Subject Property has 99.3 metres (“m”) frontage onto Dufferin Street, and is north of Centre Street on the east side.

[11] To the north of the Subject Property is King High Drive which leads into a residential area going east from Dufferin Street. The residential area abuts the Subject Lands, as does a commercial property at the corner of Dufferin Street and King High Drive.

[12] The Board heard evidence that it is the expectation that the Tim Horton’s/retail plaza to the south of the Subject Property may at some point in the future be redeveloped. If so, at that time, the laneway currently used to enter and exit at that location would be redeveloped into a public road.

[13] The Site Plan indicates that a road connection leading south out of the Subject Property will be protected to ultimately connect it to the future public road on the Tim Horton’s/retail plaza site if and when it is built. This will be a one way road out of the Subject Property. This will also allow for pedestrian and cyclist connections to that new road. Similarly, it will provide for another access point in emergency situations should Dufferin Street be inaccessible.

[14] Immediately across the street from the Subject Property is triangular shaped property along the west side of Dufferin Street. It is intended to be developed for, and is approved to be developed for, employment and retail uses. It is known as “Vaughan Crossings”.

[15] At the south east and south west corners of Dufferin Street and Centre Street are large vacant areas which are under study by the Ministry of Transportation and Highway

407. These may be on and off ramps in the area and are currently otherwise on hold for development in the area.

[16] A bus rapid transit line is currently being constructed on Centre Street and is anticipated to be operational within a year. There is a proposal for a bus lane on Dufferin Street, but no plans are in place at this time.

[17] It was Mr. Zipay's evidence that the OPA and ZBLA were consistent with the PPS, conformed to the 2017 Growth Plan, the Regional Official Plan, and also the Vaughan OP subject to the proposed amendments. The Proposal results in a more intensive residential development in the form of townhouses, allowing for more diverse and affordable housing in a mixed-use area that is also supportive of planned and proposed transit upgrades. It promotes the efficient use of existing infrastructure both planned and available.

[18] It was also his opinion that the Draft Plan of Condominium and Site Plan were consistent with the PPS, conformed to the 2017 Growth Plan and the Vaughan OP, as amended. Mr. Zipay confirmed that the issue regarding vehicular access would not affect the Board's approval of the OPA and approval in principle of the other planning instruments. After considering the submissions and on the basis of the uncontested evidence, the Board issued the following oral decision:

Based upon the uncontradicted planning opinion the Board allows the appeal in part and approves the Official Plan Amendment as set out in Exhibit 2 and approves in principle the Zoning By-law Amendment, draft plan of condominium and site plan substantially in the form set out in Exhibits 17, 4 and 7 respectively. The Board is reserving its decision on the issue of the full movement versus right in/right out access and will endeavour to communicate a decision to the parties within the next three weeks. If required the hearing will continue on August 31, 2017 to deal with any outstanding matters.

[19] Through the above, the Board approved the OPA (Exhibit 2) and approved the other planning instruments in principle as presented at Exhibits 17 (ZBLA), 4 (Draft Plan of Condominium) and 7 (Site Plan).

[20] As noted above, the Board reserved an additional hearing date for August 31, 2017 to deal with any implementation issues that may arise. The final order of the Board will be withheld pending confirmation that the parties have agreed upon the final form of the planning instruments and/or until the Board has resolved those issues, if any.

Vehicular Access to the Subject Property and Current Situation

[21] Potential impacts of traffic generated by the proposal and the suitability of the proposed vehicular access from the site onto Dufferin Street were evaluated through two traffic impact studies, that is a traffic and access study (Exhibit 5-3B, Tab 25) and a transportation mobility plan update (Exhibit 5-3B, Tab 26). Both were prepared by Cole Engineering under the direction of Kim Nystrom, Principal of Cole Engineering who provided expert transportation planning opinion evidence on behalf of the Appellant.

[22] Vi Bui, the Transportation Planner for York Region, provided transportation planning evidence on behalf of the Region and was qualified by the Board to give opinion evidence in that area.

[23] The vehicular access point at the Subject Property is proposed to be 190 m north of Centre Street, and 80 m north of the driveway/access point to the laneway for the retail plaza/Tim Horton's immediately to the south of the Subject Property. There is 110 m distance between the proposed vehicular access point and the King High Drive intersection, which is to the north of the proposed access point (Exhibit 5-2, Tab 22, Page 128).

[24] Dufferin Street has three lanes in each direction operating at a speed limit of 60 km/hour, with the outer most lanes being High Occupancy Lanes ("HOV") lanes protected during peak period travel Monday to Friday (Exhibit 5-3A, Tab 25, page 571). A centre left-turn lane is also present. In addition, a bike lane runs along either side of

the street. Mr. Bui testified that the bike lanes in York Region vary from 1.5 m to 2 m in width.

