

**FOR COMPLETE VERSION OF THIS
REPORT PLEASE EMAIL
COFA@VAUGHAN.CA.**

File: A136/18

Applicant: 1406284 Ontario Inc.

Address: 3201 Highway 7, Concord

Agent: John Zipay
Weston Consulting Group 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	Condition(s)
	<input checked="" type="checkbox"/> Negative Comment	<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"/>
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks Department		
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Adjournment History: January 10, 2019; January 24, 2019 (see next page for details)

Background History: None.

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, June 27, 2019



Minor Variance
Application

Agenda Item: 16

A136/18

Ward: 4

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date of Hearing: Thursday, June 27, 2019

Applicant: 1406284 Ontario Inc.

Agent: John Zipay – Weston Consulting Group Inc.

Property: 3201 Hwy 7 Vaughan ON L4K 0G3

Zoning: The subject lands are zoned C9 Corporate Centre and subject to the provisions of Exception No. 9(957) under By-law 1-88 as amended.

OP Designation: OPA #500 (Corporate Centre Plan) as amended by OPA #663 (Avenue 7 Plan): "Corporate Centre Node" and identified as a "Gateway Site" (in effect)

VOP 2010: "Station Precinct" by the Vaughan Metropolitan Centre Secondary Plan (Section 11.12, Volume 2) (under appeal to the Local Planning Appeals Tribunal)

Related Files: Site Plan Application: DA.17.015

Purpose: Relief from the by-law is being requested to permit the construction of a proposed high- rise mixed-use development consisting of three (3) residential towers, townhouse units as well as a hotel to facilitate Site Plan Application DA.17.015.

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

By-law Requirement	Proposal
1. Where a building is constructed fronting onto Regional Road No. 7 (formerly Highway No. 7), a minimum of 60% of the gross floor area at the ground floor level shall be composed of commercial uses which provide individual external at-grade pedestrian access to such use.	1. To permit a minimum of 19 % of the gross floor area at the ground floor level to be composed of commercial uses which provide individual external at-grade pedestrian access to such use.
2. A maximum building height of 25 metres is permitted for all other locations outside of a Landmark Location.	2. To permit a maximum building height of 152.2 metres and 159.5 metres to the top of the mechanical penthouse for the South Tower (for all other locations outside of a Landmark Location).
3. A minimum parking space dimension of 2.7 metres x 6.0 metres is required.	3. To permit a minimum parking space dimension of 2.6 metres x 5.7 metres.
4. A minimum of 1966 parking spaces are required.	4. Despite the provisions of By-law 1-88, vis-à-vis vehicular parking requirements, the required vehicular parking for the site will be 1788 vehicle parking spaces.
5. A minimum of 9 loading spaces are required (as per a parking study report previously provided).	5. To permit a total of 4 loading spaces.
6. A loading space shall have a vertical clearance of not less than 4.2 metres.	6. To permit a loading space with a vertical clearance of 4.0 metres.
	* Variance not required as confirmed by Zoning staff.
7. A minimum setback of 1.8 metres is required.	7. To permit a minimum front yard setback (Regional Road 7) and exterior side yard setback (Interchange Way and future North -South Road) of 0.0 metres to below grade structures.
8. A minimum landscape strip width of 3.0 metres is required.	8. To permit a minimum landscape strip width of 2.4 metres along Regional Road 7, 1.9 metres along future North-South Road and 1.4 metres abutting the future southerly road (for non-residential uses, Major Streets).
9. A private amenity area or private patio is not permitted to be located within the minimum required landscape strip.	9. To permit a private amenity area or private patio within the minimum required landscape strip.
10. A setback of 0 to 3 metres is required within the Build-to-Zone area.	10. To permit a front yard setback of 3.7 metres within the Build-to-Zone area for non-residential uses.

By-law Requirement	Proposal
11. Build-To-Zone to other streets where 50% of the length of the street line shall have buildings within the build to zone: <ul style="list-style-type: none">3 to 6 metre setback required	11. Build-To-Zone to other streets where 50% of the length of the street line shall have buildings within the build to zone: <ul style="list-style-type: none">1.9 metre east yard setback from the east townhouses to future north-south road (residential uses-Other Streets)
<ul style="list-style-type: none">3 to 6 metre setback required	<ul style="list-style-type: none">2.2 metre east yard setback from the East tower to future north-south road
<ul style="list-style-type: none">3 to 6 metre setback required	<ul style="list-style-type: none">0.5 metre to 1.9 metre east yard setback from the South townhouses to future north-south road (residential uses-Other Streets.
<ul style="list-style-type: none">0 to 3 metre setback required	<ul style="list-style-type: none">3.7 metre west yard setback from the West Tower to Interchange Way (non-residential uses-Other Streets)
<ul style="list-style-type: none">0 to 3 metre setback required	<ul style="list-style-type: none">5.4 metre west yard setback from the South Tower to Interchange Way (non-residential uses-Other Streets)
12. A minimum building height of 16.5 metres is required (By-law 144-2009).	12. To permit a minimum building height of 9.75 metres (West Townhouses) and 9.75 metres (East Townhouses) and 9.0 metres for the south townhouses.
13. A maximum of 173 residential units is permitted (11,591 m2 @ 67 m2 per unit).	13. To permit a total of 1649 residential units. Variance not required as confirmed by Zoning staff.
14. An outdoor patio, as an accessory use to an Eating Establishment, shall be completely enclosed by a physical barrier.	14. To permit an Outdoor Patio, as an accessory use to the Eating Establishment in the South Tower Hotel and Condo, not to be completely enclosed by a physical barrier at the ramp (east) and the exterior stairway (west).
15.The surface of all loading spaces and related driveways and maneuvering aisles shall be paved with hot mix asphalt or concrete.	15. To permit the surface of all loading spaces and related driveways and maneuvering aisles not to be paved with hot mix asphalt or concrete.
16. Parking aisles or any area designated to accommodate vehicular traffic are not permitted within the Build -To Zone.	16. To permit parking aisles or any area designated to accommodate vehicular traffic to be permitted within the Build -To Zone.
17. A minimum of 165 short term residential bicycle parking spaces are required.	17. To permit a minimum of 116 short term residential bicycle parking spaces. *Zoning staff to confirm requirement.

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:

Hearing Date:	Members Absent from Hearing:	Status of Adjournment: (i.e. date/sine die)	Reason for Adjournment:
January 10, 2019	N/A	January 24, 2019	To permit time for the Committee to seek Legal counsel.
January 24, 2019	N/A	Sine Die	To allow the Courts to consider injunctive relief. The Committee’s decision to adjourn the application was appealed to the Local Planning Appeal Tribunal (LPAT). Please see attached correspondence (Schedule B) outlining that the issues with respect to request for injunctive relief and the LPAT appeal have been resolved.

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 June 12, 2019

Applicant confirmed posting of signage on June 4, 2019

Property Information	
Existing Structures	Year Constructed
Hotel	2006

Applicant has advised that they cannot comply with By-law for the following reason(s): On June 5, 2018 the City of Vaughan, Committee of the Whole recommended approval of Site Plan Application DA.17.015 which was subsequently approved by City of Vaughan Council on June 19, 2018 for 3 residential towers with a hotel and townhouse units. There is no zone within the current zoning by-law which is designed to accommodate the complexities and design elements of a modern project as proposed. The zoning by-law is simply outdated as it was written at a time which did not have benefit of foresight into today's context of the kind of development that is current and contemporary.

As a result, the variances are numerous. However, the buildings represent the type of development that is intended by the Official Plan and zoning by-law and while they are numerous, they are minor and represent good planning. This project was reviewed by the Urban Design Review Panel twice and several times by City staff and was revised several times until a final plan was achieved and supported. Council has approved the development subject to receiving approval of the variances which are supported by City Council and staff.

The project is located within the Vaughan Metropolitan Centre where highest buildings with the most density are supported by the Official Plan.

The committee of the Whole report of June 5, 2018 states the following:

"Minor Variances are required to permit the development. The Development Planning Department is satisfied that the proposed land uses conform to the Official Plan and that the Development is appropriate and compatible with the existing and permitted uses in the VMC."

The subject lands are zoned C9 Corporate Centre Zone with a site-specific Exception 9(957). The majority of the site is identified in the zoning by-law as a "Landmark Location along the full frontage of (Regional Road 7) and up to 50m along the flankage of (Interchange Way) which has no maximum height limit and permits the proposed uses. The two towers are located within the "Landmark" area.

The south building is located outside the "Landmark" and is subject to a height limit of 25m which necessitates a variance to accommodate the proposed south tower to a height of 152.2m in keeping with the intent of the Official Plan and complimentary with the abutting north towers.

City Council has also invoked Section 37 of the Planning Act which allows an increase in height subject to the developer providing a community contribution in-lieu-of the height increase. In this case, the developer will be contributing \$391,000.00 cash to be used for an off-site community benefit at the satisfaction of the City.

In conclusion, the project has undergone detailed review by City Staff and the Urban Design Review Panel. All have agreed that the development is appropriate, represents good planning and that the variances meet the intent of the zoning by-law, the Official Plan and are minor in nature.

Adjournment Request:

None

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply:

Building Permit No. 18-001745 for Hotel/Motel - Non-Residential Demolition, (Not Yet Issued)

The subject lands are currently being reviewed through Development Application No. 17.015.

Zoning staff to confirm requirement of variance #17 related to required bicycle parking spaces.

Building Inspections (Septic):

No comments or concerns

Development Planning:

OPA #500 (Corporate Centre Plan) as amended by OPA #663 (Avenue 7 Plan): "Corporate Centre Node" and identified as a "Gateway Site" (in effect) VOP 2010: "Station Precinct" by the Vaughan Metropolitan Centre Secondary Plan (Section 11.12, Volume 2) (under appeal to the Local Planning Appeals Tribunal)

The Owner is requesting permission to develop the subject lands with a high-rise mixed-use development consisting of 1,649 residential units, a hotel and convention centre with the above noted variances. The Owner submitted Site Development Application DA.17.015 to permit this development, which was approved by the Vaughan Committee of the Whole on June 5, 2018, and the decision was ratified by Vaughan Council on June 19, 2018.

The ground floor area will be comprised of commercial uses, the main lobby access and street townhouse units. 19% of this area will be attributed to commercial uses, whereas 60% is required.

The intent of this requirement is to create an active street frontage, which will still be maintained by also having the main lobby access on the ground floor. The Development Planning Department has no objection to Variance #1. The Subject Lands are identified as a "Landmark Location" along the full frontage of Regional Road 7 and up to 50 m along the Interchange Way flankage by the C9 Corporate Centre Zone. The south tower (46 storey / 152.2 m) does not comply with the C9 Corporate Centre Zone maximum residential building height requirement of 25 m, as it is located outside of the "Landmark Location" as shown on Schedule A2 of Zoning Bylaw 1-88. The Development Planning Department has no objection to Variance #2 as it implements the in-effect policies of OPA #500, as amended by OPA #663, which identifies the whole of the Subject Lands as a "Gateway Site", which permits unlimited building height.

The Owner proposes through this application to exercise Section 45(9) of the *Planning Act*, wherein the Vaughan Committee of Adjustment has the jurisdiction to impose conditions for the Owner to provide the following community benefits in exchange for the increased height permissions, pursuant to the policies of the VMC Secondary Plan and VOP 2010, the "City of Vaughan's Guidelines for the Implementation of Section 37 of the *Planning Act*" (the "Guidelines"), which were considered by Vaughan Council on June 19, 2018:

- i. A \$391,000 contribution towards an off-site community benefit regarding the first iconic pedestrian bridge in the Edgeley Pond and Park; and
- ii. A \$1.2 million contribution towards an on-site public art budget for the creation of a public art piece consistent with the principles of Site 10 – Private Development as, as outlined in the City's VMC Culture and Public Art Framework.

The City and Owner shall execute and register a Section 45(9) Agreement and make a cash contribution, to permit the bonussing for increased height as a condition of approval. The Section 45(9) Agreement shall contain clauses regarding the execution and registration of a Public Art Agreement to the satisfaction of the City.

The Owner has submitted a Transportation Impact Study (TIS) prepared by BA Group in support of the proposed parking supply, the dimensions of parking and loading spaces (which are consistent with the dimensions within the VMC) and reduced setback to the below grade parking area. The Development Engineering Department has reviewed the TIS and concurs with its recommendations and analysis. Accordingly, the Development Planning Department has no objection to Variances #3, 4, 5 and 14.

The proposed landscape strip widths and the various reductions to the site-specific building setbacks of the podium and tower locations within the build-to-zone implements the streetscape and public realm policies of OPA #500, as amended, and the VMC Secondary Plan to create pedestrian zones. Accordingly, the Development Planning Department has no objection to Variances #6, 7, 8, 9 and 10.

The required minimum building height of 16.5 m is reflective of the podium for the high-rise development. The proposed heights of the west and east townhouses are considered appropriate for the scale of the townhouse development. Accordingly, the Development Planning Department has no objection to Variance #11.

The Development Planning Department has no objection to Variance #12 to permit the outdoor patio accessory to the eating establishment in the South Tower Hotel and Condominium to not be completely enclosed by a barrier only at its ramp and exterior stairway access points.

