



File: A042/19

Applicant: The Corporation of the City of Vaughan

Address: 2926 Hwy 7 Concord

Agent: Bousfields Inc.

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: N/A

Background History: N/A



Minor Variance
Application

Agenda Item: 12

A042/19

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, May 2, 2019
Applicant: The Corporation of the City of Vaughan
Agent: Bousfields Inc.
Property: 2926 Hwy 7 Concord

The Corporation of the City of Vaughan Lands (Above & Below Grade)

Underground Commercial Parking Facility (Approximate Grade): Parts 6, 7, 8, 9, 10, 16, 24 & 25 on the draft Reference Plan prepared by KRCMAR (dated February 21, 2019).

Underground Commercial Parking Facility (PI Level – Below Grade): Parts 5, 6, 7, 8, 9, 10, 11 & 12 on the draft Reference Plan prepared by KRCMAR (dated February 21, 2019) and Block 4 on 65M-4490 (below grade).

Above Grade Lands (Pavilion Building, Exit Stairs, Air Shaft, Elevator): Parts 6, 7, 8, 9, 10, 16, 24 & 25 on the draft Reference Plan prepared by KRCMAR (dated February 21, 2019).

Zoning: The subject lands are zoned OS2 and subject to the provisions of Exception 9(1248) under By-law 1-88 as amended.

OP Designation: Vaughan Metropolitan Centre Secondary Plan (VOP 2010, Volume 2, Section 11.12): Major Parks and Open Spaces

Related Files: Minor Variance A041/19

Purpose: Relief from the by-law is being requested to permit the construction of a proposed underground (stratified) commercial parking facility and public park.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A minimum front and exterior side yard setback of 1.8 metres is required to portions of buildings below grade.	1. To permit a minimum setback of 0.0 metres from all lot lines for the underground commercial parking facility and associated structures.
2. A minimum setback of 15.0 metres is required from all lot lines.	2. To permit a minimum setback of 0.0 meters from all lot lines for any above grade structures

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, “A001/17”.

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 comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Committee of Adjustment:
Public notice was mailed on April 17, 2019

Applicant confirmed posting of signage on April 18, 2019

Property Information	
Existing Structures	Year Constructed
N/A	Land purchase January 31, 2011

Applicant has advised that they cannot comply with By-law for the following reason(s): The variances are required to facilitate the dedication of the park and permit parking for commercial and residential visitors below the park in an underground structure. In particular, the variances to required setbacks and permitted uses are required to facilitate the proposal. In our opinion, the proposal maintains the general intents and purposes of the OP and Zoning By-law, is desirable and minor.

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: None

Building Permit No. 18-001816 for Retaining Wall - New, Issue Date: Mar 08, 2019
Building Permit No. 19-000251 for Underground Garage (Resid.Bldg) - New, Issue Date: (Not Yet Issued)

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Building Inspections (Septic):
No comments or concerns

Development Planning:
Vaughan Metropolitan Centre ('VMC') Secondary Plan (VOP 2010, Volume 2, Section 11.12): "Major Parks and Open Spaces"

The Owner is requesting permission to construct an underground commercial parking facility below a future public park (Edgeley Park) with associated above ground structures, including but not limited to, a pavilion, exit stairs, air shafts and an elevator (A041/19).

The Parks Development Department will be providing a corresponding condition for the completion of a Parks Development Agreement.

A portion of the underground parking garage and above ground pavilion will encroach into the City of Vaughan owned lands to the west (A042/19).

Related Site Development Application DA.18.050 proposes a mixed-use 60-storey apartment building on the lands directly to the south (2920 Highway 7), which is to be heard by Vaughan Council at a later date.

The underground commercial parking garage component of DA.18.050 was staff delegated to the Development Planning Department for approval.

The Subject Lands are designated "Major Parks and Open Spaces" by the VMC Secondary Plan and "OS2 Open Park Space Zone" ('OS2 Zone') by Zoning By-law 1-88, subject to Site Specific Exception 9(1248), which both permit the use of a public park. The VMC Secondary Plan also encourages the diversity of open spaces that will contribute to the character of the area. The proposed public park will be accessible at grade to the general public.

The underground commercial parking facility and related above ground structures will not negatively impact the proposed public park, while providing stratified commercial parking within the VMC.

As the intended use of the Subject Lands as a public park at grade will not be impacted by the proposed underground commercial parking facility, the Development Planning Department has no objection to the requested variances.

