



Staff Report Summary

Item 12

Ward 4

File: B004/20

Applicant: VMC Residences GP Inc. as a General Partner and on behalf of VMC Residential Limited Partnership

Address: 898 Portage Pkwy Concord

Agent: Smart Centres

Please note that comments received after the preparation of this Staff Report (up until 4:00 p.m. on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Building Standards	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Real Estate Department	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday , February 27, 2020



Consent Application

B004/20

Agenda Item: 12

Ward: 4

Prepared By: Pravina Attwala Assistant Secretary Treasurer

Date of Hearing:	Thursday, February 27, 2020
Applicant:	VMC Residences GP Inc. as a General Partner and on behalf of VMC Residential Limited Partnership
Agent:	Smart Centres
Property:	898 Portage Pkwy Concord
Zoning:	The subject lands are zoned C10 and subject to the provisions of Exception 9(1445) under By-law 1-88 as amended.
OP Designation:	Vaughan Official Plan 2010: (Vaughan Metropolitan Centre Secondary Plan Volume 2: Station Precinct)
Related Files:	None
Purpose:	<p>Consent is being requested to permit an easement over Part 1 & 2 on the draft reference plan submitted with the application for access and servicing purposes in favour of the adjacent lands to the east (dominant land) municipality known as 950 Portage Parkway (Part of Blocks 79 & 80 on Plan 65M-2525).</p> <p>Please note:</p> <p>Part 1 is located at grade and approximately three (3) metres above grade; and Part 2 is approximately three (3) metres below grade.</p> <p>The easement will permit access and maintenance of the ductbank and infiltration gallery and will facilitate Site Plan Application DA.17.062.</p>

Background (Previous Applications approved by the Committee on the subject land: N/A

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "B001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on February 12, 2020

Applicant confirmed posting of signage on February 13, 2020

Existing Building or Structures on the subject land: Three (3) residential/commercial buildings.

Recommended conditions of approval:

1. That the applicant’s solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description of the subject lands. Subject land applies **only** to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment.
2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted.

3. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

Adjournment Request: N/A**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file

Building Permit No. 18-001297 for Eating Establishment - Interior Unit Alteration, Issue Date: Nov 26, 2019
Building Permit No. 18-001297 for Eating Establishment - Interior Unit Alteration, Issue Date: Mar 08, 2019
Building Permit No. 19-000832 for Condo. Apartment Building - Interior Unit Alteration, Issue Date: (Not Yet Issued)

Building Permit No. 17-003187 for Condo. Apartment Building - Interior Unit Alteration, Issue Date: Mar 27, 2019

Building Permit No. 17-003187 for Condo. Apartment Building - New, Issue Date: Nov 13, 2018

Building Permit No. 17-003434 for Retaining Wall - New, Issue Date: Nov 16, 2017

Building Permit No. 17-003187 for Condo. Apartment Building - Foundation - Only, Issue Date: Apr 27, 2018

Building Permit No. 18-000450 for Tent - New, Issue Date: Mar 02, 2018

Building Department Staff have no additional comments in respect to this application.

Development Planning:

Official Plan: Vaughan Official Plan 2010: (Vaughan Metropolitan Centre Secondary Plan Volume 2: Station Precinct)

The Owner has proposed an access easement in favor of the neighboring lands to the south to allow for the use of duct bank, infiltration gallery and the right of access to enter the servient lands to maintain, repair and replace the duct bank and infiltration gallery. The easement is to be conveyed in strata as a total vertical height of 6 metres. The Development Engineering Department has reviewed the consent and does not object to the application.

The Development Planning Department has no objection to the proposed access easement as it facilitates the development of the proposed Site Development Applications (File Numbers DA.16.017 and DA.17.014) and is of the opinion that the requested access easement maintains the intent of VOP 2010, and the consent criteria stipulated in Section 51(24) of the *Planning Act, R.S.O. 1990, c. P.13*.

The Development Planning Department recommends approval of the consent application.

Development Engineering:

The Development Engineering (DE) Department does not object to consent application B004/20 subject to the following condition(s):

The owner/applicant shall arrange to prepare and register a reference plan at their expense for the consent of an easement of the subject lands and showing all existing and proposed easements to the satisfaction of DE. The owner/applicant shall submit a draft reference plan to the Development Engineering Department for review prior to deposit.

Parks, Forestry and Horticulture Operations

Forestry has no comments at this time

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

Recommended condition of approval:

The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Fire Department:
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Application Cover Letter

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)
N/A

Staff Recommendations:
Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application considers the following:

- ✓ Conform to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conform to the City of Vaughan Official Plan.
- ✓ Conform to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

Should the Committee find it appropriate to approve this application, the following conditions have been recommended:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That the applicant’s solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description of the subject lands. Subject land applies only to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted. 3. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.
2	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	The owner/applicant shall arrange to prepare and register a reference plan at their expense for the consent of an easement of the subject lands and showing all existing and proposed easements to the satisfaction of DE. The owner/applicant shall submit a draft reference plan to the Development Engineering Department for review prior to deposit.
3	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Warning:

Conditions must be fulfilled within one year from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible.