[25] While City Park sought to characterize it as five lanes, the Board finds a total of nine lanes of one kind or another exist across the span of Dufferin Street.

[26] The laneway to the south of the Subject Property serves as an entrance and exit to the Tim Horton's and the retail plaza. That particular location is a full moves access point; however, it is the intention of York Region and the City that it become a RIRO access point when or if that area is redeveloped (Exhibit 5-1, Tab 8, Witness Statement of Kim Nystrom, Transportation Planner for the Appellant).

[27] Mr. Bui testified that the full moves access condition at the retail plaza/Tim Horton's to the south is historical and pre-dates the current transportation planning goals for the area. It was his evidence that under current conditions, it is very difficult to make a left turn out of the plaza at that location. He provided evidence from a site visit on July 20, 2017, when school is not in session, and during the morning peak period, which demonstrated that queues prevented a driver from turning left onto Dufferin Street at that location. Mr. Bui testified that after five minutes, the driver eventually gave up and turned right.

[28] This existing full moves access at the retail/Tim Horton's location is 80 m south of the proposed access point, but the proposed access point is at approximately the same point where the taper line begins on Dufferin Street for the left-hand queue lane to Centre Street. This is an area where traffic would begin to merge into the left-hand queue lane.

[29] The King High Drive intersection at Dufferin Street was at one time a full moves access intersection. However, at the request of residents concerned about traffic infiltration, it is now a RIRO condition and a median also exists at that location. Mr. Bui

noted that one of the reasons infiltration had become a problem was because the queue for Centre Street could go past King High Drive.

[30] Mr. Bui noted that with the exception of the retail plaza south of the Subject Property, every full moves access point in the area is signalized.

[31] Access to Dufferin Street from Vaughan Crossings has been required to be a RIRO access point. Mr. Nystrom took the position that the RIRO restriction on Vaughan Crossings was not appropriate as a comparator to the Proposal, because it would generate more traffic than the Proposal. The Proposal constitutes a minor access point under the Region's Access Guideline for Regional Roads ("Guidelines"). By comparison, Mr. Nystrom described Vaughan Crossings as an intensive mixed-use commercial development, consisting of one four-storey office building, five single-storey commercial buildings, for a total of 130,000 square feet.

[32] Mr. Nystrom agreed on cross-examination however, that even with the RIRO condition at Vaughan Crossings, when the development is built out, it will generate more traffic along the road going south to Centre Street.

[33] The site plan for the Proposal initially presented two access points for vehicles onto Dufferin Street, both intended to be RIRO. Weston Consulting in partnership with John Zipay and Associates prepared a planning justification report for the Subject Property in January 2016 (Exhibit 5-3A, Tab 12, page 85). The report referred to a traffic impact study completed by Cole Engineering and stated the following (Exhibit 5-3A, Tab 12, page 128):

Due to the existing left turn lanes and future centre median work, both of the access driveways should be restricted to right-in/right-out only traffic movements.

[34] The Cole Engineering report itself stated that due to the existing left turn lanes and future centre median work, “one or both of the access driveways may be restricted to right-in/right-out only traffic movements” (Exhibit 5-3A, Tab 25, page 569).

[35] York Region’s comments on these plans, submitted with the City’s comments dated September 19, 2016, indicated the following (Exhibit 5-3A, Tab 26, Appendix A, page 734, on the site plan drawing):

As per previous discussions with the Region of York, please note the Region may request an amalgamation of the two accesses and limit it to a right-in/right-out only access. [emphasis added]

[36] A full review of York Region’s comments suggest it was their strong preference that there would be no direct access from the proposed development to Dufferin Street, and instead they preferred a ring road configuration (Exhibit 5-2, Tab 20, page 118).

[37] On January 18, 2017, the Appellant, through Mr. Zipay, submitted a reconfigured site plan in which one access point only was now proposed (Exhibit 5-2, Tab 17, page 105).

[38] At the hearing, the Board understood that the preference for a full moves access point by the Appellant at the site was raised late in the process.

[39] When asked by the Board why this came up so late in the process, Mr. Nystrom testified once they had agreed to a single access point, then it required them to look at it again. It was his view that because of possible U-turns and infiltration into residential areas a full moves access point was now more appropriate, a comment echoed by Mr. Antecol in his email (Exhibit 1).

[40] The difficulty with this line of reasoning is that the concerns raised regarding U-turns and infiltration for a single access point are true whether one or two access

points are proposed with the RIRO configuration. Yet, the RIRO configuration with two access points was supported by the Applicant in the initial planning report.