The proposed surface of all loading spaces and related driveways and maneuvering aisles will consist of heavy duty pavers, which are not specifically permitted by Zoning By-law 1-88. The Development Planning Department has no objection to Variance #13.

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

The Development Planning Department recommends approval of the application, subject to the conditions below, which are to be satisfied within one year of the decision of the Committee of Adjustment:

If the committee finds merit in the application, the following conditions of approval are recommended:

1. City and the Owner shall execute and register a Section 45(9) Agreement to permit bonusing for increased building height of the South Tower, which provides for the payment and/or actual provision of community benefits calculated in accordance with the “City of Vaughan’s Guidelines for the Implementation of Section 37 of the *Planning Act*” and section 37 of the Planning Act, which comprises of:
 - a) An on-site public art contribution with a budget of \$1.2 million consistent with the principles of Site 10 – Private Development, as outlined in the City’s VMC Culture and Public Art Framework, to the satisfaction of the City;
 - b) \$391,000 cash contribution towards an off-site community benefit regarding the first iconic pedestrian bridge in the Edgeley Pond and Park, to the satisfaction of the City; and
 - c) The Section 45(9) Agreement shall contain clauses regarding the execution and registration of a Public Art Agreement that will include a requirement for the Owner to submit a Letter of Credit to the City, to address the details to commission and install a permanent piece of public art as a public contribution with a budget of \$1.2 million consistent with the principles of Site 10 – Private Development, as outlined in the City’s VMC Culture and Public Art Framework, to the satisfaction of the City.

The Owner shall develop a public art program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Public Art Agreement shall also include a requirement that the Owner shall own and maintain the public art piece(s).

2. The Owner shall provide payment of the foregoing contributions totaling \$1,591,000.00 to the City of Vaughan.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

Transportation Division of Development Engineering (DE) confirms the proposed parking variances have been approved through the Site Development application process (DA.17.015) and offers the following comment(s) listed below:

The overall parking requirement as mentioned in Table 1 is 1,965 spaces, whereas 1,788 spaces are proposed. This results in a parking deficiency of 177 spaces or a 9% deficiency.

Any parking reduction below 10% is considered to be a minor deficiency and is acceptable without the need of a parking justification study.

Several opportunities exist for the Subject Lands to support the minor parking reduction such as shared parking between the various uses on the Subject Lands. For example, the parking demand for the restaurant and retail may be alleviated by the future home owners or hotel guests attending events at the convention centre.

The Transportation Demand Management (“TDM”) Plan recommends measures to reduce automobile reliance by encouraging alternative modes of travel through the physical design and construction of the Subject Lands, as well as programs after construction through the following ‘hard’ and ‘soft’ TDM measures: slightly reduced parking supply, shared parking for uses proposed on the Subject Lands, long and short-term bicycle parking; bike repair stations; car-share program; transit information centre; and pre-loaded PRESTO cards.

The Development Engineering (DE) Department does not object to variance application A136/18 subject to the following condition(s):

1. The Owner/applicant shall obtain approval for the related Site Development Application (DA.17.015) from the Development Engineering (DE) 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:

Provision for firefighting shall comply with OBC 3.2.5 (5) meet all applicable codes and standards.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

- Agent’s cover letter – July 19, 2018
- Committee of the Whole Addendum – Tuesday June 5, 2018
- Zoning Site Plan Review – April 25, 2018
- Stikeman Elliott, Michael Currie Letter of Objection – January 10, 2019
- Overland LLP, Daniel Artenosi Letter addressing Stikeman Elliott – January 10, 2019
- Robert Paniccia, Letter of Objection – January 15, 2019
- Agent – Request to reduce variances (removal of #6 and #17) – January 16, 2019
- Stikeman Elliott, Patrick G. Duffy – Confirming matters before the courts addressed – May 6, 2019
- Local Planning Appeal Tribunal (LPAT) – Acknowledgement of withdrawal letter – May 29, 2019

Schedule C - Agency Comments

- MTO – Located outside of MTO permit control area
- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections

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 (at the time of preparation of the Staff Report, additional conditions of approval may be requested):

	Department/Agency	Condition
1	Development Engineering Steve Lysecki 905-832-8585 x 8731 steve.lysecki@vaughan.ca	The Owner/applicant shall obtain approval for the related Site Development Application (DA.17.015) from the Development Engineering (DE) Department.
2	Development Planning Christopher Cosentino 905-832-8585 215	1. City and the Owner shall execute and register a Section 45(9) Agreement to permit bonusing for increased building height of the South Tower, which provides for the payment and/or actual provision of community benefits calculated in accordance with the “City of Vaughan’s Guidelines for the Implementation of Section 37 of the <i>Planning Act</i> ” and section 37 of the Planning Act, which comprises of: a) An on-site public art contribution with a budget of \$1.2 million consistent with the principles of Site 10 – Private Development, as outlined in the City’s VMC Culture and Public Art Framework, to the satisfaction of the City; b) \$391,000 cash contribution towards an off-site community benefit regarding the first iconic pedestrian bridge in the Edgeley Pond and Park, to the satisfaction of the City; and

	Department/Agency	Condition
		<p>c) The Section 45(9) Agreement shall contain clauses regarding the execution and registration of a Public Art Agreement that will include a requirement for the Owner to submit a Letter of Credit to the City, to address the details to commission and install a permanent piece of public art as a public contribution with a budget of \$1.2 million consistent with the principles of Site 10 – Private Development, as outlined in the City’s VMC Culture and Public Art Framework, to the satisfaction of the City.</p> <p>The Owner shall develop a public art program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Public Art Agreement shall also include a requirement that the Owner shall own and maintain the public art piece(s).</p> <p>2. The Owner shall provide payment of the foregoing contributions totaling \$1,591,000.00 to the City of Vaughan.</p>

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. 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.

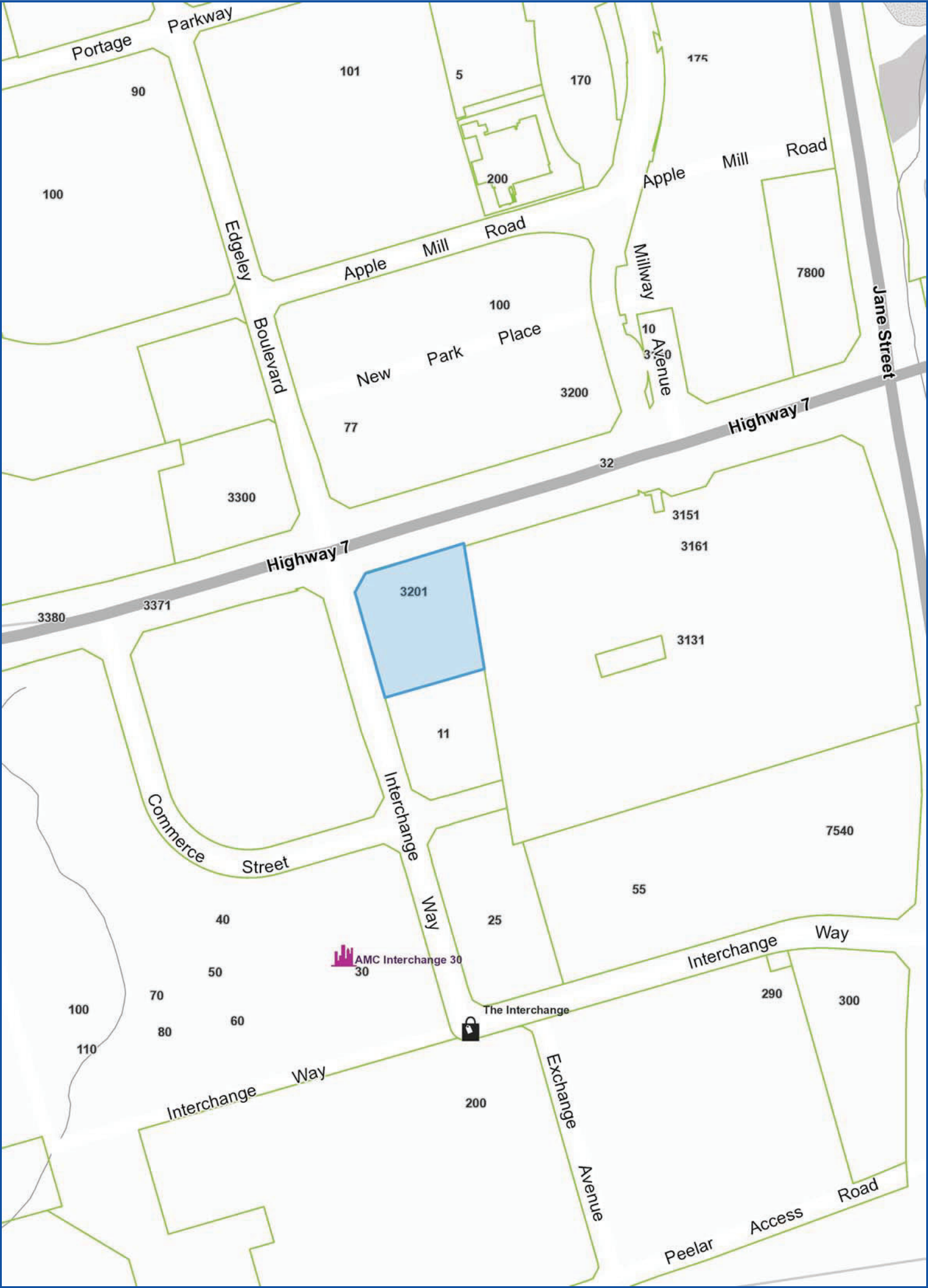
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8332
E CofA@vaughan.ca

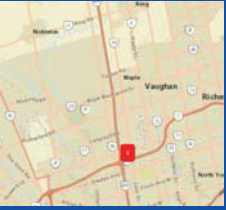
Schedule A: Plans & Sketches

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



Map Information:



Title:

3201 HIGHWAY #7, CONCORD

LOCATION MAP - A136/18

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:4,514

0 0.07 km



Created By:

Infrastructure Delivery
Department
September 12, 2018 6:50 PM

Projection:
NAD 83
UTM Zone
17N

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's cover letter – July 19, 2018

Committee of the Whole Addendum – Tuesday June 5, 2018

Zoning Site Plan Review – April 25, 2018

Stikeman Elliott, Michael Currie Letter of Objection – January 10, 2019

Overland LLP, Daniel Artenosi Letter addressing Stikeman Elliott – January 10, 2019

Robert Paniccia, Letter of Objection – January 15, 2019

Agent – Request to reduce variances (removal of #6 and #17) – January 16, 2019

Stikeman Elliott, Patrick G. Duffy – Confirming matters before the courts addressed – May 6, 2019

Local Planning Appeal Tribunal (LPAT) – Acknowledgement of withdrawal letter – May 29, 2019

Dec. 13/18, lot area variance deleted. Nov. 13/18 & Nov. 29th, the agent amended the application.
Oct. 29/18, the agent submitted amended drawings
On Aug. 15/18 the agent amended the application and added a 1.4m landscape strip



**WESTON
CONSULTING**

planning + urban design

A136/18

Clerk's Department
Level 100
2141 Major Mackenzie Drive
Vaughan ON
L6A 1T1

July 19, 2018
File 7881

Attn: Todd Coles

Dear Sir,

**RE: Application for Minor Variance
3201 Highway 7
City of Vaughan
Related File DA.17.015**

John Zipay and Associates is the planning consultant for 1406284 Ontario Inc. (Eastons Group/Gupta Group) for the lands located at 3201 Highway 7 in the City of Vaughan. Site Plan Approval (DA.17.015) for the development of three 46-55 storey residential towers with hotel and townhouse units was endorsed by the Committee of the Whole on June 5, 2018 and passed by Council on June 19, 2018. In accordance with the conditions of Site Plan Approval, we are submitting the enclosed Minor Variance Application to vary Zoning By-law 1-88 to permit the development generally in accordance with the exceptions contained in the Committee of the Whole Report dated June 5, 2018. To the best of our analysis, we have identified the following variances:

- Front yard setback of 3.7 metres whereas 0 to 3 metres is permitted for non-residential buildings;
- Exterior side yard setback of 3.7 metres (West Tower) and 5.4 metres (South Tower) whereas 0 to 3 metres is permitted for non-residential buildings;
- Exterior side yard setback of 2.6 metres (East Townhouses), 2.2 metres (East Tower Podium) and 0.4 to 2.5 metres (South Townhouses) whereas 3 to 6 metres is permitted for residential buildings;
- Rear yard setback of 4.2 metres (South Tower) whereas 0 to 3 metres is permitted for non-residential buildings;
- Rear yard setback of 2.4 metres (South Townhouses) whereas 3 to 6 metres is permitted for residential buildings;
- Gross floor area of 19% for commercial uses at the ground floor fronting onto Highway 7 of the total ground floor area whereas 60% is permitted;
- Maximum building height of 150.2 metres (South Tower) whereas 25 metres is permitted;

Vaughan Office 201 Millway Avenue, Suite 19, Vaughan, Ontario L4K 5K8 T. 905.738.8080
Toronto Office 268 Berkeley Street, Toronto, Ontario M5A 2X5 T. 416.640.9917