The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

Urban Design:
There are no cultural heritage concerns for this application.

Development Engineering:
Please note, variance application A042/19 shall be read in conjunction with minor variance application A041/19.

The Development Engineering (DE) Department does not object to variance application A042/19 subject to the following condition(s):

Staff have confirmed that the property is located within an unassumed subdivision (Penguin-Calloway (Vaughan) Subdivision - 19T-12V007). The Owner/applicant shall provide satisfactory notification to the developer and approval (Letter or email) of the minor variance(s) and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.

Parks Development:

No comments or concerns

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.

Fire Department:

No comments or concerns.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Agent Cover Letter – Justification

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

TRCA – comments with conditions

Schedule D - Previous Approvals (Notice of Decision)

None

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 criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Brad Steeves 905-832-8585 x 8977 brad.steeves@vaughan.ca	Staff have confirmed that the property is located within an unassumed subdivision (Penguin-Calloway (Vaughan) Subdivision - 19T-12V007). The Owner/applicant shall provide satisfactory notification to the developer and approval (Letter or email) of the minor variance(s) and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.
2	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay to the City, applicable Development Charges in accordance with the Development Charges by-laws of the City, Region and School Boards at the time of building permit issuance.
3	TRCA Stephen Bohan 416-661-6600 x 5743 sbohan@trca.on.ca	<ol style="list-style-type: none">1. That the applicant provides the required fee amount of \$1,100 payable to the Toronto and Region Conservation Authority; and2. That the applicant obtains a revision to TRCA Permit No. C-180951, in order to recognize the minor expansion of the underground parking facility in the northwest corner of the property.

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

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, which must be delivered no later than **12:00 p.m.** on the scheduled public hearing date.

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 further 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