[41] It was Mr. Bui's evidence that if U-turns were a safety issue, they could be restricted. He otherwise testified that with RIRO access, residents can access nearby schools and highways from the site.

[42] Mr. Nystrom also opined that the gap study demonstrated that a full moves access point was acceptable as the number of gaps available for left turn movements were much greater than those actually required, both now and into the future (Exhibit 5-3A, Tab 26).

[43] The usefulness of the gap study itself was in dispute between the Region and the Appellant, with Mr. Bui taking the position that gap studies are not useful for this purpose, particularly into the future, as it is too difficult to predict what development may or may not occur in the future. It was his evidence that a gap study was only appropriate to determine if a median should be put in or to control for pedestrians crossing the street.

[44] Regarding traffic volumes along Dufferin Street, it was Mr. Bui's evidence that traffic in many lanes on Dufferin Street in the vicinity of the site are either at capacity or over capacity. He indicated that there are approximately 1,900 cars travelling in each direction on three lanes, while capacity is only 600 per lane.

[45] When the traffic studies were done, the HOV lanes were omitted from the evaluation. Mr. Nystrom's evidence was that in the analysis, the through-traffic volumes on Dufferin Street were reduced by 20% to account for the HOV lanes (Exhibit 5-3A, Tab 26, page 684).

[46] Mr. Bui agreed on cross-examination that the Guidelines are silent on the point of how to treat HOV lanes. However, it was his opinion that for purposes of the analysis

consideration of the HOV lanes should not be omitted and he was of the view that the traffic studies did not accurately reflect actual traffic volumes on Dufferin Street.

[47] The Board prefers the evidence of Mr. Bui on this point. While in considering traffic movements and queueing at intersections, there may be some rationale to reduce projected traffic volumes because of through traffic using the HOV lanes, the Board finds that an abundance of caution must be exercised approving measures related to traffic movements from the site onto Dufferin Street. Vehicles exiting the site will be required to cross at least three lanes of traffic and a bicycle lane to get to the centre left turn lane, and to cross four lanes of traffic and bicycle lane to enter the first south bound lane. This will not be a simple maneuver even in light traffic.

[48] However, even if the HOV reductions are taken into account, the traffic volumes are still quite high on Dufferin Street, on the order of 1,500 cars going north during the afternoon peak period, and on the order of 1,400 going south during the morning peak period (Exhibit 5-3A, Tab 26, Figure 4-2). While the Traffic Impact Study ("TIS") predicts little traffic generated by the proposal, the Board shares the concerns expressed by Mr. Bui for the safety of vehicles attempting to exit the site and crossing multiple lanes of traffic which at times will have substantial volume.

[49] There was also a dispute about the timing of when the traffic studies by Cole Engineering were undertaken. The original TIS was conducted on June 23, 2015, after high schools had closed but before the elementary schools had closed. The TIS Update, in which the gap study was conducted, occurred on March 21, 2017, a week after March Break. Mr. Bui testified that studies in his opinion should be conducted when schools are fully operational and at least two weeks after schools re-open to capture the full traffic situation.

[50] There was also a dispute between the parties regarding whether Dufferin Street should be classified as Class/Type IV or Class/Type V (hereinafter referred to as "Type") for the purposes of applying the Guidelines. Ultimately, the Board concludes

Dufferin Street in this area more closely fits into Type V classification, and prefers the evidence of Mr. Bui on this point. This means that there is insufficient spacing between driveways to accommodate full moves access at the proposed site (Exhibit 12, Tab 5, page 29).

[51] Some of the differences in classification between Type IV and Type V are the surrounding land uses and design features. Type V reflects a mainly residential, institutional and open space condition. This proposal contributes to the residential character in the area. In addition, Type V roads include HOV lanes and cycling lanes, both of which are excluded from Type IV (Exhibit 12, Tab 5). Mr. Nystrom opined that the most important factor was surrounding uses, which were not primarily residential in his estimation; however, the Board does not agree that the HOV lanes and cycling lanes can be disregarded in this analysis and a significant amount of residential also exists in the area.

[52] Given that finding, the Guidelines indicate particular spacing requirements between minor driveways, depending on whether they are full moves or RIRO. The evidence discloses that the proposed access site should be considered a minor access point, and in that we agree with Mr. Nystrom. While we did not have any clear evidence about the retail/Tim Horton's access site being major or minor, Mr. Nystrom proceeded as though it was a minor access site, like the proposed access site. The retail/Tim Horton's access point, 80 m south of the proposed access point, is full moves. Under Table 6 of the Guidelines, two full moves driveways are to have 100 m between them, not the 80 m separation distance that exists.