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Dec. 13/18, lot area variance deleted. Nov. 13/18 & Nov. 29th, the agent amended the application.
Oct. 29/18, the agent submitted amended drawings
On Aug. 15/18 the agent amended the application and added a 1.4m landscape strip



**WESTON
CONSULTING**

planning + urban design

A136/18

Clerk's Department
Level 100
2141 Major Mackenzie Drive
Vaughan ON
L6A 1T1

July 19, 2018
File 7881

Attn: Todd Coles

Dear Sir,

**RE: Application for Minor Variance
3201 Highway 7
City of Vaughan
Related File DA.17.015**

John Zipay and Associates is the planning consultant for 1406284 Ontario Inc. (Eastons Group/Gupta Group) for the lands located at 3201 Highway 7 in the City of Vaughan. Site Plan Approval (DA.17.015) for the development of three 46-55 storey residential towers with hotel and townhouse units was endorsed by the Committee of the Whole on June 5, 2018 and passed by Council on June 19, 2018. In accordance with the conditions of Site Plan Approval, we are submitting the enclosed Minor Variance Application to vary Zoning By-law 1-88 to permit the development generally in accordance with the exceptions contained in the Committee of the Whole Report dated June 5, 2018. To the best of our analysis, we have identified the following variances:

- Front yard setback of 3.7 metres whereas 0 to 3 metres is permitted for non-residential buildings;
- Exterior side yard setback of 3.7 metres (West Tower) and 5.4 metres (South Tower) whereas 0 to 3 metres is permitted for non-residential buildings;
- Exterior side yard setback of 2.6 metres (East Townhouses), 2.2 metres (East Tower Podium) and 0.4 to 2.5 metres (South Townhouses) whereas 3 to 6 metres is permitted for residential buildings;
- Rear yard setback of 4.2 metres (South Tower) whereas 0 to 3 metres is permitted for non-residential buildings;
- Rear yard setback of 2.4 metres (South Townhouses) whereas 3 to 6 metres is permitted for residential buildings;
- Gross floor area of 19% for commercial uses at the ground floor fronting onto Highway 7 of the total ground floor area whereas 60% is permitted;
- Maximum building height of 150.2 metres (South Tower) whereas 25 metres is permitted;

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- Minimum building height of 6.5 metres (West Townhouses) and 7.8 (East Townhouses) whereas 16.5 metres is permitted;
- A total of 1788 parking spaces whereas 1965 parking spaces are required;
- Parking space size of 2.7 metres by 5.7 metres whereas 2.7 metres by 6.0 metres is permitted;
- Landscape area of 2.1 metres on the front yard (Regional Road 7) and 2.4 metres of the exterior side yard (North-south Road) whereas 3 metres is required;
- Build to Zone to Major Streets where 80% of the length of the street line abutting Regional Road 7 shall have buildings located within the built to zone- 3.7 metre front yard setback from the West Tower to Regional Road 7 whereas 3 metres is required for non residential uses; and
- Build to Zone to other streets where 50% of the length of the street line shall have buildings within the built to zone-
 - 2.6 metre east yard setback from the east townhouses to future north-south road whereas 3-6 metres is required;
 - 2.2 metre east yard setback from the East tower podium to future north-south road whereas 3-6 metres is required;
 - 0.4 to 2.5 metre east yard setback from the South townhouses to future north-south road whereas 3-6 metres is required;
 - 3.7 metre west yard setback from the West Tower to Interchange Way whereas 0-3 metres is required;
 - 5.4 metre west yard setback from the South Tower to Interchange Way whereas 0-3 metres is required;
 - 4.2 metre south yard setback from the South Tower to future east-west road whereas 0-3 metres is required; and
 - 2.4 metre south yard setback from the South Tower townhouses to future east-west road whereas 3-6 metres is required.

The enclosed Zoning Site Plan Review was provided by Staff on April 25, 2018 based on an earlier Site Plan. We request that this Zoning Review be updated in accordance with the enclosed latest Site Plan, Elevations and site statistics and form the applicable proposed variances.

In support of the application, please find enclosed:

- One (1) copy of the completed and executed Minor Variance Application Form;
- Application fees in the form of one (1) cheque made payable to City of Vaughan in the amount of \$2,803.00;
- Three (3) full size copies of the updated Site Plan, Elevations and Context and Site Statistics prepared by IBI Group dated July 16, 2018;
- One (1) copy of the Planning Justification Letter prepared by John Zipay;
- One (1) copy of the Zoning Site Plan Review; and
- One (1) copy of the Committee of the Whole Addendum Agenda, June 5, 2018;

QUESTION #4

On June 5, 2018 the City of Vaughan, Committee of the Whole recommended approval of Site Plan Application DA.17.015 which was subsequently approved by City of Vaughan Council on June 19, 2018 for 3 residential towers with a hotel and townhouse units. There is no zone within the current zoning by-law which is designed to accommodate the complexities and design elements of a modern project as proposed. The zoning by-law is simply outdated as it was written at a time which did not have benefit of foresight into today's context of the kind of development that is current and contemporary.

As a result, the variances are numerous. However, the buildings represent the type of development that is intended by the Official Plan and zoning by-law and while they are numerous, they are minor and represent good planning. This project was reviewed by the Urban Design Review Panel twice and several times by City staff and was revised several times until a final plan was achieved and supported. Council has approved the development subject to receiving approval of the variances which are supported by City Council and staff.

The project is located within the Vaughan Metropolitan Centre where highest buildings with the most density are supported by the Official Plan.

The committee of the Whole report of June 5, 2018 states the following:

“Minor Variances are required to permit the development. The Development Planning Department is satisfied that the proposed land uses conform to the Official Plan and that the Development is appropriate and compatible with the existing and permitted uses in the VMC.”

The subject lands are zoned C9 Corporate Centre Zone with a site specific Exception 9(957). The majority of the site is identified in the zoning by-law as a “Landmark Location along the full frontage of (Regional Road 7) and up to 50m along the flankage of (Interchange Way) which has no maximum height limit and permits the proposed uses. The two towers are located within the “Landmark” area.

The south building is located outside the “Landmark” and is subject to a height limit of 25m which necessitates a variance to accommodate the proposed south tower to a height of 152.2m in keeping with the intent of the Official Plan and complimentary with the abutting north towers.

City Council has also invoked Section 37 of the Planning Act which allows an increase in height subject to the developer providing a community contribution in-lieu-of the height increase. In this case, the developer will be contributing \$391,000.00 cash to be used for an off-site community benefit at the satisfaction of the City.

In conclusion, the project has undergone detailed review by City Staff and the Urban Design Review Panel. All have agreed that the development is appropriate, represents

good planning and that the variances meet the intent of the zoning by-law, the Official Plan and are minor in nature.

The City will receive a large cash benefit for the increase in the height of the south tower, subject to the approval of the variance for height.

Prepared by John Zipay



**CITY OF VAUGHAN
COMMITTEE OF THE WHOLE
ADDENDUM AGENDA**

**(NOTE: ADDENDUMS WILL REQUIRE A TWO-THIRDS VOTE OF THE MEMBERS
PRESENT TO BE ADDED TO THE AGENDA)**

Tuesday, June 5, 2018

11:00 a.m.

Council Chamber

2nd Floor, Vaughan City Hall

2141 Major Mackenzie Drive

Vaughan, Ontario

Pages

**5. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION
INCLUDING MEMBERS RESOLUTION(S)**

Addendum Distribution 1

- | | | |
|------|--|-----|
| 5.32 | <i>SITE DEVELOPMENT FILE DA.17.015 ICONA HOSPITALITY INC.
VICINITY OF REGIONAL ROAD 7 AND INTERCHANGE WAY</i>
Report of the Deputy City Manager, Planning and Growth Management
with respect to the above. | 4 |
| 5.33 | <i>NEW COMMUNITY AREA - BLOCK 27 SECONDARY PLAN STUDY
FILE 26.4.1</i>
Report of the Deputy City Manager, Planning and Growth Management
with respect to the above. | 46 |
| 5.34 | <i>SITE DEVELOPMENT FILE DA.18.026 CEDAR FAIR VICINITY OF
RUTHERFORD ROAD AND HIGHWAY 400</i>
Report of the Deputy City Manager, Planning and Growth Management
with respect to the above. | 154 |
-

5.35	<p><i>OFFICIAL PLAN AMENDMENT FILE OP.17.010 ZONING BY-LAW AMENDMENT FILE Z.17.026 DRAFT PLAN OF SUBDIVISION FILE 19T-17V009 TESTON SANDS INC. VICINITY OF DUFFERIN STREET AND TESTON ROAD</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	180
5.36	<p><i>OFFICIAL PLAN AMENDMENT FILE OP.06.028 ZONING BY-LAW AMENDMENT FILE Z.06.075 RUTHERFORD LAND DEVELOPMENT CORP. VICINITY OF RUTHERFORD ROAD AND JANE STREET</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	263
5.37	<p><i>ZONING BY-LAW AMENDMENT FILE Z.17.011 SITE DEVELOPMENT FILE DA.17.023 LANDMART REALTY CORP. VICINITY OF ISLINGTON AVENUE AND RUTHERFORD ROAD</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	316
5.38	<p><i>ZONING BY-LAW AMENDMENT FILE Z.17.043 OMERS REALTY CORPORATION VICINITY OF REGIONAL ROAD 7 AND REGIONAL ROAD 27</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	348
5.39	<p><i>ZONING BY-LAW AMENDMENT FILE Z.17.024 DRAFT PLAN OF SUBDIVISION FILE 19T-17V008 NASHVILLE (BARONS) DEVELOPMENTS INC. WARD 1 - VICINITY OF HUNTINGTON ROAD AND NASHVILLE ROAD</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	365
5.40	<p><i>ZONING BY-LAW AMENDMENT FILE Z.17.022 DRAFT PLAN OF SUBDIVISION FILE 19T-17V007 NASHVILLE (BARONS) DEVELOPMENTS INC. & NASHVILLE (10 ACRES) DEVELOPMENT INC. WARD 1 - VICINITY OF HUNTINGTON ROAD AND NASHVILLE ROAD</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	452
5.41	<p><i>ZONING BY-LAW AMENDMENT FILE Z.17.044 SITE DEVELOPMENT FILE DA.17.086 YORK MAJOR HOLDINGS INC. VICINITY OF EAGLE ROCK WAY AND MCNAUGHTON ROAD EAST</i></p> <p>Report of the Deputy City Manager, Planning and Growth Management with respect to the above.</p>	544

5.42	<i>ZONING BY-LAW AMENDMENT FILE Z.16.038 SITE DEVELOPMENT FILE DA.16.046 DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) FILE 19CDM-16V006 PINE VALLEY ENCLAVE II LTD. VICINITY OF PINE VALLEY DRIVE AND LANGSTAFF ROAD</i> Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	576
5.43	<i>SITE DEVELOPMENT APPLICATION FILE DA.18.022 1845255 ONTARIO LIMITED VICINITY OF REGIONAL ROAD 50 AND NATIVIO STREET</i> Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	620
5.44	<i>ALL-WAY STOP CONTROL REVIEW BARONS STREET AND SECORD AVENUE / DANBY STREET</i> Report of the Deputy City Manager, Public Works with respect to the above.	632
5.45	<i>REQUEST FOR YORK REGION TO IMPLEMENT RECOMMENDATIONS OF THE MAJOR MACKENZIE DRIVE – McNAUGHTON ROAD TO KEELE STREET CLASS ENVIRONMENTAL ASSESSMENT</i> Resolution of Councillor Iafrate and Mayor Bevilacqua with respect to the above.	637
5.46	<i>OFFICIAL PLAN AMENDMENT FILE OP.15.007 ZONING BY-LAW AMENDMENT FILE Z.15.030 DRAFT PLAN OF SUBDIVISION FILE 19T-17V006 ISLINGTON STEELES VENTURES INC. VICINITY OF ISLINGTON AVENUE AND STEELES AVENUE WEST</i> Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	639
5.47	<i>ZONING BY-LAW AMENDMENT FILE Z.17.042 SITE DEVELOPMENT FILE DA.17.109 VEDETTE WAY HOMES LIMITED VICINITY OF WESTON ROAD AND CANADA DRIVE</i> Report of the Deputy City Manager, Planning and Growth Management with respect to the above	733

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 4

**TITLE: SITE DEVELOPMENT FILE DA.17.015
ICONA HOSPITALITY INC.
VICINITY OF REGIONAL ROAD 7 AND INTERCHANGE WAY**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.17.015 for the Subject Lands shown on Attachments #1 and #2 to permit the development shown on Attachments #3 to #12 consisting of the following:

- East and West Towers: 2 residential buildings (1,256 units), 55-storeys, connected by a 5-storey podium with ground floor retail, amenity area and 8 at-grade 2-storey townhouse units; and,
- South Tower: 46-storey mixed-use building comprised of 8 at-grade 2-storey townhouse units, 17-storeys for a hotel (260 rooms), a convention centre and 29-storeys for residential uses (377 apartment units).