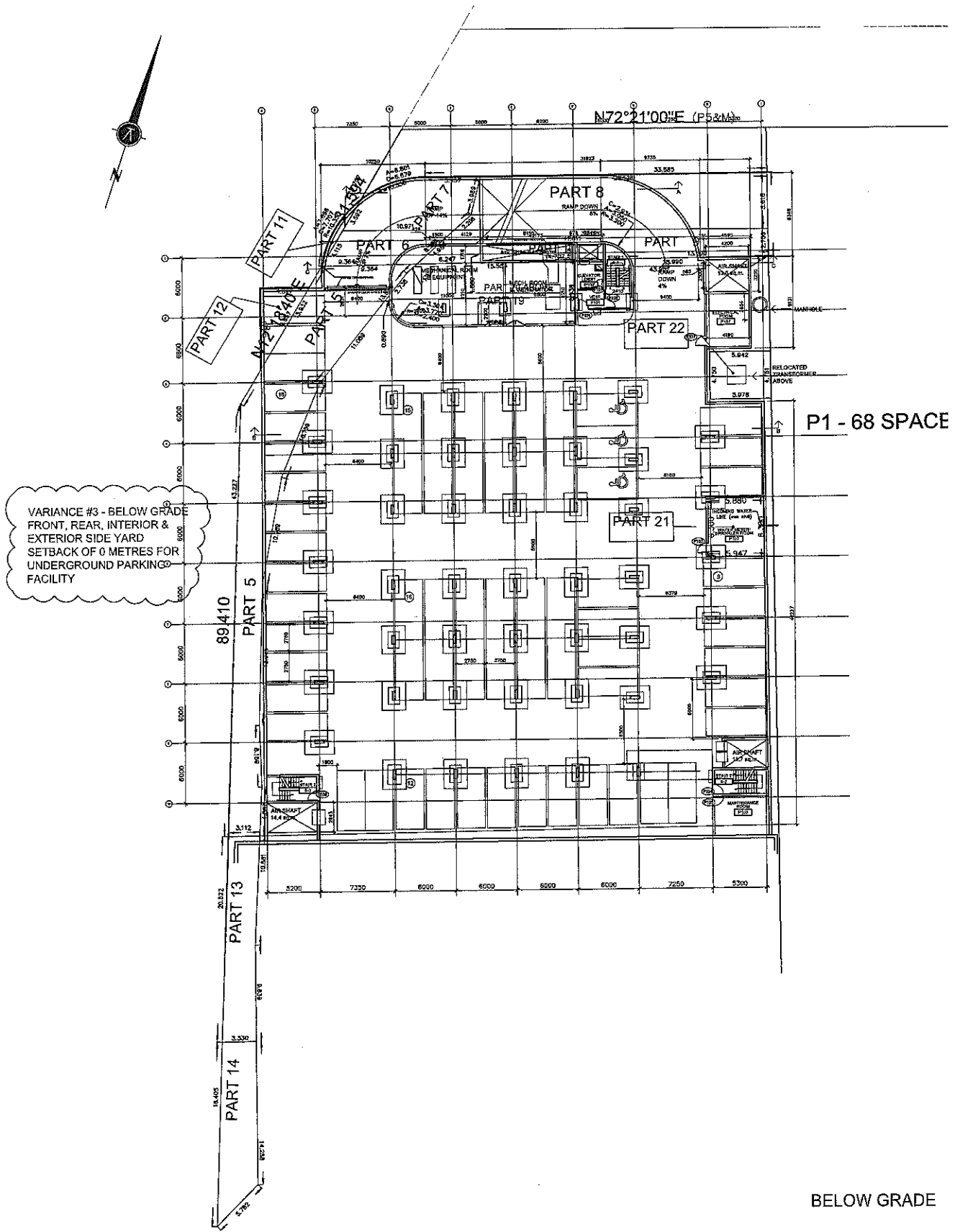
A042/19

VARIANCE #2 - (AT GRADE)
FRONT, REAR, INTERIOR &
EXTERIOR SIDE YARD
SETBACK OF 0 METRES FOR
EXIT STAIRS, AIR SHAFT,
ELEVATOR AND PAVILION
BUILDING

1 SITE PLAN
A100 1:200

ABOVE GRADE

ABOVE GRADE



PLAN 65R-	
RECEIVED AND DEPOSITED	
DATE _____, 2019	DATE _____, 2019
PRELIMINARY	
J. EDUARDO LUNA CHIEF LAND SURVEYOR	
REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND TILES DIVISION OF YORK REGION (P.L.R.S.)	