[53] In summary, given these differences of opinion and concerns around the data and application of the Guidelines, more specifically,

- a. crossing multiple lanes on a heavily travelled road;
- b. the omission of the HOV lanes from the traffic analysis;
- c. potential unreliability of the gap analysis data into the future;

- d. the time of year the traffic studies were done; and
- e. the dispute about road class type and implications for separation distances between driveways;

the Board concludes that the RIRO condition is more suitable.

[54] Ultimately, the Board agrees with the Region that it is not primarily the volume of traffic leaving and entering the Subject Property that matters in this context. As noted above, while the Proposal will result in a minor access point, and does not itself generate very much traffic, it is introducing opportunities for operational errors and that is the safety concern on a very busy street across several lanes. While there was evidence of actual accidents in the Board's decision (filed by the Region) in *Shoppers Drug Mart v. Ottawa (City)*, [2014] O.M.B.D. No. 777, which is not the case here, like in that case, the Board here prefers to err on the side of caution.

[55] For the foregoing reasons, the Board found that a full moves access for the site was not supported by the evidence and ordered that the plans should reflect a RIRO access at Dufferin Street for the proposed site through the Order issued on August 4, 2017.

CONCLUSION

[56] Based upon the evidence and as noted above, through its oral decision the Board allowed the appeal in part and approved the OPA as set out in Exhibit 2 and approved in principle the Zoning By-law Amendment, draft plan of condominium and site plan substantially in the form set out in Exhibits 17, 4 and 7 respectively. The Board has also issued an order directing vehicular access to the site to be RIRO.

[57] The order related to approval of the OPA is provided below. The Board will issue final approvals of the ZBLA, draft plan of condominium and site plan as these matters are brought forward in their final form and as any outstanding requirements are fulfilled.

ORDER

[58] The Board orders that the appeal is allowed in part and the Official Plan of the City of Vaughan is amended as set out in Exhibit 2, which is included with this decision as Attachment 1.

[59] The direction and order regarding the other matters that are before the Board are as noted above.

[60] No further notice is required.

[61] The Members can be spoken to if issues arise and they are seized of this appeal.

"Paula Boutis"

PAULA BOUTIS
MEMBER

"C. Conti"

C. CONTI
VICE-CHAIR

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

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
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**AMENDMENT NUMBER 17
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules "1" and "2" constitute Amendment Number 17 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

To amend the provisions of Volume 1 and 2 of the Vaughan Official Plan 2010 (VOP 2010) to facilitate a low-rise residential development consisting of 56 townhouse units for the lands subject to this amendment as described below and shown on Schedule "1" attached hereto.

II LOCATION

The Lands subject to this Amendment (hereinafter referred to as the "Subject Lands"), are shown on Schedule "1" attached hereto. The Subject Lands are located on the east side of Dufferin Street, north of Centre Street and are known municipally as 7803 and 7815 Dufferin Street.

III BASIS

The decision to amend the Official Plan to amend the provisions below and contained in Section IV are based on the following considerations:

1. The Amendment promotes an appropriate transition between the low-rise residential areas and higher density mixed use areas, which would be transit-supportive and within walking distance to the existing transit priority service along Centre Street.
2. The Provincial Policy Statement (PPS) sets out the overall direction on matters of provincial interest related to land use planning and development, and includes policies that encourage new growth to urban areas. The PPS promotes efficient, cost effective development and land use patterns that are based on densities which:
 - i. Efficiently use land, resources, infrastructure, and public service facilities;
 - ii. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
 - iii. Are transit-supportive, where transit is planned, exists or may be developed.

The PPS promotes an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents, by maintaining residential growth for a minimum of 10 years through residential redevelopment and intensification. The proposed development is consistent with the Provincial Policy Statement 2014 and promotes its goals and objectives.

2. The "Growth Plan for the Greater Golden Horseshoe" which was approved by the Province in 2006, is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form and housing. The Growth Plan promotes increased intensification of the existing built-up areas, with a focus on intensification corridors and plan for a range of and mix of housing. The subject property is within the built-up area and plans for a more diverse form and affordable form of housing than what currently exists. The proposed development conforms with the Growth Plan for the Greater Golden Horseshoe by directing growth within the built-up area and by promoting transit-supportive densities, in a manner that achieves intensification, while providing an appropriate transition in form and density.