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

Notice to Public

WRITTEN SUBMISSIONS: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

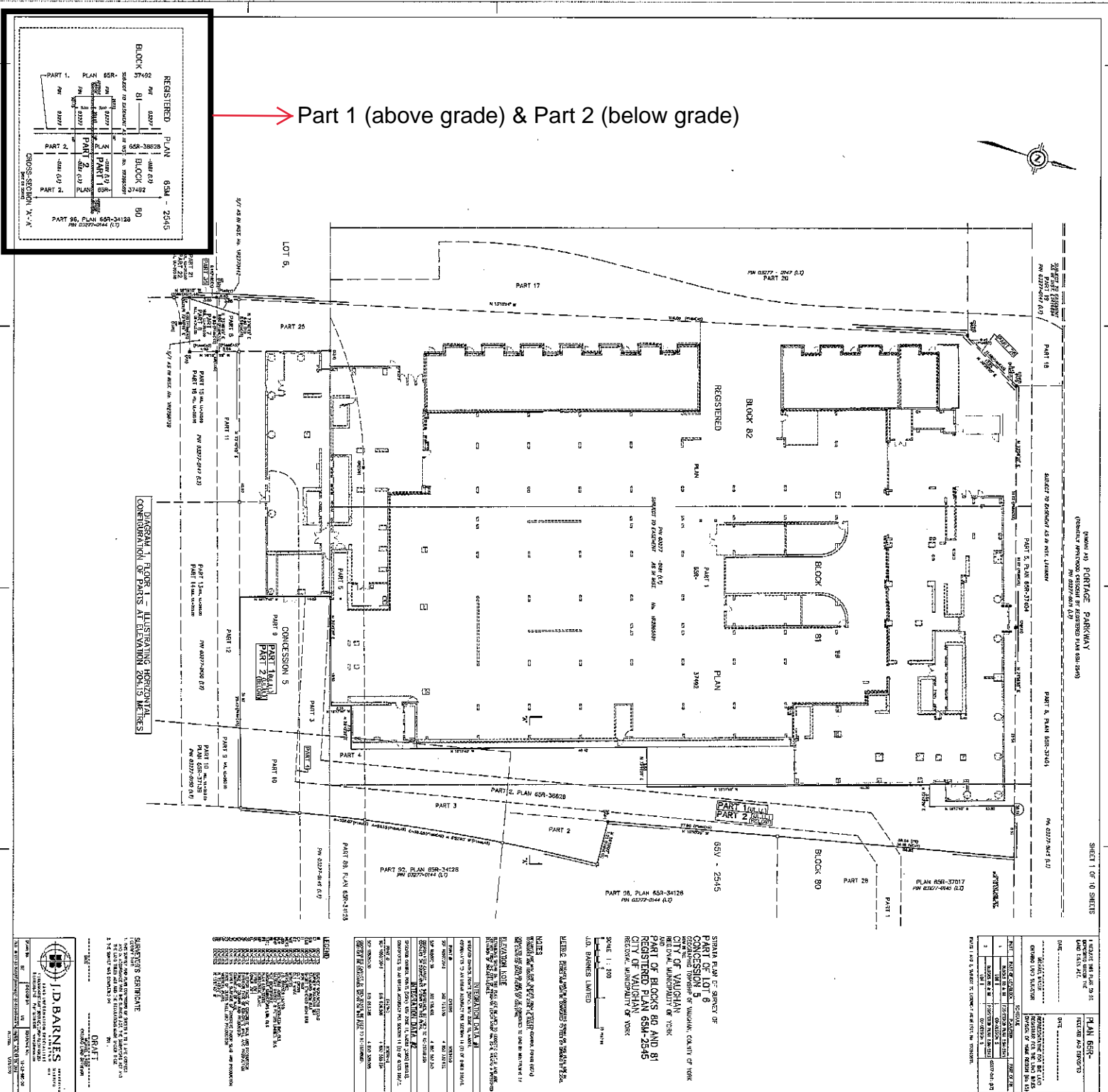
For more information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches



Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

Application Cover Letter

VMC RESIDENCES GP INC.

B004/20

January 23rd, 2020

To Whom It May Concern:

RE: Consent Application for Easements in respect of 898 Portage Parkway, Vaughan, Ontario (the "Development")


We would like to formally submit this application in support of our request to grant easement in favor of our neighbouring lands to allow for the use of the ductbank and infiltration gallery and the right of access to enter the servient lands in order to maintain, repair and replace the ductbank and infiltration gallery.

In addition to this letter we have provided the following:

- Easement Sketch: Identifies the servient easement lands and the dominant lands
- Draft R-Plan Sketch
- Application form
- Application payment

We hope that the information provided is to your satisfaction. Please do not hesitate to contact us with any further questions.

Best regards,



VMC Residences GP Inc.
Per: Andrew McLeod

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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COMMENTS:

☐

We have reviewed the proposed Consent Application and have no comments or objections to its approval.

☒

We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).

☐

We have reviewed the proposed Consent Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: RESPONSE: B004/20 - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: January-27-20 3:47 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: RESPONSE: B004/20 - REQUEST FOR COMMENTS

Good afternoon Pravina,
The Regional Municipality of York has completed its review and has no comment.
Regards,

Gabrielle

Gabrielle Hurst | MCIP, RPP, Planning and Economic Development, Corporate Services

1-877-464-9675 ext. 71538

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