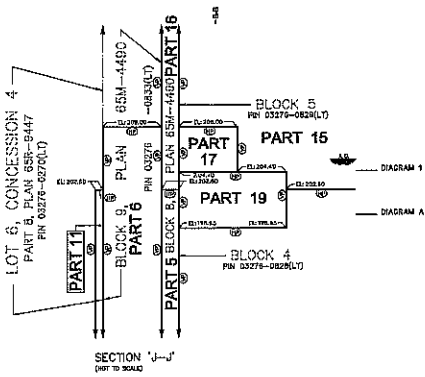
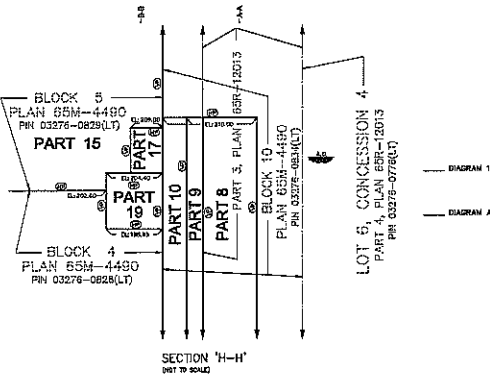
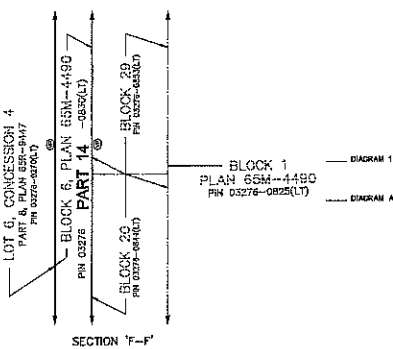
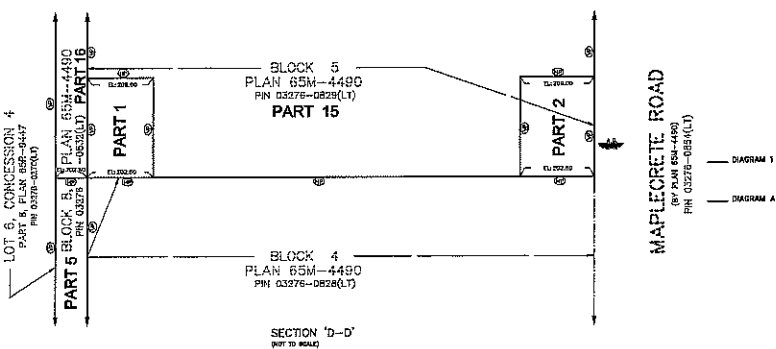
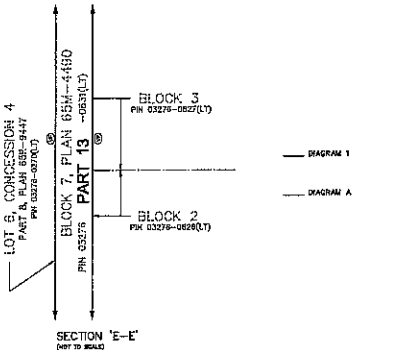
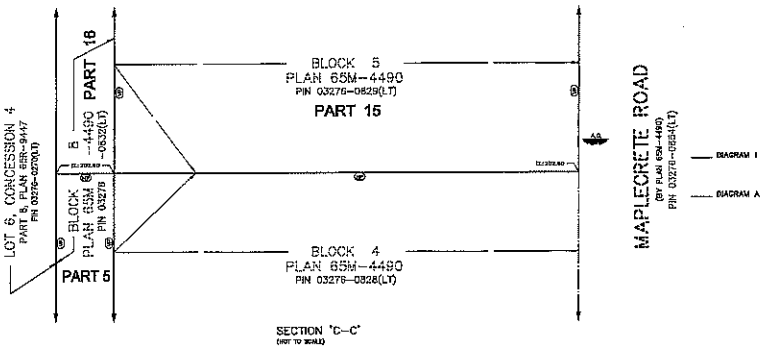
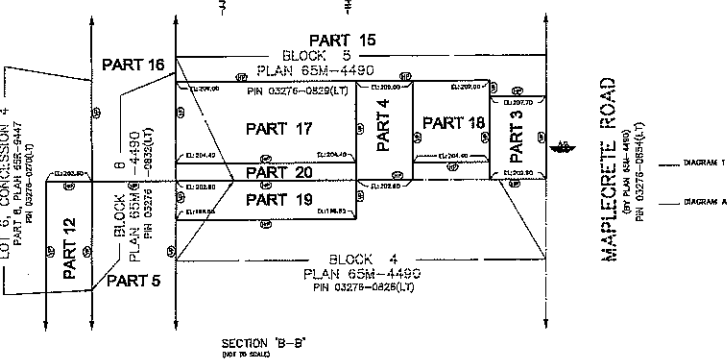
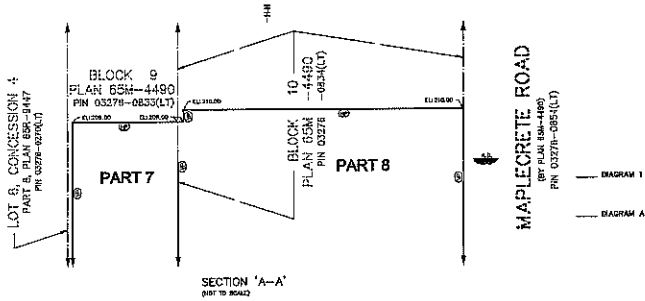
STRATA PLAN OF SURVEY OF
PART OF BLOCKS 5, 8, 9 AND 10
PLAN 65M-4490
AND
PART OF LOT 6, CONCESSION 4
(ORIGINAL TOWNSHIP OF VAUGHAN, COUNTY OF YORK)
CITY OF VAUGHAN

METRIC: DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ELEVATION
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE RELATED TO
CITY OF VAUGHAN BENCH MARK NO. 23-5 HAVING AN ELEVATION
OF 203.522 METRES.

LEGEND

- DENOTES PROPERTY BOUNDARY
- DENOTES LINE OF STRUCTURE
- EL. DENOTES GEODETIC ELEVATION
- DENOTES NO VERTICAL LIMITATIONS
- DENOTES NO UPPER LIMITATIONS
- DENOTES NO LOWER LIMITATIONS
- DENOTES UPPER LIMITATION IN METRES
- DENOTES LOWER LIMITATION IN METRES
- DENOTES HORIZONTAL PLANE
- DENOTES A VERTICAL PLANE CONTROLLED BY BEARING AND DISTANCE
- DENOTES A HORIZONTAL PLANE CONTROLLED BY GEODETIC ELEVATION
- DENOTES NO UPPER LIMITATIONS
- DENOTES NO LOWER LIMITATIONS
- DENOTES APPROXIMATE GRADE



PLAN AVAILABLE AT www.ProtectYourBoundaries.ca					
FILED:	JL	30/09/19	KL	CHECKER	JEL
ENGINEER:	00-032807	PLAT BY:	10/01/2019	WORK ORDER NO:	22102
1137 DUNDAS STREET WEST, TORONTO, ON M6J 1B5 416.736.0050 F.416.736.0021 www.krcmtr.ca					

KRCMTR

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.