4. The York Region Official Plan (YROP) identifies the subject property, as being located within an "Urban Area" adjacent to a "Regional Corridor". Intensification within the Urban Area "will accommodate a significant portion of the planned growth in the Region" and Regional Corridors "are planned to function as urban mainstreets that have a compact, mixed-use, well-designed, pedestrian-friendly and transit-oriented built form". The proposed development conforms with the YROP policies in that it provides an appropriate form of intensification in an area of transition between the Regional Corridor and more stable residential areas.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 Volume 1 and 2 is hereby amended by:

1. Amending Schedule 13 Land Use of Volume 1 of VOP 2010 by redesignating the Subject Lands from "Community Commercial Mixed-Use" to "Low-Rise Residential", in the manner shown on Schedule "1";

2. Amending Schedule 14-C, "Areas Subject to Site Specific Plans" of VOP 2010 by adding the lands on Schedule "1" to this amendment, attached hereto, as "#36 7803 and 7815 Dufferin Street - 13.37";

3. Amending Section 13.1 Volume 2, "Areas Subject to Site Specific Policies" by adding the following policy, to be renumbered in sequential order:

(OPA #17) 13.1.1.36 The lands known municipally as 7803 and 7815 Dufferin Street are identified on Schedule 14-C (as Item 36) and are subject to the policies set out in Section 13.37 of this Plan; and

4. Adding the following policies to Section 13 Volume 2 "Site Specific Policies", and renumber in sequential order including a location map of the subject lands as per Schedule "2":

*(OPA #17) (13.37) (7803 and 7815 Dufferin Street)

13.37.1 General

13.37.1.1 The following policies shall apply to the lands identified on Map 13.37.A:

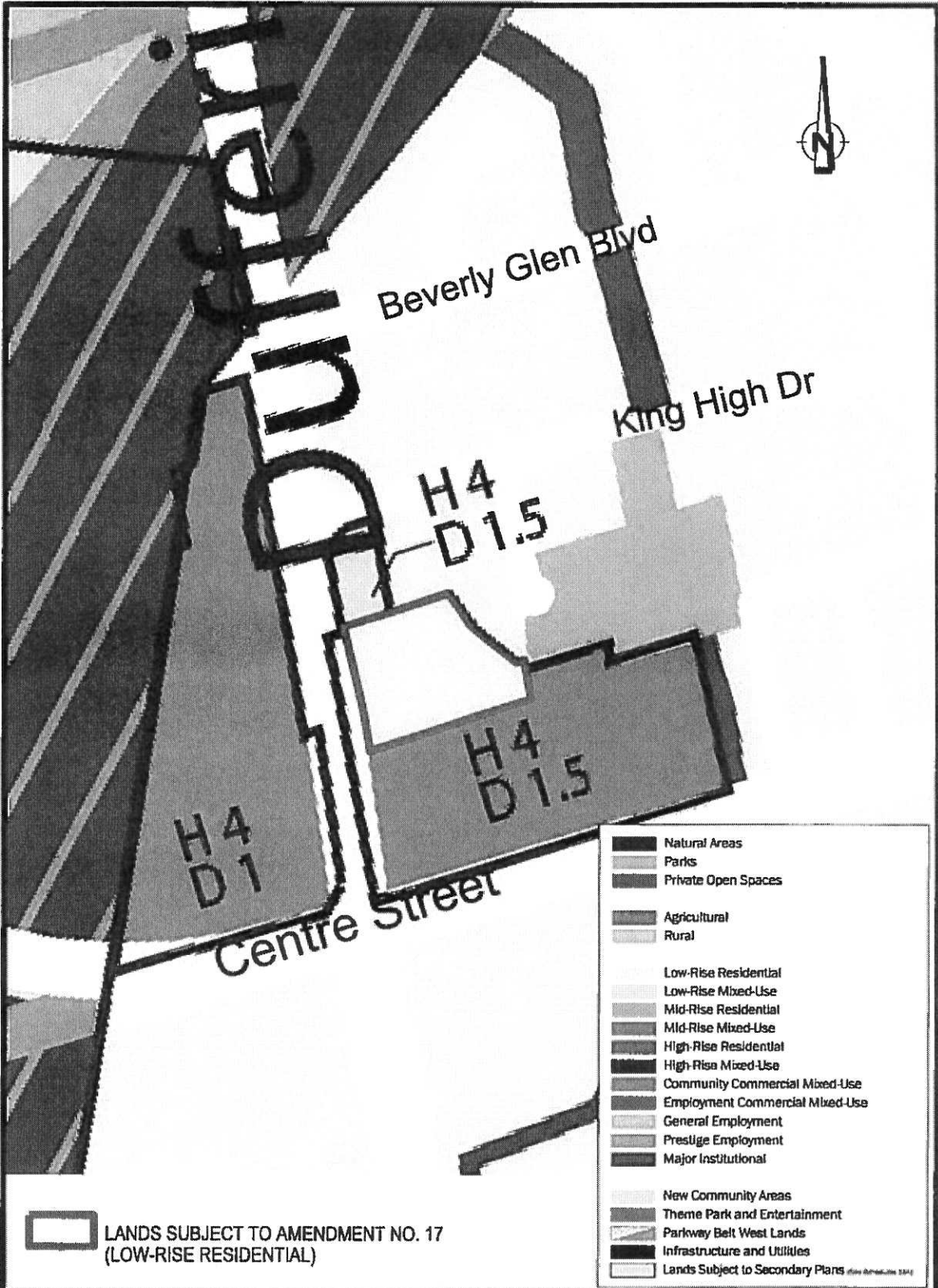
- a) Notwithstanding Policy 9.2.3.2.a), a Townhouse is a permitted use and is a **Low-Rise Residential** building, up to three *storeys* in height, situated on a single parcel and part of a row of at least three but no more than eight attached residential units.
- b) Notwithstanding Policy 9.2.3.2.e), the facing distance between blocks of Townhouses that are not separated by a public street shall be a minimum of 13 m.*