Report Highlights

- The Owner proposes to develop the Subject Lands with a high-rise mixed-use development including 1649 residential units, a hotel and a convention centre all served by 6 levels of underground parking in the Vaughan Metropolitan Centre ("VMC").
- Minor Variances are required to permit the development.
- The Development Planning Department is satisfied that the proposed land uses conform to the Official Plan and that the Development is appropriate and compatible with the existing and permitted uses in the VMC.
- The Owner has requested an increase in the permitted building height (for the south portion of the site) in return for community benefits, pursuant to Section 37 of the *Planning Act*, including \$1.2 million towards public art; and \$391,000 towards the first iconic pedestrian bridge in the Edgeley Pond and Park.

Recommendation

1. THAT Site Development File DA.17.015 (Icona Hospitality Inc.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to the satisfaction of the City, to permit two 55-storey residential towers (1264 units), a 46-storey mixed-use building including 17-storeys for a hotel and 29-storeys (385 units) for residential uses and a convention centre, as shown on Attachments #3 to #12:
 - a) that prior to the execution of the Site Plan Agreement and final approval of the site plan drawings to be attached thereto:
 - i) the Development Planning Department shall approve the final site plan, building elevations, landscape plan and cost estimate, signage design sun/shadow study; and wind tunnel model analysis;
 - ii) the Owner shall successfully obtain approval from the Vaughan Committee of Adjustment and/or the Local Planning Appeal Tribunal, to:
 - a). vary Zoning By-law 1-88 to permit the development of the Subject Lands, together with the site-specific development exceptions identified in Tables 1 and 2 of this report, including the increase in building height for the South Tower, which approval shall be subject to conditions of approval in relation to Section 37 community benefits pursuant to subsection 45(9) of the *Planning Act*; and
 - b). permit the bonussing for increased building height in return for the following community benefits, pursuant to Section 37 of the *Planning Act*, the policies of VOP 2010, and the City of Vaughan's "Guidelines for the Implementation of Section 37 of the Planning Act":
 - i. a \$391,000 contribution towards an off-site community benefit regarding the first iconic pedestrian bridge in the Edgeley Pond and Park; and
 - ii. a \$1.2 million contribution towards an on-site public art budget for the creation of a public art piece consistent with the principles of Site 10 - Private Development, as outlined in the City's VMC Culture and Public Art Framework;
 - iii) the Owner shall enter into a Section 37 Density Bonusing Agreement (the "Section 37 Agreement") with the City as a condition of minor variance and/or Local Planning Appeal Tribunal approval, if the increase in building height for the South

Tower described in Condition a) ii) a) above is approved. The Section 37 Agreement will be executed by the Mayor and the City Clerk, pursuant to Section 37 of the *Planning Act*, to permit the bonussing for increased building height for the South Tower shown on Attachments #3 to #12 in return for the following community benefits, pursuant to Section 37 of the *Planning Act*, the policies of VOP 2010, and Guidelines for the Implementation of Section 37 of the *Planning Act*:

- a) an on-site public art contribution with a budget of \$1.2 million consistent with the principles of Site 10 - Private Development, as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City; and
- b) \$391,000 contribution towards an off-site community benefit regarding the first iconic pedestrian bridge in the Edgeley Pond and Park, to the satisfaction of the City.

Payment of the Section 37 amount, in the form of \$391,000 (off-site contribution) and \$1.2 million (on-site contribution) shall occur prior to the execution of the implementing Site Plan Agreement. The \$1.2 million Letter of Credit shall be transferred to the agreement identified in Condition iv) below (the "Public Art Agreement") upon the execution of the Public Art Agreement. Furthermore, the Owner shall pay to the City the Section 37 Agreement surcharge fee in accordance with the Tariff of Fees By-law 018-2018 for Planning Applications for the preparation of the Section 37 Agreement;

- iv) the Owner and the City shall execute a Public Art Agreement that will include a requirement for the Owner to submit a Letter of Credit to the City, to address the details to commission and install a permanent piece of public art as a public art contribution with a budget of \$1.2 million consistent with the principles of Site 10 - Private Development, as outlined in the City's VMC Culture and Public Art Framework, to the satisfaction of the City. The Owner shall develop a public art program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Public Art Agreement shall also include a requirement that the Owner shall own and maintain the public art piece(s);
- v) the Owner shall submit to the City the final 3D digital model of the Development, which shall include accurate geo-referenced digital data, as outlined in the final VMC Submission Protocol, to the satisfaction of the Development Planning Department. If the 3D digital model of the Development has not been completed by the

Owner and provided to the City prior to the execution of the Site Plan Agreement, the Owner shall provide a separate Letter of Credit in a format satisfactory to the City in the amount of \$20,000.00 to guarantee the completion of the 3D digital model;

- vi) the Development Engineering Department shall approve the final site servicing and grading plan, sediment control plan, utility plan, geohydrology assessment, air quality study, geotechnical report, noise and vibration feasibility study, transportation impact study, functional servicing and stormwater management report, exterior street and site lighting plan, and dewatering plan;
- vii) the Development Engineering Department shall approve the final construction management plan that identifies such matters as staging, phasing, building material storage, contractor parking and construction access, and the Owner shall enter into an Encroachment Agreement with the City;
- viii) the Owner shall enter into a Development Agreement, if required, to advance the necessary servicing, road improvements on Interchange Way from Regional Road 7 to the terminus point at Interchange Way and provisions for the future east-west and north-south roads. The Agreement may include but not be limited to the requirement for front-end financing, cost-sharing, land acquisition, detailed design and construction of all facilities as identified in the ultimate road cross section of the VMC Secondary Plan. The Owner may be eligible for some cost recoveries through the City's Development Charges fund, to the satisfaction of the City;
- ix) the Owner shall satisfy all the requirements of the Environmental Services Department, Solid Waste Management Division. Upon a successfully completed Application, site inspection and executed Agreement as determined by the City, the future Condominium Corporation will be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future Condominium Corporation;
- x) the Owner shall satisfy all requirements of Alectra Utilities Corporation;
- xi) the Owner shall satisfy all requirements of York Region;
- xii) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority;

- xiii) the Owner shall satisfy all requirements of the Ministry of Transportation; and
 - xiv) the Owner shall satisfy all requirements of Canada Post;
 - b) that the implementing Site Plan Agreement shall include the following provisions:
 - i) The Owner shall pay to Vaughan, by way of certified cheque, cash-in-lieu of the dedication of parkland for high-density residential at a fixed rate per unit in accordance with the *Planning Act* and the City's Cash-in-Lieu Policy and 2% shall be paid for the commercial component in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands, for the commercial component prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment;
 - ii) The Owner shall pay to Vaughan all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board, prior to the issuance of any Vaughan Building Permit;
 - iii) Should archeological resources be found on the property during construction, the Owner must cease all construction activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division;
 - iv) In the event human remains are encountered during construction, the Owner must cease all construction activities and contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division;
 - v) The submission of an Record of Site Condition acknowledged by the Ministry of the Environment and Climate Change shall be required prior to the issuance of a Building Permit;
- 2. THAT prior to the issuance of any Vaughan Building Permit(s) the Owner shall pay or post securities to the City for the applicable Area Specific Charges related to the VMC West Interchange Sanitary Sewer Improvements, VMC SE Doughton

Sanitary Sewer Improvements, and the VMC-Interchange SWM Pond Retrofit Works to the satisfaction of the City.

3. THAT Vaughan Council adopt the following resolution for allocation of water and sewage servicing capacity:

“IT IS HERBY RESOLVED THAT Site Plan Development File DA.17.015 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 1,649 residential units (3,658 persons equivalent).”

4. THAT prior to the execution of the Site Plan Agreement, the Owner shall agree to resolve their appeal (Appeal #164) to Vaughan Official Plan 2010, to the satisfaction of the City Solicitor.

Background

The 1.17 ha Subject Lands (“the Subject Lands”) are located at the southeast corner of Regional Road 7 and Interchange Way (3201 Regional Road 7) as shown on Attachments #1 and #2, and are developed with a 6-storey hotel (Hilton Garden Inn).

The Owner has appealed Vaughan Official Plan 2010 (“VOP 2010”) as it applies to the Subject Lands and therefore, OPA #500 (Vaughan Corporate Centre Plan, as amended), is in-effect on the Subject Lands.

The Owner on September 7, 2016, submitted an Appeal (File No. 111184) to the then Ontario Municipal Board (“OMB”), now the Local Planning Appeal Tribunal (the “LPAT”), pursuant to Section 17 (40) of the Ontario *Planning Act* for the Approval Authority’s (York Region) failure to make a decision within 180 days on the Vaughan Official Plan 2010 (“VOP 2010”), specifically the Vaughan Metropolitan Centre Secondary Plan (the “VMC Secondary Plan”) regarding the Subject Lands. The appeal has not been resolved to date, as such the Application is subject to the in-effect policies of OPA #500 (Vaughan Corporate Centre Plan), as amended by OPA #663 (The Avenue 7 Plan).

Should Council approve the Application, the Owner is required to resolve their Appeal #164 to VOP 2010 regarding the Subject Lands to the satisfaction of the City Solicitor. A condition of approval is included in the Recommendations to this effect.

A Site Development Application has been submitted to permit the Development

The Owner has submitted Site Development File DA.17.015 (“the Application”) on the Subject Lands shown on Attachments #1 and #2 to permit the Development (“the Development”) shown on Attachments #3 to #12 consisting of the following:

- East and West Towers: 2 residential buildings (1256 units), 55-storeys, connected by a 5-storey podium with ground floor retail, amenity area and 8 at-grade 2-storey townhouse units; and,

- South Tower: 46-storey mixed-use building comprised of 8 at-grade 2-storey townhouse units, 17-storeys for a hotel (260 rooms), a convention centre and 29-storeys for residential uses (377 apartment units).

Previous Reports/Authority

N/A

Analysis and Options

The Development is consistent with the Provincial Policy Statement (2014)

The Provincial Policy Statement (the “PPS”) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean, safe, liveable, and healthy environment. Part V – “Policies” of the PPS states (in part) the following:

1.1.1 Healthy, liveable and safe communities are sustained by (in part):

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and*
- d) *promoting cost-effective Development patterns and standards to minimize land consumption and servicing costs.*

1.1.3.1 Settlement Areas (in part):

The vitality of settlement areas is critical to the long term economic prosperity of communities. It is in the interest of all communities to use land and resources efficiently, to promote efficient Development patterns, protect resources, and ensure effective use of infrastructure.

1.1.3.1 *Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

1.1.3.2 *Land use patterns within settlement areas shall be based on:*

- a) *densities and a mix of land uses which:*
 - i) *efficiently use land and resources;*

- 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;*
- iii) *support active transportation;*
- iv) *are transit-supportive, where transit is planned, exists or may be developed; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

Housing (in part)

- 1.4.3. *planning authorities shall provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents of the regional market area by:*
- c) *directing the Development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
 - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.*

The Development is located in the VMC, an identified intensification area where municipal services are available and planned to accommodate high density development that supports population and employment growth projections in the City. The Development includes 1649 residential units that consists of one, two and three-bedroom units and townhouses within residential apartment buildings at a density that efficiently uses land, infrastructure and services and contributes to the overall range of housing options that would meet Vaughan's housing needs. The Development utilizes the Subject Lands more efficiently, takes advantage of existing and protects for planned infrastructure within the built-up area, and reduces land consumption and servicing costs and efficiently utilizes land and resources within a designated Urban Growth

Centre (a “UGC”) that supports surrounding higher-order transit investments. The Development is consistent with the policies of the PPS and contributes to a healthy, livable and safe community.

The Development conforms with the Growth Plan for the Greater Golden Horseshoe (2017)

The *Provincial Growth Plan for the Greater Golden Horseshoe* (the “Growth Plan”) is intended to guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

Managing Growth (in part)

Policies 2.2.1.1 and 2.2.1.2 of the Growth Plan state that the forecasted population and employment growth identified will be used for planning and managing growth to the horizon of the Growth Plan, and the forecasted growth will be allocated based on the following (in part):

- c) *within settlement areas, growth will be focused in:*
 - i) *delineated built-up areas;*
 - ii) *strategic growth areas;*
 - iii) *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv) *areas with existing or planned public service facilities;*

Policy 2.2.1.4 further states that the Growth Plan will support the achievement of complete communities that (in part):

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- e) *ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards; and*

- g) *integrate green infrastructure and low impact development.*

Urban Growth Centres (in part)

Policy 2.2.3.1 states that Urban Growth Centres will be planned:

- a) *as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses;*
- b) *to accommodate and support the transit network at the regional scale and provide connection points for inter-and intra-regional transit;*
- c) *to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and*
- d) *to accommodate significant population and employment growth.*

The Development is located within the VMC, the City's planned downtown and a designated UGC. The Development supports the UGC designation by providing a mix of uses that are located adjacent to Bus Rapid Transit on Regional Road 7 and approximately 185 m from the VMC Subway Station. The residents of the Development would be well-served by a full range of uses, including retail, hotel, convention centre and an eating establishment.

The Development would contribute to achieving a complete community by providing a range of residential apartment unit types with at-grade retail uses that are convenient and accessible to the residents of the VMC. High-quality building design and streetscape would promote a high-quality of life where the demand of vehicles is reduced because of the proximity of the Subject Lands to higher-order transit and existing and planned land uses.

The Development conforms with the Growth Plan as it makes more efficient use of the Subject Lands and existing infrastructure, is located adjacent to existing higher-order transit and provides housing options and commercial/retail uses that support the transportation investments in the VMC.