Agent Cover Letter – Justification

Project No. 1808

March 12, 2019

Committee of Adjustment
City of Vaughan
Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Members of the Committee:

Re: *Minor Variance Application*
2926 Highway 7 West, City of Vaughan
Strata Park – on behalf of the City of Vaughan
Blocks 4 + 5 Plan 65M-4490

We are the agents for Royal 7 Developments Limited, owner of the lands municipally known as 2926 Highway 7 West. These lands are part of the Expo City mixed-use development, located east of Jane Street on the north side of Highway 7. This application applies to the lands located north of Expo 5 (which is the fifth and final phase of the Expo City development), which is proposed as a public park, with stratified underground commercial parking. The park will include programmable space, seating, plantings and other passive and active amenities.

Introduction and Background

The Expo City development is distinct within the Vaughan Metropolitan Centre (VMC), being the first to provide for intensification and compact development to support the recently opened TTC subway station. This was made possible by way of a 2008 Ontario Municipal Board decision, which approved high-rise residential towers on the subject site (Files Z.06.051 and 19T-00V21). This approval has specifically been recognized within the 2010 Vaughan Official Plan and VMC Secondary Plan (Policy 9.3.4), distinguishing this site from others within the VMC.

Proposed Minor Variance

The proposed minor variance is to provide for adjustments to the zoning by-law to permit an underground commercial parking facility. In particular, variances to required setbacks (below grade for the commercial parking facility and at grade for the exit stairs, air shaft, and elevator associated with the parking facility, and for the pavilion building) and permitted uses are required to facilitate the proposal.

These adjustments are minor in our opinion, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate use and development of the site. In addition, I note that the by-laws applying to the site allow for variances within the two-year time frame.

The requested variances and analysis of the four tests under Section 45(1) of the Planning Act is provided below.

Requested Variances (refer to Attachments 1, 2 and 3)

1. To permit an underground commercial parking facility and associated structures:
 - Parts 6, 7, 8, 9, 10, 16, 24, 25 (at elevation 204.5 metres, approximate grade) on the draft Reference Plan prepared by KRCMAR (dated February 21, 2019)
 - Parts 5, 6, 7, 8, 9, 10, 11, 12 (at elevation 200.0 metres, P1 Level) on the draft Reference Plan prepared by KRCMAR (dated February 21, 2019) and Block 4 of 65M-4490 (below grade);
2. To propose a minimum above grade front, rear, exterior side and interior yard setback of zero metres for the exit stairs, air shaft, elevator and pavilion building, whereas By-law 1-88 requires a 15 metre front, rear, exterior side and interior side yard setback (Schedule 'A' to By-law 1-88):
 - Pavilion Building, Exit Stairs, Air Shaft, Elevator – Parts 6, 7, 8, 9, 10, 16, 24, 25 (at elevation 204.5 metres, approximate grade) of the draft Reference Plan prepared by KRCMAR (dated February 21, 2019);
3. To propose a minimum below grade front, rear, exterior side and interior yard setback of zero metres for the underground commercial parking facility whereas By-law 1-88 requires a 1.8 metre front, rear, exterior side and interior side yard setback (Schedule 'A' to By-law 1-88):
 - Parts 5, 6, 7, 8, 9, 10, 11, 12 (at elevation 200.0 metres, P1 Level) of the draft Reference Plan prepared by KRCMAR (dated February 21, 2019) and Block 4 of 65M-4490 (below grade);

Analysis of Four Tests

1. Maintain the General Intent and Purpose of the Official Plan

The subject site is designated as "Major Parks and Open Spaces" and is adjacent to lands designated "Station Precinct". The lands designated "Station Precinct" are subject to site-specific policy 9.3.4 within the Vaughan Metropolitan Centre (VMC) Secondary Plan which provides that the site-specific zoning by-law is deemed to conform to the Official Plan, and that the secondary plan shall not prevent the consideration of minor variances to the zoning by-law that are in keeping with the objectives, policies and schedules of the secondary plan.