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 Vaughan Zoning By-law, and, Draft Plan of Condominium and Site Plan approvals, pursuant to the *Planning Act, R.S.O. 1990, c. P.13*.

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. 17

PASSED THE _____ DAY OF _____, 2017

FILE NO.: OP.16.001
 RELATED FILE NO.: Z.16.001
 LOCATION: 7803 & 7815 DUFFERIN STREET
 APPLICANT: CITY PARK HOMES
 NOT TO SCALE
 CITY OF VAUGHAN

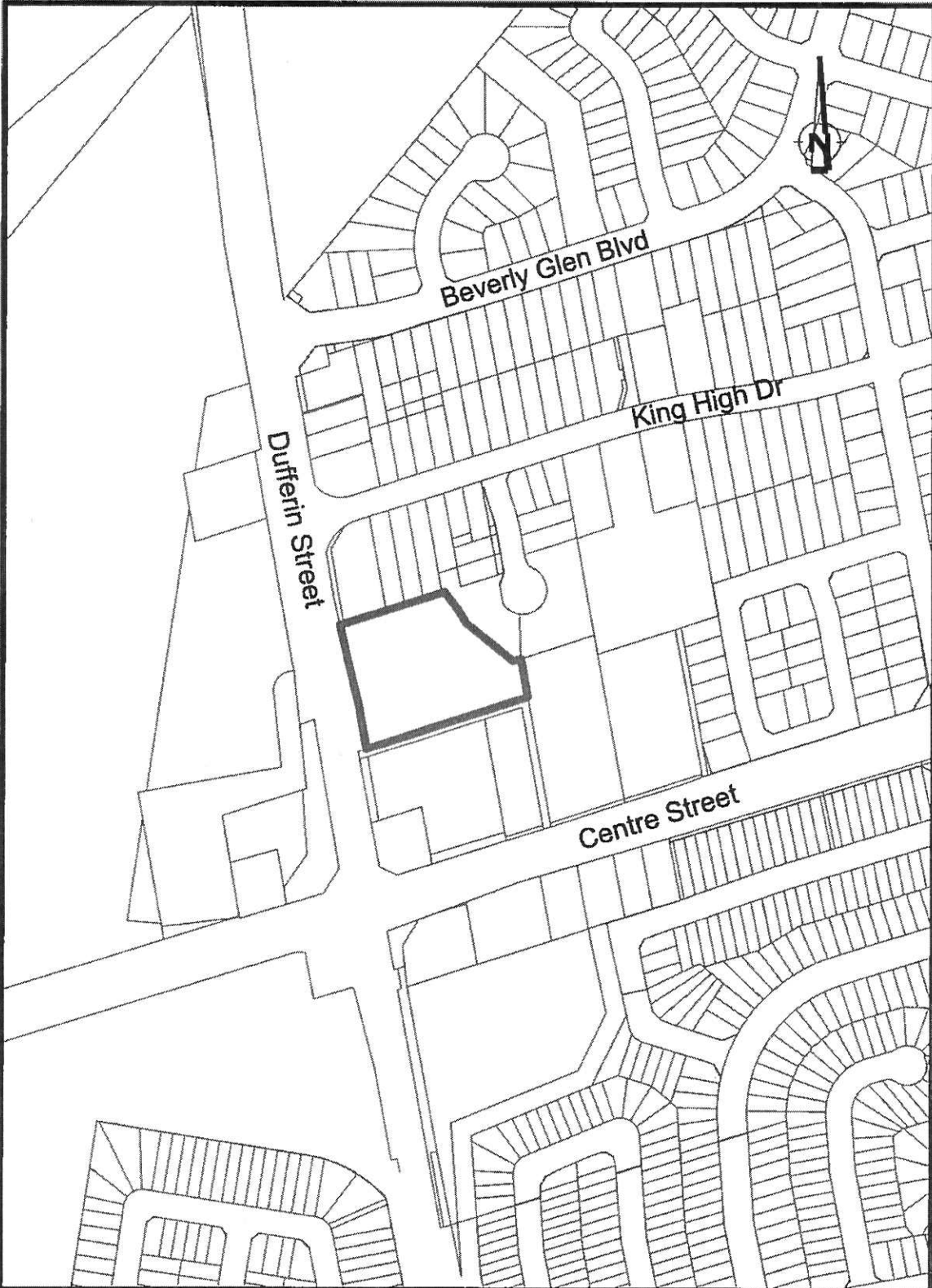
SIGNING OFFICERS

BOARD ORDER PL160758
 ISSUED: Sept. 26, 2017

MAYOR

CLERK

Map 13.37.A 7803 and 7815 Dufferin Street



THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMENDMENT NO. 17

PASSED THE _____ DAY OF _____, 2017

FILE NO.: OP.16.001
RELATED FILE NO.: Z.16.001