The Development conforms to the York Region Official Plan 2010

The Subject Lands are designated "Urban Area" by the York Region Official Plan 2010 (the "YROP") and located within a "Regional Centre."

Policy 5.4.5 states that development within Regional Centres and Corridors be of an urban form and design that is compact, mixed-use, oriented to the street, pedestrian- and cycle-friendly, and transit supportive. Policy 5.4.9 states that all new buildings shall front onto streets with main entrances designed to face a public street and provide a pedestrian-friendly urban form.

Policy 5.4.19 states that the Regional Centres will contain a wide range of uses and activities, and be the primary focal points for intensive development, that concentrates residential, employment, live-work, mobility, investment, and cultural and government functions. Policy 5.4.20 further identifies that the planning and implementation of Regional Centres will provide the following:

- a) the greatest intensity of development within the Region;*
- b) a diverse mix of uses and built form, to create vibrant and complete communities including living, working, shopping, and entertainment opportunities; and*
- c) mobility choices and associated facilities for all residents and employees for walking, cycling, transit, and carpooling, which shall be supported through the preparation of a mobility plan.*

The Development consists of 1,649 residential units that range from one to three-bedrooms and includes 16 townhouses which contribute to a diverse housing stock in the Region. The Development is located immediately adjacent to higher-order transit, which would provide transit opportunities and choices (i.e. subway, bus stop, and rapid transit along Regional Road 7) for the future residents to meet their mobility needs. The Development is urban and compact in form. The buildings are oriented and designed to include the main entrances with access to Regional Road 7, to provide a pedestrian-friendly urban form that integrates with, and is enhanced by, the high-quality streetscape.

The Development conforms to the YROP as it includes a mix of residential unit types and contributes to a range of housing choices in the City and commercial/retail uses. It also supports an urban and integrated transportation system within a Regional Centre as a focus of economic activity and culture, and contributes to a high-quality and sustainable community in the VMC.

The Development conforms to the in-effect Official Plan, being OPA #500 (the “Vaughan Corporate Centre Plan”), as amended

- a) Vaughan Corporate Centre Plan (OPA #500), as amended

The Subject Lands are designated “Corporate Centre Node” and are identified as a “Gateway Site” by in-effect OPA #500 (Vaughan Corporate Centre Plan) as amended by OPA #663 (Avenue 7 Plan). This designation permits hotels, convention centres, civic uses, all types of retail, medium and high density residential uses and townhouse and apartment dwelling units, together with unlimited building height at a “Gateway Site” and no Floor Space Index (“FSI”) limit on any individual site.

The Vaughan Corporate Centre Plan envisions a 100 m x 100 m road and block pattern within the Corporate Centre Node, identifies Interchange Way as a minimum 26 m wide collector road and protects for two future 17 m to 20 m wide local roads along the south and east property lines of the Subject Lands. Retail uses are encouraged within all developments within the Corporate Centre Node and buildings shall be designed so that all elevations facing a street present “a front” elevation.

The Development conforms to the use, height, density and design policies of the Official Plan and protects for a 33 m wide right-of-way for Interchange Way and two future 22 m wide local roads along the south property line (east-west) and along the east property line (north-south), as shown on Attachments #3 to #6.

b) Vaughan Official Plan 2010, Volume 2, Section 11.12 Vaughan Metropolitan Centre Secondary Plan

The Subject Lands are designated Station Precinct with a maximum Floor Space Index (“FSI”) of 5.0 times the area of the lot and a maximum building height of 30-storeys by the VMC Secondary Plan, which was partially approved by the then OMB in June 2017. The Station Precinct permits hotels, conference facilities, all types of retail, service commercial, public uses and residential dwellings.

The VMC Secondary Plan identifies Interchange Way as a 28-33 m major collector street and protects for two future 20-22 m wide local roads along the south and east property lines. All streets in the Plan shall be built with pedestrian zones (including sidewalks) on both sides, street trees and vehicular and pedestrian scale lighting. The VMC Secondary Plan encourages, but does not require retail along Interchange Way and the future east-west road.

Public Art is encouraged and considered an important element of the public realm, adding culture, beauty and interest. The VMC Secondary Plan enables increases in building height and or density in accordance with Section 37 of the *Planning Act* in return for the provisions of community benefits.

High-rise buildings are most appropriate in the Station Precinct and may contain a range of uses. High-rise buildings generally shall take a podium (3-6 storey maximum) and tower form with minimum of 25 m distance between towers. All buildings in the VMC should be finished with high quality materials, incorporate green roofs, include internal loading and services areas and underground parking.

The Development shown on Attachments #3 to #12, contains a range of permitted uses in a podium and tower built form including apartment and townhouse residential dwelling units; at-grade retail along Regional Road 7; and a hotel and convention centre with a lounge, restaurant and an at-grade patio on Interchange Way and the future east-west road. The podium is 5-storeys and the towers are spaced greater than 25 m apart and are designed with high quality materials and green roofs.

The Development protects for the widening of Interchange Way to 33 m and the two future 22 m wide local roads which are designed with pedestrian zones, trees and street lighting. The Development will be served by internal loading and service areas and 6 levels of underground parking. The Owner has retained a Public Art Consultant to develop a Public Art Program with a budget of \$1.2 million and will enter into a Section 37 Agreement with the City to secure community benefits.

Although, the Owner has submitted an appeal to the LPAT respecting the VMC Secondary Plan policies as they apply to the Subject Lands and the Application is being reviewed under the Official Plan policies of OPA #500, as amended, the Development has considerable regard for and conforms to the use, street network, streetscape, public art, built form, massing, tower setback, design and parking policies of the VMC Secondary Plan.

A Minor Variance Application(s) for site-specific zoning exceptions to the C9 Corporate Centre Zone standards is required to permit the Development

The Subject Lands are zoned C9 Corporate Centre Zone by Zoning By-law 1-88 and further subject to site-specific Exception 9(957). The Subject Lands are identified as a “Landmark Location” along the full frontage (Regional Road 7) and up to 50m along the flankage (Interchange Way) by the C9 Corporate Centre Zone, which does not place a cap on the maximum building height and permits a full range of residential and commercial uses, including apartment dwelling units, townhouse units, hotel and convention centre and mixed-use buildings. The Subject Lands are also subject to the provisions of By-law 144-2009, which establishes a minimum building height of 16.5 m for most properties on the north and south sides of Regional Road 7 between the CN Railway Classification Yard and Ansley Grove Road. The following exceptions to the C9 Corporate Centre Zone standards (Table 1) and By-law 144-2009 (Table 2) are required to facilitate the Development:

Table 1

	By-law Standard	C9 Corporate Centre Zone, Exception 9(957) Requirement	Proposed Exception to C9 Corporate Centre Zone, Exception 9(957)
a.	Minimum Gross Floor Area (“GFA”) at the Ground Floor Level Devoted to Commercial Uses for Buildings Fronting onto Regional Road 7	60% of the total GFA	19% of the total GFA

	By-law Standard	C9 Corporate Centre Zone, Exception 9(957) Requirement	Proposed Exception to C9 Corporate Centre Zone, Exception 9(957)
b.	Maximum Building Height for Residential and Non-Residential Uses Located Outside of a Landmark Location	25 m	152.2 m south tower
c.	Minimum Parking Space Dimension	2.7 m x 6 m	2.6 m x 5.7 m
d.	Minimum Parking Requirements	<p>761 units (1 bedroom) @ 0.7 space/unit = 533 parking spaces</p> <p>737 units (2 bedroom) @ 0.9 space/unit = 664 parking spaces</p> <p>135 units (3 bedroom) @ 1 space/unit = 135 parking spaces</p> <p>16 Townhouse units @ 1 space/unit = 16 parking spaces</p> <p>Visitor Parking @ 0.15 space/unit (1,649) = 248 parking spaces</p> <p>260 Hotel Rooms @ 0.75 space/room = 195 parking spaces</p> <p>375 m² Eating Establishment @ 6 spaces/100m² = 23 parking spaces</p>	<p>Total Residential Parking Proposed:</p> <p>1649 units @ 0.82 spaces/unit = 1353 parking spaces</p> <p>Total Residential Visitor 1649 units @ 0.15 spaces/unit = 248 parking spaces</p> <p>Total Residential Hotel 260 Rooms @ 0.75 spaces/unit = 195 parking spaces</p>

	By-law Standard	C9 Corporate Centre Zone, Exception 9(957) Requirement	Proposed Exception to C9 Corporate Centre Zone, Exception 9(957)
		<p>1,074m² Banquet Area @ 3 spaces/100m² = 33 parking spaces</p> <p>1,043m² Retail Area @ 2 spaces/100m² = 21 parking spaces</p> <p>3,230m² Convention Centre @ 3 spaces/100m² = 97 Parking Spaces</p> <p>Total Parking Required = 1,965</p>	Total Parking Provided = 1796 spaces
e.	Minimum Number of Loading Spaces	9	4
f.	Minimum Loading Space Dimension	3.5 m x 9 m with a vertical clearance of 4.2 m	3.5 m x 9 m with a vertical clearance of 4 m (only 1 of 4 proposed loading spaces)
g.	Minimum Front and Exterior Side Yard Setbacks to Below Grade Structure	1.8 m	<ul style="list-style-type: none"> Front - Regional Road 7 - 0 m Exterior Side Yard - 0 m (Interchange Way and the future north-south road)
h.	Minimum Landscape Strip Width	3 m	<ul style="list-style-type: none"> 2.1 m (Regional Road 7) 2.4 m (future North-South Road)
i.	Location of Non-Residential Uses	0 - 3 m maximum from major streets and other streets	<ul style="list-style-type: none"> 3.7 m - West Tower (Interchange Way)

	By-law Standard	C9 Corporate Centre Zone, Exception 9(957) Requirement	Proposed Exception to C9 Corporate Centre Zone, Exception 9(957)
	<p>Within the Build-to-Zone Measured from the Street line(s) to the Podium</p> <p>Location of Non-Residential Uses Within the Build-to-Zone Measured from the Street line(s) to the Tower(s)</p>	<p>0 - 3 m maximum from major streets and other streets</p>	<ul style="list-style-type: none">▪ 3.7 m - West Tower (Regional Road 7)▪ 5.4 m - South Tower (Interchange Way)▪ 4.2 m - South Tower (future east-west road)
j.	<p>Location of Residential Uses Within the Build-to-Zone Measured from the Street line(s) to the Podium</p> <p>Location of Residential Uses Within the Build-to-Zone Measured from the Street line(s) to the Tower(s)</p>	<p>3 - 6 m maximum from major streets and other streets</p> <p>3 - 6 m maximum from major streets and other streets</p>	<ul style="list-style-type: none">▪ 2.6 m - East Tower Townhouses (future north-south road)▪ 2.2 m - East Tower (future north-south road)▪ 2.4 m - South Tower Townhouses (future east-west road)▪ 2.5 m - South Tower Townhouses (future north-south road)

Table 2

	By-law 1-88 Standard	By-law 144-2009 Requirement	Proposed Exception to By-law 144-2009 Requirement
a.	Minimum Building Height	16.5 m	<ul style="list-style-type: none">▪ 6.5 m (west townhouses)▪ 7.8 m (east townhouses)

The Development Planning Department supports the proposed site-specific zoning exceptions in Table 1 and 2

The Owner has submitted a Transportation Impact Study prepared by BA Group in support of the proposed parking supply, the dimensions of a parking and loading spaces, reduced setback to the below grade parking area and the location of the surface parking spaces. The Development Engineering Department has reviewed the study and concurs with its recommendations and analysis. Accordingly, the Development Planning Department can support these zoning exceptions.

The proposed landscape strip widths and the various increases and the site-specific building setbacks of the podium and tower locations within the build-to-zone implements the streetscape and public realm policies of OPA #500, as amended, and the VMC Secondary Plan to create pedestrian zones.

The Subject Lands are identified as a "Landmark Location" along the full frontage of Regional Road 7 and up to 50m along the Interchange Way flankage by the C9 Corporate Centre Zone. The south tower (46 storey / 152.2 m) does not comply with the C9 Corporate Centre Zone maximum residential building height requirement of 25 m, as it is located outside of the "Landmark Location" as shown on Schedule A2 of Zoning By-law 1-88.

The proposed building height for the south tower can be supported by the Development Planning Department as it implements the in-effect policies of OPA #500, as amended by OPA #663, which identifies the whole of Subject Lands as a "Gateway Site", and which permits unlimited building height. In addition, OPA #500, as amended, establishes a block and road pattern of 100 m x 100 m streets, and permits the City to consider variations to the grid if the development proposal satisfies the overall objectives of the Plan. The Subject Lands have a 106 m frontage along Regional Road 7 and a 123 m flankage along Interchange Way, which enables a transit oriented mixed-

use development that conforms to the objectives of OPA #500, as amended, and has regard for the VMC Secondary Plan.

As mentioned above, in-effect OPA #500, as amended, permits unlimited building height at "Gateway Sites", whereas the VMC Secondary Plan permits a maximum building height of 30-storeys on the Subject Lands. The Owner will be required to provide community benefits pursuant to Section 37 of the *Planning Act* in return for the increase in building height for the south tower to the satisfaction of the City, as discussed in this report as a condition of approval to the pending Minor Variance Application.