The general intent of the Official Plan is to provide for a diversity of open spaces that will contribute to the character of the area and provide gathering and recreation spaces for residents and visitors to the VMC. In this respect, the proposed parkland will contribute to the creation of an attractive setting for the surrounding Expo 5 buildings.

Policy 6.2.10 of the VMC provides that the appropriateness of any proposed strata park will be considered through the development application process, supported by a justification report. Policy 6.2.10(a) provides that strata arrangements for parks shall only be considered where parkland is provided at grade, is publically accessible and meets all other requirements of its respective park classification as per section 7.3.2 of the VOP; and (b) the park, together with the air rights above it, shall be in public ownership as dedicated park. Furthermore, Policy 6.2., although under appeal, provides that structures within parks associated with below grade uses, shall be integrated into the design of the open space. The intent of these policies is to provide for a public park arrangement that will be accessible and will contribute to the attractiveness of the public realm. In addition, it is the intent of these policies to ensure that any below grade structures will not have a negative impact on the design and use of the proposed park and its facilities.

In this regard, the applicant is committed to dedicating the lands as a public park and will ensure technical components of the commercial parking structure are well integrated into the design of the space.

2. Maintain the General Intent and Purpose of the Zoning By-law

The site-specific zoning by-law approved for the broader Expo 5 lands (approved in 2008 and amended in 2017), provides for high-rise, high-density residential and commercial uses on Blocks 1-5, and public parkland on Block 6. The overall intent of the site-specific by-law is to establish a network of public streets, development blocks, active public spaces and unique and iconic towers that would contribute to a dynamic environment near the Jane

Street/Highway 7 intersection and in proximity to the Vaughn Metropolitan TTC subway station.

The by-law zones the Block 6 lands as OS2 "Open Park Space Zone". The OS2 zone permits a range of recreational uses including parks, playgrounds, walking trails and picnic areas and other active and passive recreational uses. The intent of the by-law is for these zones to provide for a variety of recreational and athletic interests that provide a balance of active and passive uses. In this regard, the public park will serve as a focal point for the community and will be programmed to accommodate a diverse range of activities for users. Although a commercial parking facility is not permitted by the by-law, the proposed below-grade structure will not detract from the public realm and will still allow for the use of at-grade public park for members of the community.

3. Is Desirable for the Appropriate Development and Use of the land or building

It is desirable to provide a dedicated public park with programmable space at-grade, and an underground commercial parking facility as part of the overall redevelopment of the lands. In this regard, parking and other vehicular related functions should not detract from the use or attractiveness of the pedestrian realm. The permission of an at-grade parking with stratified parking will enhance, rather than detract, the public realm, and will contribute to the creation of a functional and attractive environment.

In addition, the parking facility will serve the broader public wishing to access both the proposed park space and the adjacent larger park to the west.

4. Is Minor

The test of minor is primarily one of impact, but also has regard to size and importance of a variance. In this regard, there would be no adverse impact on adjacent properties resulting from the variances. Rather, the underground commercial parking facility would provide parking for commercial and residential visitors and would not result in negative wind, shadow or built form impacts. The stratified parkland would provide amenity for residents, workers and visitors.

Enclosures

In support of the application, please find the following additional documents.:

- **Attachment 1:** Draft Reference Plan at Elevation 200.0 metres (prepared by KRCMAR, dated February 21, 2019) overlaid with P1 Parking Level Plan (prepared by A.J. Tregebov, dated January 29, 2019);
- **Attachment 2:** Draft Reference Plan at Elevation 204.5 metres (prepared by KRCMAR, dated February 21, 2019) overlaid with the Site Plan (prepared by DTAH, dated December 21, 2018);
- **Attachment 3:** Strata Plan of Survey (Plan 65M-4490)
- Minor Variance Application form duly authorized as required (as a **separate attachment**)

Should you require any additional information, please do not hesitate to contact me at our office at 416-947-9744.

Yours very truly,
Bousfields Inc.



Michael Bissett, MCIP, RPP

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 16, 2017

Item 13, Report No. 17, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 16, 2017.

Regional Councillor Ferri declared an interest with respect to this matter as his son is a partner of the firm that represents the applicant, and did not take part in the discussion or vote on the matter.

13

ZONING BY-LAW AMENDMENT FILE Z.16.053

SITE DEVELOPMENT FILE DA.16.111

ROYAL 7 DEVELOPMENTS LTD.