LOCATION: 7803 & 7815 DUFFERIN STREET
APPLICANT: CITY PARK HOMES
NOT TO SCALE
CITY OF VAUGHAN

SIGNING OFFICERS

BOARD ORDER PL160758
ISSUED: Sept. 26, 2017

MAYOR

CLERK

APPENDIX I

The lands subject to this Amendment are located on the east side of Dufferin Street, north of Centre Street, and are known municipally as 7803 and 7815 Dufferin Street, in Part of Lot 6, Concession 2, City of Vaughan.

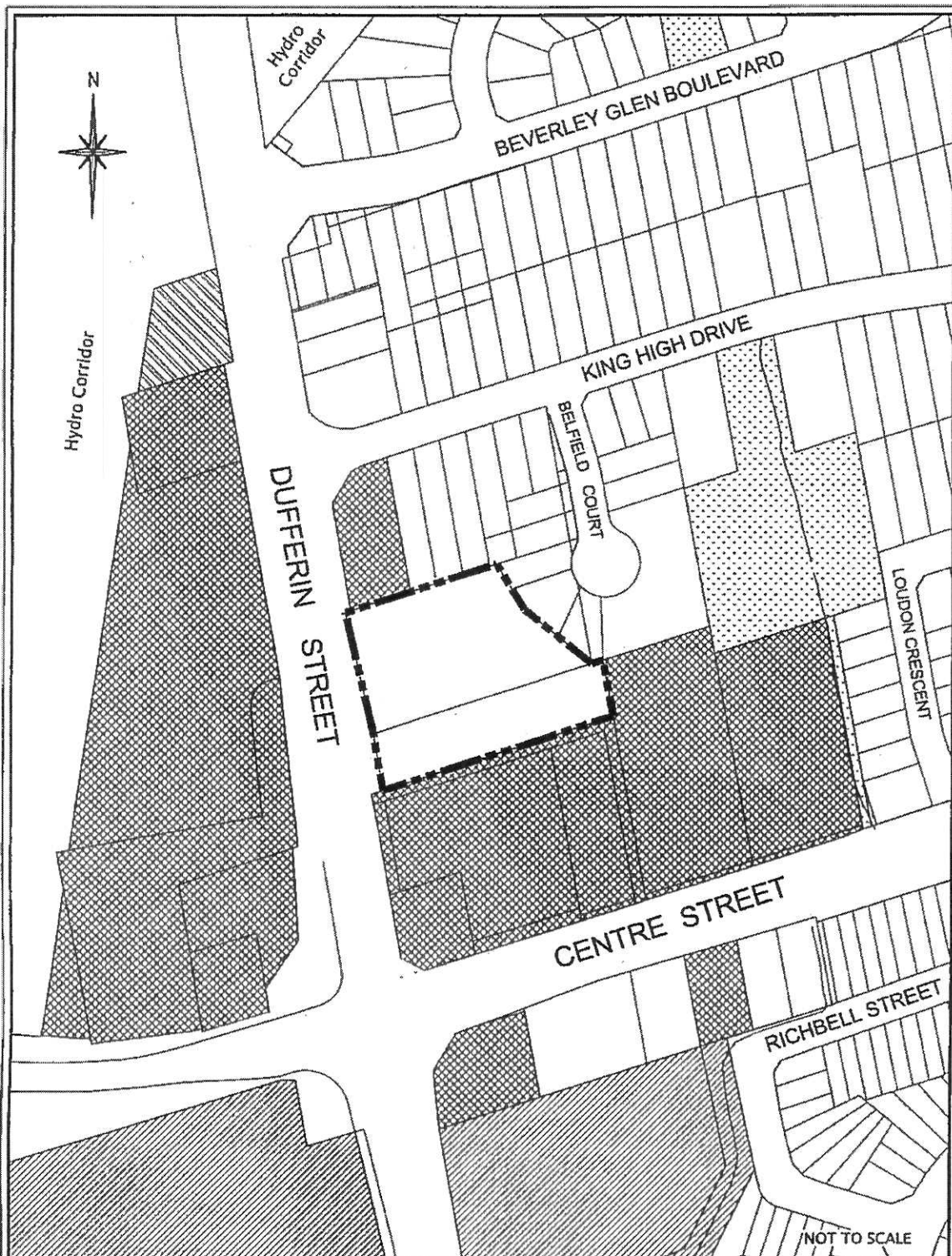
The purpose of this amendment is to redesignate the subject lands from "Community Commercial Mixed-Use" to "Low-Rise Residential" and to add Site Specific Policy 13.37 "7803 and 7815 Dufferin Street" to facilitate a low-rise residential development with 56 three-storey freehold townhouse units served by a common element condominium road.