The Owner shall successfully obtain approval of a Minor Variance Application(s) for the required exceptions to Zoning By-law 1-88 as identified in Tables 1 and 2 of this report, and the increase in building height for the South Tower, which will enable the Section 37 policies of VOP 2010 to be employed as a condition of any approval for the increase in building height, from the Vaughan Committee of Adjustment. A condition to this effect is included in the Recommendation of this report.

The Development represents good planning. The Owner will provide community benefits in exchange for increased building height, pursuant to Section 37 of the Planning Act

To permit the Development, the Owner proposes to vary the C9 Zone standards to increase the permitted building height for the south tower from 25 m to 152.2 m. Pursuant to Section 37 of the *Planning Act*, the policies of the VMC Secondary Plan and VOP 2010, and the Guidelines for the Implementation of Section 37 of the *Planning Act*, an increase in building height may be authorized in return for the provision of community benefits. The City supports the minor variances identified in Tables 1 and 2 of this report, including the increase in building height for the South Tower, provided that certain conditions are attached to the variances. One such condition provides that any increase in height above 25 metres for the South Tower will be subject to a \$391,000 cash payment, and a \$1.2 million Letter of Credit in the form of Section 37 community benefits. The Owner has agreed to provide these community benefits in exchange for the increased building height, and the Vaughan Committee of Adjustment and the LPAT have the jurisdiction to impose such a condition pursuant to Subsection 45(9) of the *Planning Act*.

Sections 10.1.2.9 of VOP 2010 and 8.1.23 of the VMC Secondary Plan include policies to permit bonusing for increased building height in return for the provision of community benefits in the form of facilities, services or other matters provided that the following criteria are met:

a) Good Planning

The Development must represent good planning by addressing the policies of Provincial Plans and the City and Region Official Plans respecting but not limited to urban design, public realm, infrastructure and built form.

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan and the York Region Official Plan. The Development conforms to the use, height, density and design policies of the in-effect OPA 500, as amended, and protects for a 33 m wide right-of-way for Interchange Way and two future 22 m wide local roads along the south property line (east-west) and along the east property line (north-south).

The Development contains a range of permitted uses in a podium and tower form including: apartment and townhouse residential dwelling units; at-grade retail along Regional Road 7; and a hotel and convention centre with a lounge, restaurant and an at-grade patio on Interchange Way and the future east-west road. The podium is 5-storeys and the towers are spaced greater than 25 m apart and are designed with high quality materials and green roof(s).

The Development protects for the widening of Interchange Way to 33 m and the two future 22 m wide local roads which are designed with enhanced pedestrian zones, trees and street lighting. The Development will be served by internal loading and service areas and 6 levels of underground parking. The Development has considerable regard for and conforms to the use, street network, streetscape, public art, built form, tower setback and parking policies of the VMC Secondary Plan.

Therefore, in consideration of the above, the Development represents good planning.

b) Community Benefits

The community benefits must bear a reasonable planning relationship to the increase in the building height of the Development. The Official Plan identifies many benefits that may qualify, including:

- Public art contributions;
- Cultural facilities, such as a performing arts centre, amphitheatre or museum;
- Special park facilities and improvements identified by the City as desirable for the area, but which are beyond the City's standard levels of service or facilities; and
- Other community facilities identified by the City as desirable for the VMC, but which are not accommodated in the City's standard levels of service.

In accordance with the City's "Guidelines for the Implementation of Section 37 of the *Planning Act*", the City and the Owner have agreed to the following community benefits:

i) Public Art (On-Site Benefit)

Public art improves the public realm and contributes to the creation of a sense of place. The Owner has retained a Public Art Consultant to develop a Public Art Program for the Development with a budget of \$1.2 million which will identify potential locations, scale, site lines, prominence, safety, ownership and maintenance of the public art. The Public Art Program will be brought forward to a future Design Review Panel meeting and subsequently to Vaughan Council for their consideration.

In accordance with the policies of the VMC Public Art Framework ("PAF") the Owner will be required to execute a separate Agreement that will include a requirement for the Owner to submit a Letter of Credit to the City, to address the details to commission and install a permanent piece of public art as a public art contribution consistent with the principles of Site 10 - Private Development, as outlined in the VMC PAF to the satisfaction of the City. The Owner shall develop a Public Art Program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Agreement will include a requirement for the Owner to own and maintain the public art piece.

ii) Edgeley Pond and Park (Off-Site Benefit)

Community benefits may include specific capital facilities that benefit the area where the development is located such as open spaces, which are intended to maintain or improve quality of life in the area.

The development of social infrastructure (e.g. schools, parks, emergency services, places of worship, etc.) is as important as the development of buildings as a contributor to place making to enhance the character and identity of the VMC and ensure that the community is supported by these necessary amenities and facilities.

"The Guidelines for the Implementation of Section 37 of the *Planning Act*" identifies that a reasonable planning relationship between the community benefit and the Development refers to geographic proximity. The highest priority would be for community benefits in the immediate vicinity of the Subject Lands, and then within the local area.

Therefore, the off-site contribution as part of this Development is being prioritized for facilities in the City's first publicly-owned open space in the downtown, the Edgeley Pond and Park which is approximately 500 m from the Subject Lands. The Owner has agreed to contribute \$391,000.00 towards this off-site community benefit which is expected to open in 2021. The first iconic pedestrian bridge, which provides support for active transportation and connectivity in the VMC, is currently underfunded and consequently has been deferred to later phases of the park development. This contribution would advance this critical and high priority park feature and would benefit the community and its emerging social infrastructure.

c) Adequate Infrastructure

It is the City's intent to deliver the planned and orderly development of the VMC through provisions for adequate infrastructure that support the increase in building height. The infrastructure improvements through the existing regional bus network, the Spadina Subway extension, the YRRTC Bus Terminal and the VivaNext BRT that are currently built or under construction, are infrastructure improvements that support the Development.

The Owner's Section 37 contribution to the Edgeley Pond and Park would benefit the future residents of the Development and others in the VMC, and the visitors to the VMC. The City's goal is to achieve a true mixed-use downtown.

Should the Application be approved, the Owner and the City shall execute a Section 37 Agreement to permit an increase in the maximum permitted building height, prior to the execution of the site plan agreement. The Owner shall pay to the City the Section 37 Agreement surcharge fee, in accordance with the Tariff of Fees By-law 018-2018 for Planning Applications. A condition to this effect is included in the Recommendations of this report.

Vaughan Development Planning Department, Urban Design and Cultural Heritage Division supports the Development subject, to the conditions in this report

a) Site Plan Review

The site plan shown on Attachments #3 and #4 includes two, 55-storey residential apartment buildings (east and west towers) along Regional Road 7, connected by a 5-storey podium, with retail and amenity uses at grade and 8 grade related 2-storey townhouses. The south tower consists of a 17-storey hotel (260 rooms) and 29-storeys of residential units with an eating establishment at grade and a convention centre on the second floor spanning over the access onto the future east-west public road connecting to the 8 grade related 2-storey townhouses.

One of the main entrances for the east and west towers is proposed on the north elevation facing Regional Road 7 through to a second courtyard entrance with a pick-up and drop-off area. The south tower will include separate entrances for the hotel and residential uses located on the north elevation facing the courtyard and a pick-up and drop-off area.

The Subject Lands will be served by a right-in/right-out access onto Regional Road 7 and Interchange Way and a full moves access onto the future east-west and north-south 22 m wide public road. The plan provides for a total of 1788 parking spaces comprised of 17 spaces at grade and 1771 spaces within 6 levels of underground parking and independent loading areas and parking ramps are integrated into each building to minimize visibility from all public roads.

b) Landscape Plan

The landscape plan shown on Attachments #5 and #6 includes a generously planted courtyard, main entrance, outdoor amenity terraces and perimeter planting with the use of coniferous and deciduous trees, shrubs and ornamental grasses. Green roof planting will be provided on levels 2 and 3 of the south tower over the convention centre and townhouse units and on level 2 of the west tower podium. Hardscaped pedestrian connections are provided throughout the site, to and from the main entrances, the courtyard, parking areas and the local and arterial road network.

c) Building Elevations

The building elevations shown on Attachments #7 to #12 consist of clear vision glass for the podium and dark grey stone at the base with red and purple glass accents over the main entrance along Regional Road 7, along the roof line of the east and west towers and between the hotel and residential floors of the south tower. The convention centre will be clad with woven white and dark grey metal panels. The grade related townhouse units will be designed with clear vision glass, wood and dark grey stone.

The Development Planning Department is satisfied with the Development as shown on Attachments #3 to #12, subject to the conditions included in the Recommendations section of this report.

d) Design Review Panel ("DRP")

The Design Review Panel ("DRP") on November 24, 2016, considered the first iteration of the proposed development and provided the following comments on the overall site organization and massing:

- Maintaining the existing hotel building is resulting in huge trade-offs for the project, and lost opportunity costs for the overall development;
- Explore alternative options for relocating the hotel uses and providing built form frontage along the local roads;
- Develop a stronger relationship to the surrounding context and planned vision for the neighbourhood, including future public street frontages, mid-block connections, parks and open spaces;
- Provide a more human scale through the design of the Regional Road 7 podium massing and streetscape treatment; and
- Reconsider tower massing to minimize the slab presence.

The DRP on April 27, 2017, considered the second iteration of the proposed development which addressed the Panel's earlier comments and provided additional comments on the refined design based on the following themes:

- Surface parking is to be reduced or eliminated;
- Greater at-grade amenity in the courtyard is required, servicing areas should be reduced, public art should be included and a strong mid-block landscape connection should be created;
- The bus stop should be relocated to accommodate a central access and mid-block connection;
- Consider transferring some density to the south-west corner in a different form, like townhouses to create a full perimeter building the frames a true courtyard;
- Strengthen the north-south pedestrian connection.

Following a series of design workshops to prioritize design matters raised by both the DRP and Staff, the Department is satisfied that the Owner has addressed the comments of the DRP for the Development, subject to the Recommendations in this report.

e) VMC Culture & Public Art Framework

Chapter 3 of the VMC Culture & Public Art Framework (the “VMC PAF”) identifies the Subject Lands as a private development site appropriate for public art. The public art must be distinctive and publicly accessible within the development, and must be in a prominent location(s) such as a major entrance or setback area of the street. The intent is to create a culturally rich public realm that is both beautiful and engaging. The Owner has retained a Public Art Consultant to develop a Public Art Program with a budget of \$1.2 million which will identify potential locations, scale, site lines, prominence, safety, ownership and maintenance. The Public Art Program will be brought forward to a future Design Review Panel meeting and subsequently to Vaughan Council for their consideration.

In accordance with the policies of the VMC PAF the Owner will be required to execute a separate Agreement that will include a requirement for the Owner to submit a Letter of Credit to the City, to address the details to commission and install a permanent piece of public art as a public art contribution consistent with the principles of Site 10 - Private Development, as outlined in the VMC PAF to the satisfaction of the City. The Owner shall develop a public art program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Agreement will include a requirement for the Owner to own and maintain the public art piece. A Condition to this effect is included in the Recommendations of this report.

f) 3D Digital Model

The Owner is required to submit a 3D digital model of the development with accurate geo-referenced digital data as outlined in the final VMC Submission Protocol to the satisfaction of the Development Planning Department. If the 3D digital model is not completed by the Owner and provided to the City prior to the execution of the Site Plan Agreement, the Owner shall provide a separate Letter of Credit in a format satisfactory

to the City in the amount of \$20,000.00 to guarantee the completion of the 3D digital model. A condition to this effect is included in the Recommendations of this report.

g) Cultural Heritage Division

In areas that have been cleared of concern for archeological resources, the Owner is advised that:

- i) Should archeological resources be found on the property during construction, the Owner must cease all construction activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division; and,
- ii) In the event human remains are encountered during construction, the Owner must cease all construction activities and contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

A condition to include these clauses in the implementing Site Plan Agreement is included in the Recommendations of this report.

Draft Plan of Condominium Application(s) will be required to establish the condominium tenure for the Development

Should Council approve the Application, the proposed condominium tenure for the Development on portion(s) thereof, inclusive of the common elements, will be created through a future Draft Plan Condominium Application(s), which is subject to Council approval.

The Vaughan Development Engineering ("DE") Department supports the Development, subject to the conditions in this report

The Development Engineering ("DE") Department has provided the following comments on the Development:

a) Road Network and Access

The Subject Lands have excellent access to public transit infrastructure, a bus stop on Interchange Way, Bus Rapid Transit ("BRT") on Regional Road 7, and the VMC Subway Station. The BRT provides east-west travel opportunities within Vaughan and beyond in York Region and service is expected to expand to Light Rail Transit ("LRT") in the future.

The Subject Lands are located 185 m, a 3-minute walk, from the VMC Subway Station at Millway Avenue, providing excellent access to the Toronto-York Spadina Subway

Extension. The Subject Lands have access to several transit routes including bus service on Interchange Way, and access to the future SmartCentres Place Bus Terminal, which is located north of the VMC Subway Station and is scheduled to open in the Summer of 2018.