WARD 4 - VICINITY OF MAPLECRETE ROAD AND REGIONAL ROAD 7

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning, dated May 2, 2017:

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.16.053 (Royal 7 Developments Ltd.) BE APPROVED, to amend Zoning By-law 1-88 for the subject lands shown on Attachments #2 and #3, to facilitate the development of two 39-storey residential apartment (future condominium) buildings, as shown on Attachments #8 to #14, specifically to:
 - a) rezone the subject lands from C9 Corporate Centre Zone, C9(H) Corporate Centre Zone with the Holding Symbol "(H)" and OS2 Open Space Park Zone, as shown on Attachment #4, to C9 Corporate Centre Zone, C9(H) Corporate Centre Zone with the Holding Symbol "(H)" and OS2 Open Space Park Zone, in the manner shown on Attachment #6;
 - b) replace the existing Schedules "E-1376" and "E-1376-A" to site-specific Exception 9(1248) of Zoning By-law 1-88, shown on Attachments #4 and #5, with the proposed Schedules "E-1376" and "E-1376-A", in the manner shown on Attachment #6 and #7, respectively; and
 - c) permit the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report.
2. THAT the request to permit a commercial parking lot in the OS2 Open Space Park Zone in a stratified arrangement (i.e. a parking garage underneath a public park) through Zoning By-law Amendment File Z.16.053 (Royal 7 Developments Ltd.) BE DEFERRED, until such time that a Site Development Application has been submitted that takes into consideration parking requirements, vehicular circulation, access, streetscape design, and the design of the Edgeley Pond and Park.
3. THAT the Owner be authorized to apply for a Minor Variance Application to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for Zoning By-law Amendment File Z.16.053 comes in to effect, to permit minor adjustments to the implementing Zoning By-law, pursuant to Section 29(2) of the *Smart Growth for Our Communities Act* (Bill 73).

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
- TRCA – comments with conditions



COMMENTS:

☐

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

☒

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

☐

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

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance 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: MVAR.19.V.0146 (A041/19) & MVAR.19.V.0147 (A042/19) - 2926 Hwy 7 - Royal 7 Developments Ltd.

From: McMackin, Joseph <Joseph.McMackin@york.ca>
Sent: April-17-19 11:27 AM
To: Nicole Sgrignuoli <Nicole.S@cortelgroup.com>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Istafanous, Kirolis <Kirolis.Istafanous@york.ca>
Subject: RE: MVAR.19.V.0146 (A041/19) & MVAR.19.V.0147 (A042/19) - 2926 Hwy 7 - Royal 7 Developments Ltd.

Hi Pravina/Nicole,

Based on the additional information received and after reviewing the attached drawings sent, it appears that the subject site fronts off a local road and not a Regional road; therefore, our previous comments regarding the shoring infrastructure and encroachments are not applicable.

At this time, the Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Please feel free to contact me if you have any further questions or concerns.

Regards,

Joseph McMackin, B.URPI | Associate Planner
Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71516 | joseph.mcmackin@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence

Please consider the environment before printing this email.

From: Nicole Sgrignuoli [<mailto:Nicole.S@cortelgroup.com>]
Sent: Tuesday, April 16, 2019 6:50 PM
To: McMackin, Joseph
Cc: 'Michael Bissett'
Subject: RE: MVAR.19.V.0146 (A041/19) & MVAR.19.V.0147 (A042/19) - 2926 Hwy 7 - Royal 7 Developments Ltd.

Hi Joseph,

Thanks for taking my call this afternoon. This project is located at Barnes Court and Maplecrete Road just north of Highway 7. The address was given to us by the City of Vaughan as 2926 Highway 7 however it does not front onto Highway 7 therefore there will be no encroachment of tieback or shoring within the regional right of way. Please see the attached site plan and municipal address map for context.

Should you have any questions, please feel free to contact me.

Thank you,
Nicole Sgrignuoli, BURPI
Planning and Development
Nicole.s@cortelgroup.com
Office: (905)695-0800 ext. 4402
Mobile: (647)281-4284
2800 Highway 7 West. Suite 301
Vaughan, ON. L4K 1W8



Please consider the environment before printing this email.

Warning: This email is intended for the name recipient(s) above and may contain confidential information that is privileged, confidential and/or exempt from disclosure under law. Any other distribution, copying or disclosure is strictly prohibited. If you have received this message in error please notify the sender immediately and delete this e-mail message and any attachments.

