

February 13, 2023

**By E-Mail Only to *clerks@vaughan.ca***

Committee of the Whole  
Vaughan City Hall  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

*Attention: Mr. Todd Coles, City Clerk*

His Worship Mayor Del Duca and Members of Council

**Re: Committee of the Whole Meeting – February 14, 2023  
Tesmar Holdings Inc.  
Official Plan Amendment File OP.21.020  
Zoning By-law Amendment File Z.21.041**

We are counsel to Tesmar Holdings Inc. (“Tesmar”) in respect of the above-referenced applications.

Tesmar and its consultants have reviewed the City Staff Report to Committee for the February 14, 2023 meeting and support the recommendations contained therein. Through discussions with Planning Staff, we understand that they will be proposing revisions to certain of the Holding conditions contained in the recommendations through a subsequent Staff Communication. Tesmar is supportive of these additional revisions, as they have been described to it, subject to receipt and review of the Staff Communication, which had not been published at the time of writing.

## **Background**

The current applications represent the second and final phase of development of the lands located at the northeast corner of Jane Street and Riverrock Gate (the “Subject Lands”). These lands were the subject of a successful multi-year, multi-party mediation, which resulted in Official Plan and Zoning By-law Amendments being approved by the former Local Planning Appeal Tribunal (“LPAT”) in 2018. As part of that settlement, Minutes of Settlement and various other agreements and instruments were entered into between Tesmar, Canadian National Railway (“CNR”), Magna International Inc. and companies controlled by Granite, as well as the City. Those agreements and instruments were registered on title to the Subject Lands and continue to apply to these Phase 2 lands.

The same thorough review process which was undertaken with CNR, Magna and Granite in the construction and occupation of the first two towers will continue to apply to the proposed third tower, which is the subject of the current applications. Tesmar is currently working with CNR and Magna to respond to comments and update the noise report which was filed with the applications. Accordingly, Tesmar is satisfied with recommended Holding condition (d), as it is anticipated to be revised in the Staff Communication to address timing issues that would have resulted from the condition as originally proposed in the Staff Report.

### **Clarifying Comments**

Tesmar appreciates the detailed planning analysis provided in the Staff Report and supports the recommendations contained therein, including the proposed Holding conditions as anticipated to be revised by the Staff Communication. However, we wish to clarify a few items to assist in your consideration of this matter.

1. In the Staff Report, the Floor Space Index (“FSI”) for the proposed development is identified as 6.74; however, through the site plan application which was recently filed for the development on December 15, 2022, the FSI has been reduced to 6.42 as it applies to the Phase 2 portion of the Subject Lands only.

It is important to recognize that this Phase 2 represents the final phase of development of the Subject Lands, which have thus far been considered comprehensively. The site-specific policies of the Vaughan Mills Centre Secondary Plan and Zoning By-law 1-88 approved by the LPAT permit an FSI of 3.7 on the entirety of the Subject Lands. Calculated over the entirety of the Subject Lands, the proposed Phase 2 development would result in an FSI of 4.74 which is a modest increase over the permitted FSI and is significantly lower than the densities permitted in the balance of the southeast quadrant of Jane St. and Rutherford Road which are proposed at an FSI of 10.8 for the RLDC Phase 1 lands to the immediate north and an FSI of 8 for the entirety of the RLDC MZO lands.

2. The Zoning exceptions for Zoning By-law 1-88 identified in Table 1 on pages 14-21 of the Staff Report appear to compare the current applications to the standard RA3 Apartment Residential Zone requirements instead of the site-specific zoning standards approved by the LPAT in 2018 which are found in exception 1467 of Zoning By-law 1-88 and apply to the entirety of the Subject Lands.

When applied to the currently in-force, site-specific zoning standards, the list of required amendments is much shorter with only minor modifications to the lot and building requirements (e.g. some setbacks, height, etc.) and updates to the definitions of GFA and FSI to facilitate the development of the third and final tower on the Subject Lands.

3. The Staff Report summarizes comments from York Region which indicate that the Region had some concern with the proposed density. While this summary reflects the initial comments received from the Region, we note that the Region has provided an Issues List for the OLT appeals of the current applications which identifies only three transportation related issues and does not include any issues related to density, land use planning or servicing. It is our understanding that the Region does not intend to pursue any concerns it may have previously had regarding density through the OLT appeals.

### **Request of the Committee**

Tesmar requests that the Committee endorse the recommendations set out in the Staff Report, with the modifications to the Holding conditions anticipated in the Staff Communication. Should Committee accept these recommendations, we further request that City Staff and legal counsel be authorized to work with Tesmar to finalize the form of the Official Plan Amendment and Zoning By-law Amendments to be presented to the OLT, including such modifications as may be necessary to address the clarifications noted above. We note that this request is consistent with the Staff Report, which contemplates that minor modifications to the zoning amendments identified in Tables 1 and 2 may be required.

Representatives from Tesmar and its land use planning consultant will be in attendance at Tuesday's meeting in the event that the Committee has any questions. We thank you for your consideration of this matter.

Yours truly,  
**DAVIES HOWE LLP**



Meaghan McDermid

MM:MM

copy: Client  
Ryan Mino-Leahan and Aidan Pereira, KLM Planning  
Haiqing Xu, Deputy City Manager of Planning and Growth Management  
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