Adequate access is proposed to serve the Development for both the interim and ultimate condition. For the interim, the Subject Lands will be served by two right-in/right-out ("RIRO") accesses, including one access on Interchange Way and the other on Regional Road 7.

To help expedite the planned road network of the VMC Secondary Plan and provide better access to the site, the Owner has agreed to provide the ultimate cross section on Interchange Way from Regional Road 7 to Interchange Way. The road widening will include a four-lane cross section with a centre-median, sidewalks and bicycle facilities and auxiliary lanes at intersections. The design will accommodate midblock U-turn pockets at two separate locations to improve porosity and access to the Subject Lands and the overall road network.

Enhancements to the existing pedestrian and cycling network are proposed. Currently, there are no bicycle facilities on Interchange Way, however through the road improvements mentioned above enhanced facilities will be provided for both pedestrians and cyclists in the form of wider sidewalks and cycling facilities separated from the vehicular traffic. These pedestrian and bicycle facilities will be provided for the entire segment of Interchange Way and will connect with the Regional cycling facilities on Regional Road 7 and beyond.

With the realization of the ultimate road network, the interim Regional Road 7 RIRO access will be relocated to the future north-south local road straddling the east property line. Protection for a 3rd access has also been secured through the site design for a driveway to be located on the future east-west local road straddling the south property line.

The overall parking requirement as mentioned in Table 1 is 1,965 spaces, whereas 1,796 spaces are proposed. This results in a parking deficiency of 177 spaces or a 9% deficiency. Any parking reduction below 10% is considered to be a minor deficiency and is acceptable without the need of a parking justification study. Several opportunities exist for the Subject Lands to support the minor parking reduction such as shared parking between the various uses on the Subject Lands. For example, the parking demand for the restaurant and retail may be alleviated by the future home owners or hotel guests attending events at the convention centre.

The Transportation Demand Management ("TDM") Plan recommends measures to reduce automobile reliance by encouraging alternative modes of travel through the physical design and construction of the Subject Lands, as well as programs after construction through the following 'hard' and 'soft' TDM measures: slightly reduced parking supply, shared parking for uses proposed on the Subject Lands, long and short-

term bicycle parking; bike repair stations; car-share program; transit information centre; and pre-loaded PRESTO cards.

Prior to the execution of the Site Plan Agreement, the Owner shall enter into a Development Agreement, if required, to advance the necessary servicing, road improvements on Interchange Way from Regional Road 7 to the terminus point at Interchange Way and provisions for the future east-west and north-south roads. The Agreement may include, but not be limited to, the requirement for front-end financing, cost-sharing, land acquisition, detailed design and construction of all facilities as identified in the ultimate road cross section of the VMC Secondary Plan. The Owner may be eligible for some cost recoveries through the City's Development Charges fund. A condition to this effect is included in the Recommendations of this report.

b) Municipal Servicing

The Owner has submitted a Functional Servicing and Stormwater Management Report prepared by Schaeffers & Associates Ltd. in support of the Application. The report has been reviewed by the DE Department and the Owner shall revise the report and plans to address comments respecting; sanitary sewer analysis; maximum ponding depth on the green roofs; design of the storm service connection; groundwater discharge facilities; and the proposed sewer design for the future local roads.

c) Hydrogeological and Geotechnical Report

The Owner has submitted a Hydrogeological Report prepared by Mc Clymont & Rak Engineers Inc. The DE Department has reviewed the report and concurs that dewatering requirements be implemented in the Development. The Owner shall provide details for the sub-floor Private Water Drainage System ("PWDS") design for the Development.

The Owner has also submitted a Supplementary Geotechnical Report prepared by Mc Clymont & Rak Engineers Inc. The DE Department has reviewed the report and requires the Owner to provide an addendum letter to include the recommended pavement structure for the Interchange Way widening and future local roads including mitigation measures in the event that non-ideal conditions are encountered during road construction.

d) Sewage and Water Servicing Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City. Accordingly, servicing capacity for the Development (Site Development File DA.17.015) is available and unrestricted. A resolution to allocate servicing capacity to the Development is recommended for Council's approval, and is included in the Recommendations of this report.

e) Development Agreement / Encroachment Agreement

The Owner shall enter into Development Agreement, to satisfy all conditions, financial or otherwise, of the City with regard to such matters the City may consider necessary.

The Owner shall pay Area Specific Development Charge ("ASDC") for the VMC West Sanitary Trunk Sewer and Interchange Pond Retrofit Works as identified in the Recommendations of the approved Vaughan Metropolitan Centre Master Servicing Plan or provide financial security based on the City's latest available cost estimates for the required infrastructure improvements and secured through the Development Agreement, to the satisfaction of the City.

The Owner shall also enter into an Encroachment Agreement to satisfy all conditions, financial or otherwise, of the City regarding the shoring system, hoarding, construction access, crane swing and dewatering.

f) Environmental Site Assessment, Air Quality Study and Noise and Vibration Study

The Owner has submitted a Phase One Environmental Site Assessment prepared by Mc Clymont & Rak Engineers, an Air Quality Study prepared by Amec Foster Wheeler and a Noise and Vibration Feasibility Study prepared by HGC Engineering in support of the Application. The DE Department concurs with the findings of these reports and has no objection to the Development, subject to clauses being included in the implementing Site Plan Agreement respecting a Record of Site Condition ("RSC") acknowledged by Ministry of the Environment and Climate Change ("MOECC"); air quality mitigation measures and standard warning clauses and noise control mitigation measures.

Vaughan Environmental Services Department, Solid Waste Management Division has no objection to the Development

The Solid Waste Management Division has reviewed the Application, which includes a tri-sorting waste management system on every floor and a waste storage room for the 16 townhouse units. The final waste management plan and waste collection design standards submission shall be approved to the satisfaction of the Division. Upon a successfully completed Application, site inspection and executed Agreement as determined by the City, the future Condominium Corporation will be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future Condominium Corporation(s). Conditions to this effect are included in the Recommendations of this report.

Office of the City Solicitor, Real Estate Department requires a condition to be included in the Site Plan Agreement

The Real Estate Department provided the following condition to be included in the Site Plan Agreement:

“For high-density residential development, the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a fixed rate per unit in accordance with the *Planning Act* and the City's Cash-in-Lieu Policy and 2% shall be paid for the commercial component in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands, for the commercial component prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”

The Owner shall satisfy all requirements of the Ministry of Transportation (“the MTO”)

The MTO has advised that the Subject Lands are located within the MTO Permit Control Area and as such, a MTO Building and Land Use Permit is required prior to the commencement of any on-site construction or work, and a MTO Sign Permit maybe required for any proposed signage that is located within 400 m and visible from of the Controlled-Access Highway. The Owner shall satisfy all requirements of the MTO respecting engineering plans and traffic. A condition to this effect is included in the Recommendations of this report.

Toronto and Region Conservation Authority (the “TRCA”) has no objection to the Development, subject to the conditions identified in this report

The TRCA has advised that given that the Subject Lands do not discharge directly into a watercourse, are not located within the TRCA regulated area and are considered relatively small in area, the final review and approval of the stormwater management design and erosion and sediment details are deferred to the Vaughan DE Department. The TRCA has no objection to the Development subject to the Owner addressing minor comments respecting groundwater management and sediment control details. The Owner shall address the requirements of both the Vaughan DE Department and the TRCA. Conditions to this effect are included in the Recommendations of this report.

Canada Post has no objection to the Development

Canada Post has advised that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post's specifications are met. The Owner is required to supply, install and maintain a centralized mailbox facility.

NavCanada and Bombardier Aerospace have no objection to the Development

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service ("ANS") and Bombardier Aerospace, owner and operator of the Toronto Downsview Airport, has advised that they have no objection to the Development.

The York Region School Boards have no objection to Development

The York Catholic and the York District School Boards have advised they have no comment or objection to the Development. The York District Board has also advised that they will not require a public elementary school site within the Development.

The various utilities have no objection to the Development

Alectra Utilities Corporation has indicated no objection to the Development. It is the Owner's responsibility to contact Alectra and discuss all aspects of the Development respecting electrical supply, transformer location and access, and minimum clearance to overhead and underground electrical distribution systems.

Enbridge Gas Distribution ("Enbridge") has no objection to the Development and has advised that it is the Owner's responsibility to contact Enbridge with respect to service and meter installation and gas main relocation and easements, if required at no cost to Enbridge respectively.

Bell Canada has no objection to the Development and has advised that it is the Owner's responsibility to contact Bell with respect to connections, easements and locates.

Financial Impact

N/A

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has advised that they have no objections to the Development, in principle. The Owner shall satisfy all requirements of York Region with respect to property requirements, streetscape encroachment, encroachment agreement(s), dewatering, erosion and sediment control, shoring, hoarding, crane swing, construction site management, median construction, access construction, boulevard restoration, fees and securities, streetscaping, a Transportation Demand Management Plan, Mobility Study, civil engineering works and construction within the Regional right-of-way and be required to enter into a Regional Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

Conclusion

Site Development File DA.17.015 has been reviewed in consideration of the policies of the PPS and Growth Plan, the York Region and Vaughan Official Plans, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the area context.

The Development Planning Department is satisfied that the Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region and VOP 2010, and that the proposed high-rise residential and mixed-use development for

1,649 residential units, a hotel and convention centre served by 6 levels of underground parking will contribute to the continued evolution of the Vaughan Metropolitan Centre.

The Development and required exceptions to the C9 Corporate Centre Zone are appropriate and compatible with the planned uses in the surrounding area and conform to the Official Plan. The Development Planning Department is also satisfied that the Development represents good planning for the reasons identified in this report and the Owner's contribution of community benefits are appropriate. Accordingly, the Development Planning Department can support the approval of Site Development File DA.17.015, subject to the Recommendations of this report.

For more information, please contact: Christina Napoli, Senior Planner at Extension 8483.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan: Current Road Condition
4. Site Plan: Future Road Condition
5. Landscape Plan: Current Road Condition
6. Landscape Plan: Future Road Condition
7. North Elevation
8. West Elevation
9. East Elevation
10. South Elevation
11. Perspective – North Buildings
12. Perspective – South Building

Prepared by

Christina Napoli, Senior Planner, ext.8483

Carmela Marrelli, Interim Senior Manager of Development Planning, ext.8791

Mauro Peverini, Director of Development Planning, ext.8407

/CM



Context Location Map

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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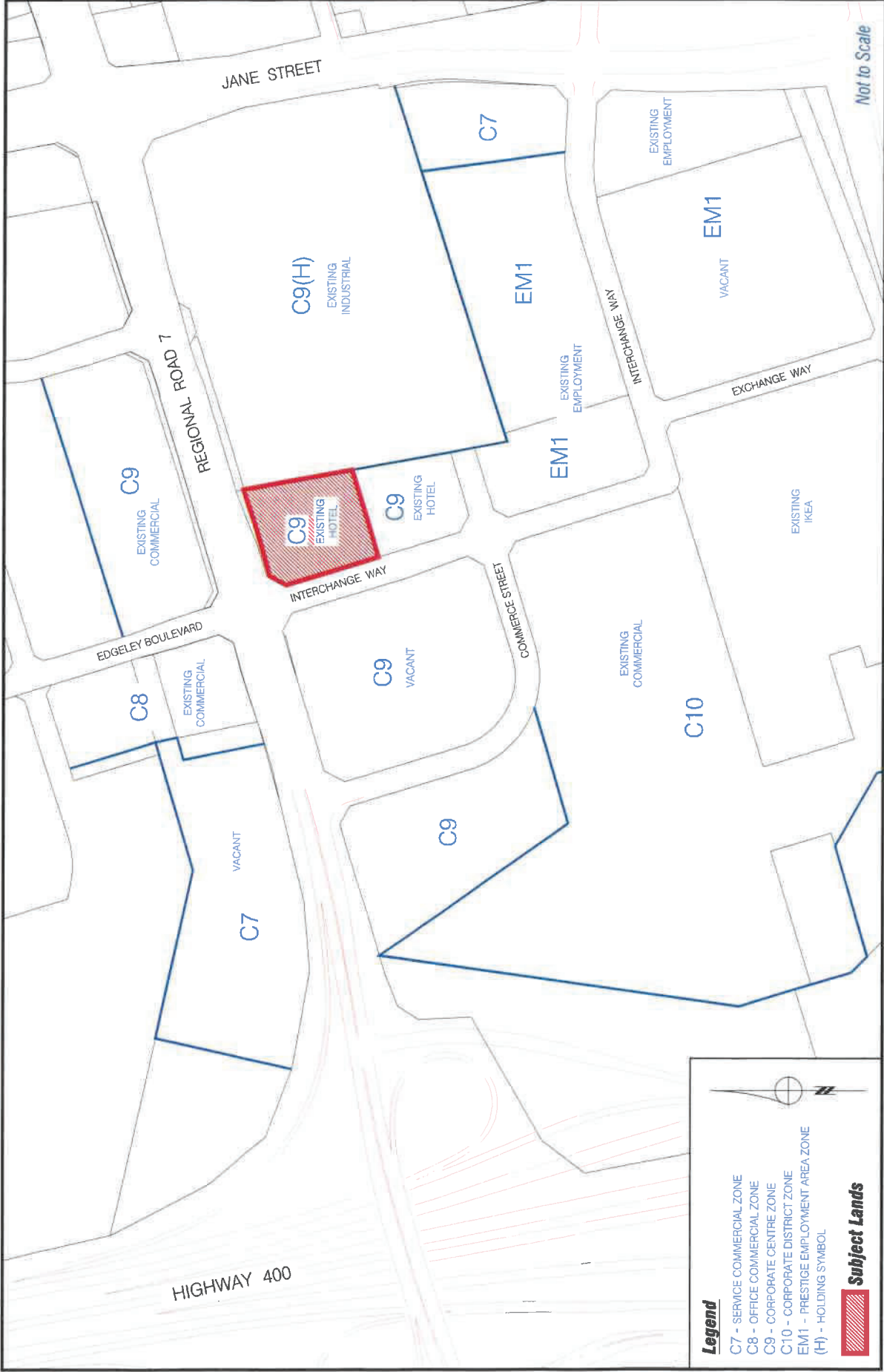