April 5, 2019

CFN 60819.08
XCFN 59065.23

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Christine Vigneault
Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Vigneault:

**Re: Minor Variance Applications A041/19 & A042/19
2926 Highway 7
Block 4-5, Registered Plan 65M-4490
City of Vaughan
The Corporation of the City of Vaughan & Royal 7 Developments (Agent: Bousfields Inc.)**

This letter will acknowledge receipt of the above noted applications that were received by Toronto and Region Conservation Authority (TRCA) on April 4, 2019. TRCA staff have reviewed the applications and offer the following comments for the consideration of the Committee of Adjustment:

Background

A041/19

It is our understanding that the purpose of the above-noted application is to request the following variances:

1. To permit an underground commercial parking facility and associated structures, whereas an underground commercial parking facility is not a permitted use.
2. To permit a minimum 0.0 metre setback from any lot line for the above grade associated structures: exit stairs, air shaft, elevator and other similar items, whereas a minimum setback of 15.0 metres is required from a lot line.
3. To permit a minimum 0.0 metre setback from any lot line for all below grade structures, whereas a minimum front and exterior yard setback of 1.8 metres is required to portions of buildings below grade.

A042/19

It is our understanding that the purpose of the above-noted application is to request the following variances:

1. To permit a minimum setback of 0.0 metres from all lot lines for the underground commercial parking facility and associated structures, whereas a minimum front and exterior yard setback of 1.8 metres is required to portions of buildings below grade.
2. To permit a minimum setback of 0.0 metres from all lot lines for any above grade structure, whereas a minimum setback of 15.0 metres is required from all lot lines.

The purpose of minor variance applications A041/19 and A042/19 is to facilitate the construction of an underground parking facility and associated above ground structures.

Applicable Policies and Regulations

Ontario Regulation 166/06:

The subject property is partially within TRCA's Regulated Area of the Humber River Watershed as it is located adjacent to a valley corridor and Regional Storm flood plain associated with Black Creek. In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected. In this regard, TRCA must be contacted prior to any works taking place in the Regulated Area.

Living City Policies (LCP):

In addition, The Living Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents and guidelines.

Application-Specific Comments

As noted above, the subject property is partially within TRCA's Regulated Area of the Humber River Watershed. The limits of development for this site have been established and refined through a number of planning processes including; Draft Plan of Subdivision 19T-00V21, Official Plan Amendment OP.06.019, Zoning By-law

Amendment Z.06.051, Site Development Application DA.11.058 and the Edgeley Pond and Park Environmental Assessment and detailed design process. Furthermore, TRCA staff are currently reviewing a Site Plan Application (DA.18.050) for the 5th Phase of the Expo City project which includes the final detailed design of the future public park which will be constructed on top of the underground parking facility.

Please be advised that TRCA has issued a permit (Permit No. C-180951, issued on October 5, 2018) to facilitate excavation and construction of foundations associated with the underground parking facility. The extent of the underground parking facility in the northwestern corner of the property as shown on the submitted minor variance application, does not reflect the plans that were permitted by TRCA. TRCA have no significant concerns with the minor expansion of the underground parking facility footprint in the area, but a permit revision will be required to recognize the altered design.

For future reference, a TRCA Permit will be required pursuant to Ontario Regulation 166/06 for any work along the western edge of the property. Details with respect to the permitting process and the application form can be obtained by contacting the undersigned or visiting the following website: <http://trca.on.ca/planning-services-permits/permit-applications/>.

Fees

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,100 (*Variance – Industrial, Commercial, Subdivision, Institutional - Minor*) review fee. This review fee is separate from the fee that would be required under the permitting process pursuant to Ontario Regulation 166/06. The applicant is responsible for the fee payment and should forward the application review fee to this office as soon as possible.

Recommendations

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Applications A041/19 & A042/19 subject to the following conditions:

1. That the applicant provides the required fee amount of \$1,100 payable to the Toronto and Region Conservation Authority; and
2. That the applicant obtains a revision to TRCA Permit No. C-180951, in order to recognize the minor expansion of the underground parking facility in the northwest corner of the property.

TRCA's approval of these applications does not include any clearance and/or approvals for the outstanding technical issues associated with the related Site Development Application.

I trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Stephen Bohan
Planner, Development Planning and Permits
Development and Engineering Services
Extension 5743
Email: sbohan@trca.on.ca

cc: Michael Bissett, Bousfields Inc., (mbissett@bousfield.ca)