On June 27, 2017, Vaughan Council ratified amendments to the June 20, 2017, Committee of the Whole recommendation, to approve Official Plan Amendment File OP.16.001. Vaughan Council approved the following recommendation (in part):

1. THAT Official Plan Amendment File OP.16.001 (2464879 Ontario Inc. (City Park Homes)), to amend Vaughan Official Plan 2010, specifically to redesignate the subject lands shown on Attachments #1 and #2 from "Community Commercial Mixed-Use" to "Low-Rise Residential" BE APPROVED
2. THAT Zoning By-law Amendment File Z.16.001 (2464879 Ontario Inc. (City Park Homes)), to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #1 and #2 from R1 Residential Zone, partially subject to Exception 9(329) (southerly portion), to RM2 Multiple Residential Zone, together with the site-specific zoning exceptions to the RM2 Multiple Residential Zone standards identified in Table 1, to facilitate a 56 unit townhouse development BE APPROVED
3. THAT Site Development File DA.16.003 (2464879 Ontario Inc. (City Park Homes)), to facilitate 56 three-storey freehold townhouse units, as shown on Attachments #4 to #6, BE APPROVED
4. THAT Draft Plan of Condominium (Common Elements) File 19CDM-16V002 (2464879 Ontario Inc. (City Park Homes)), to create common elements (to be managed by a future condominium corporation) including visitor parking spaces, private roads, walkways and a private parkette, as shown on Attachment #7, BE APPROVED

5. THAT should the Ontario Municipal Board approve Official Plan Amendment File OP.16.001, Zoning By-law Amendment File Z.16.001, Site Development File DA.16.003 and Draft Plan of Condominium (Common Element) File 19CDM-16V002, either in whole or in part, that the Ontario Municipal Board withhold its final Decision/Order until such time that:

- a) the implementing Official Plan Amendment is prepared to the satisfaction of the City;
- b) the implementing Zoning By-law is prepared to the satisfaction of the City;
- c) the final plans and conditions of Site Plan and Draft Plan of Condominium (Common Elements) approval are obtained and approved by the following City Departments and external agencies:
 - i) the Development Planning Department;
 - ii) the Development Engineering and Infrastructure Planning Department;
 - iii) the Parks Development Department;
 - iv) the Office of the City Solicitor - Real Estate Division;
 - v) York Region;
 - vi) Ministry of Transportation; and
 - vii) all required utility companies (i.e. Canada Post, Bell, Rogers, Alectra Utilities Corporation, and Enbridge Gas).



**APPENDIX II
EXISTING LAND USE
OFFICIAL PLAN AMENDMENT No. 17**

FILE: OP.16.001
 RELATED FILE(S): Z.16.001, DA.16.003
 LOCATION: Part of Lot 6, Concession 2
 APPLICANT: CITY PARK HOMES
 CITY OF VAUGHAN

N:\DFT\1-BY-LAWS\op\op.16.001

AREA SUBJECT TO
AMENDMENT No. 17

LOW DENSITY
RESIDENTIAL

EMPLOYMENT
AREA

COMMERCIAL

OPEN SPACE

AGRICULTURAL



NOT TO SCALE