Attachment

FILE:
DA.17.015

DATE:
June 5, 2018

1



Location Map

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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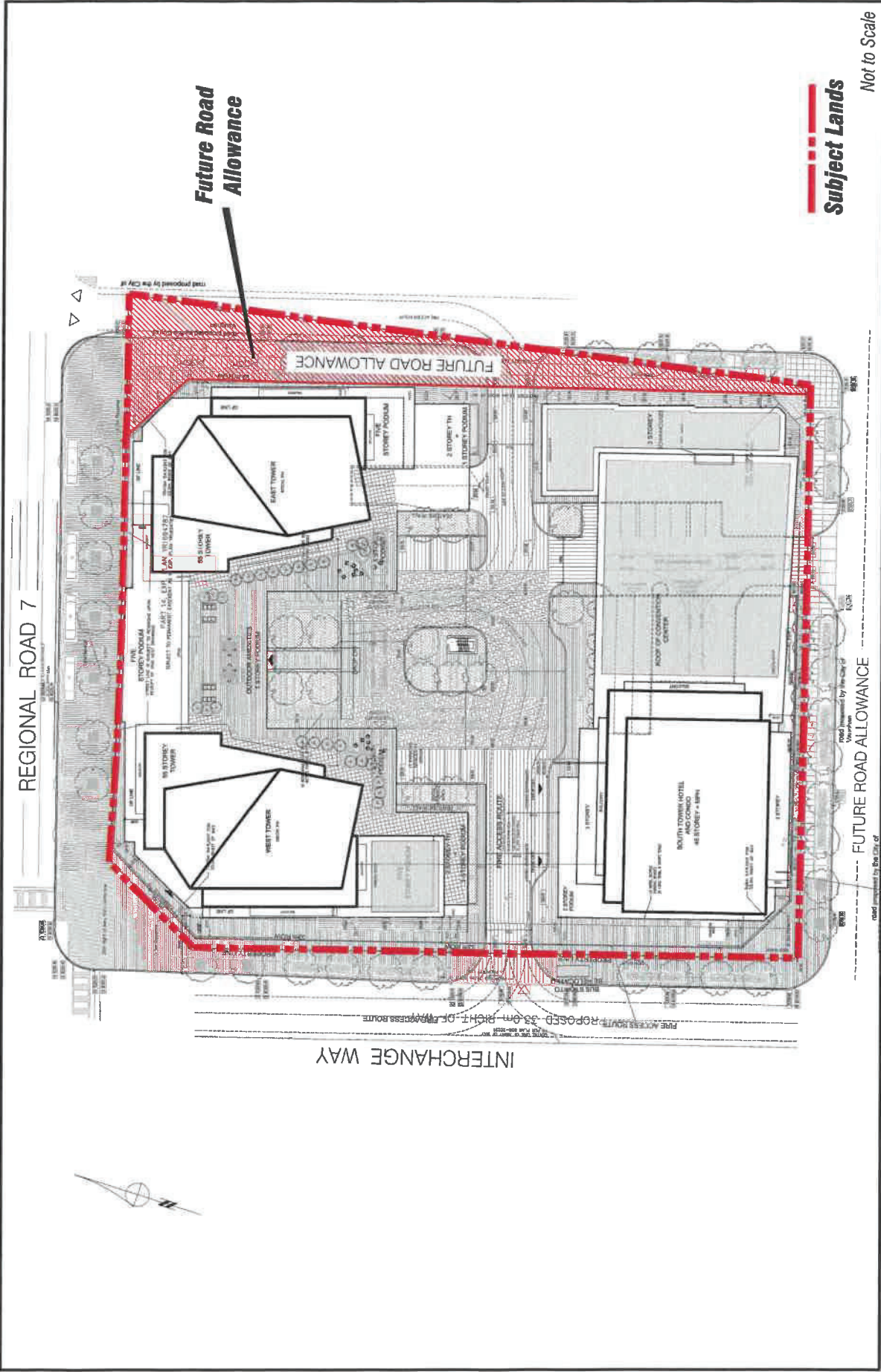
VAUGHAN
Development Planning
Department

Attachment

FILE:
DA.17.015

DATE:
June 5, 2018

2



Site Plan: Future Road Condition

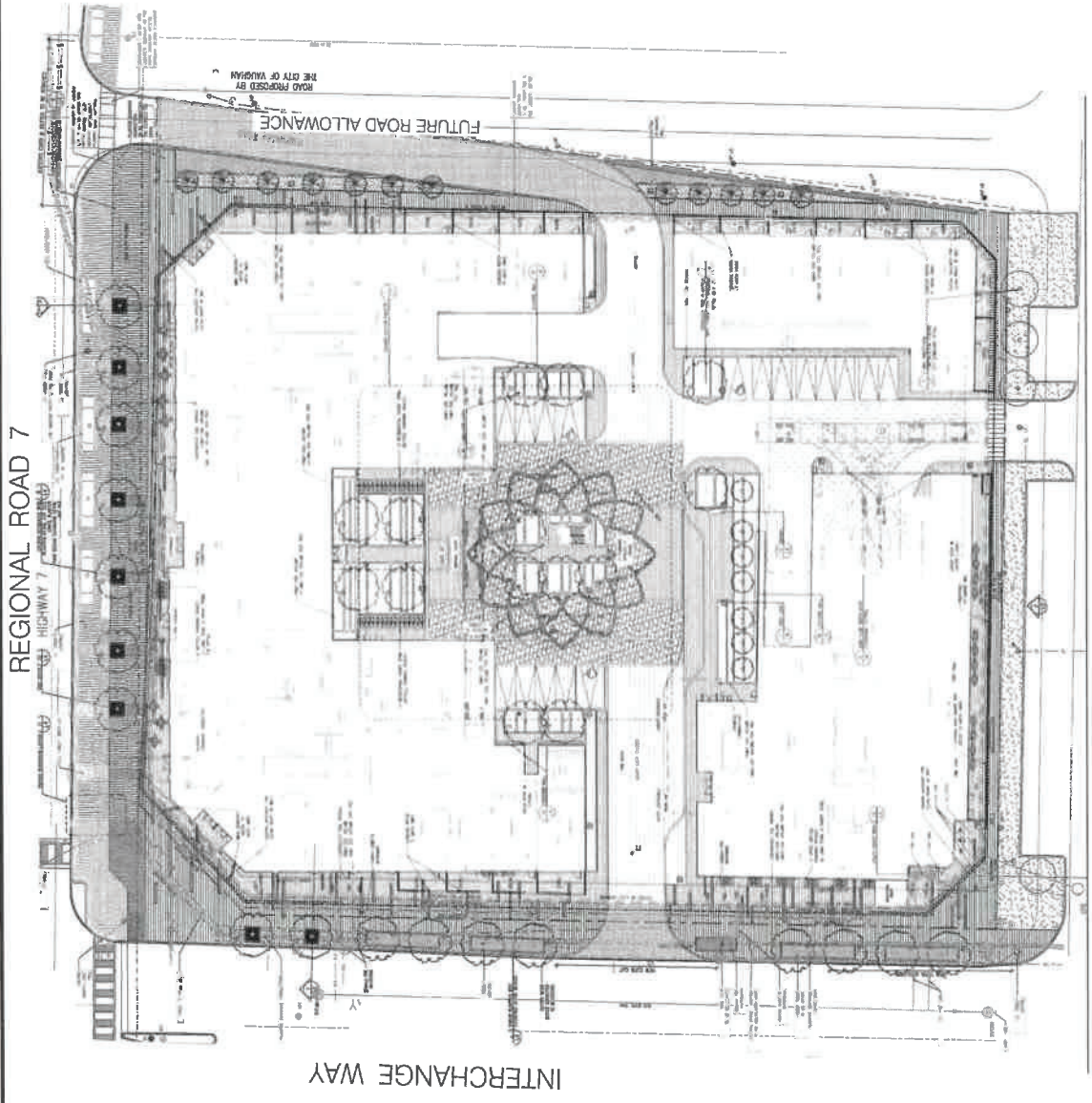
LOCATION:
Part of Lot 5, Concession 5
APPLICANT:
Icona Hospitality Inc.
N:\GIS_Archive\Attachments\DA\da.17.015.dwg



Attachment

FILE:
DA.17.015
DATE:
June 5, 2018

4



Not to Scale

Landscape Plan: Current Road Condition

APPLICANT: Icona Hospitality Inc. LOCATION: Part of Lot 5, Concession 5

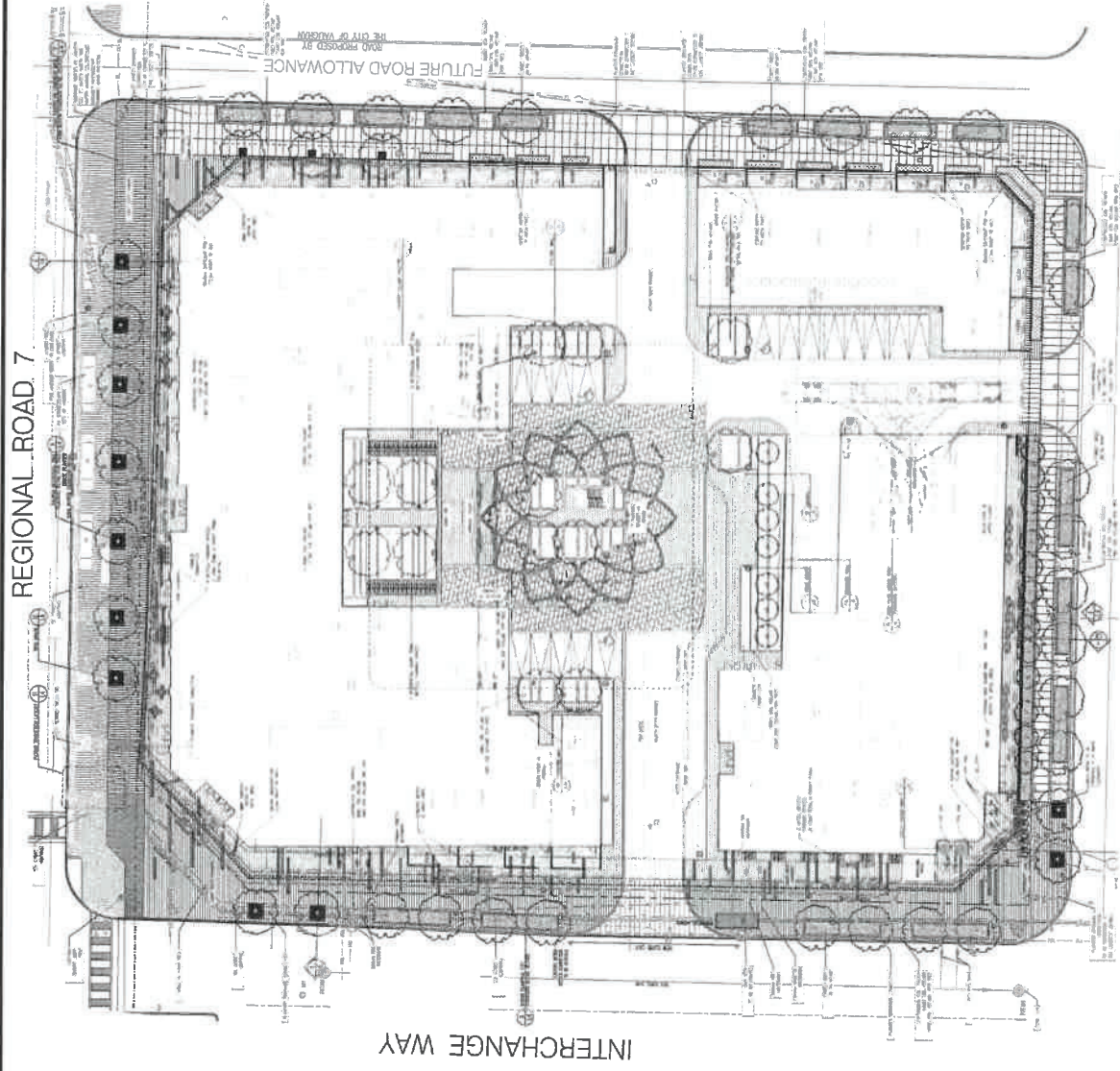
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Attachment

FILE: DA.17.015
DATE: June 5, 2018

5



Not to Scale

Landscape Plan: Future Road Condition

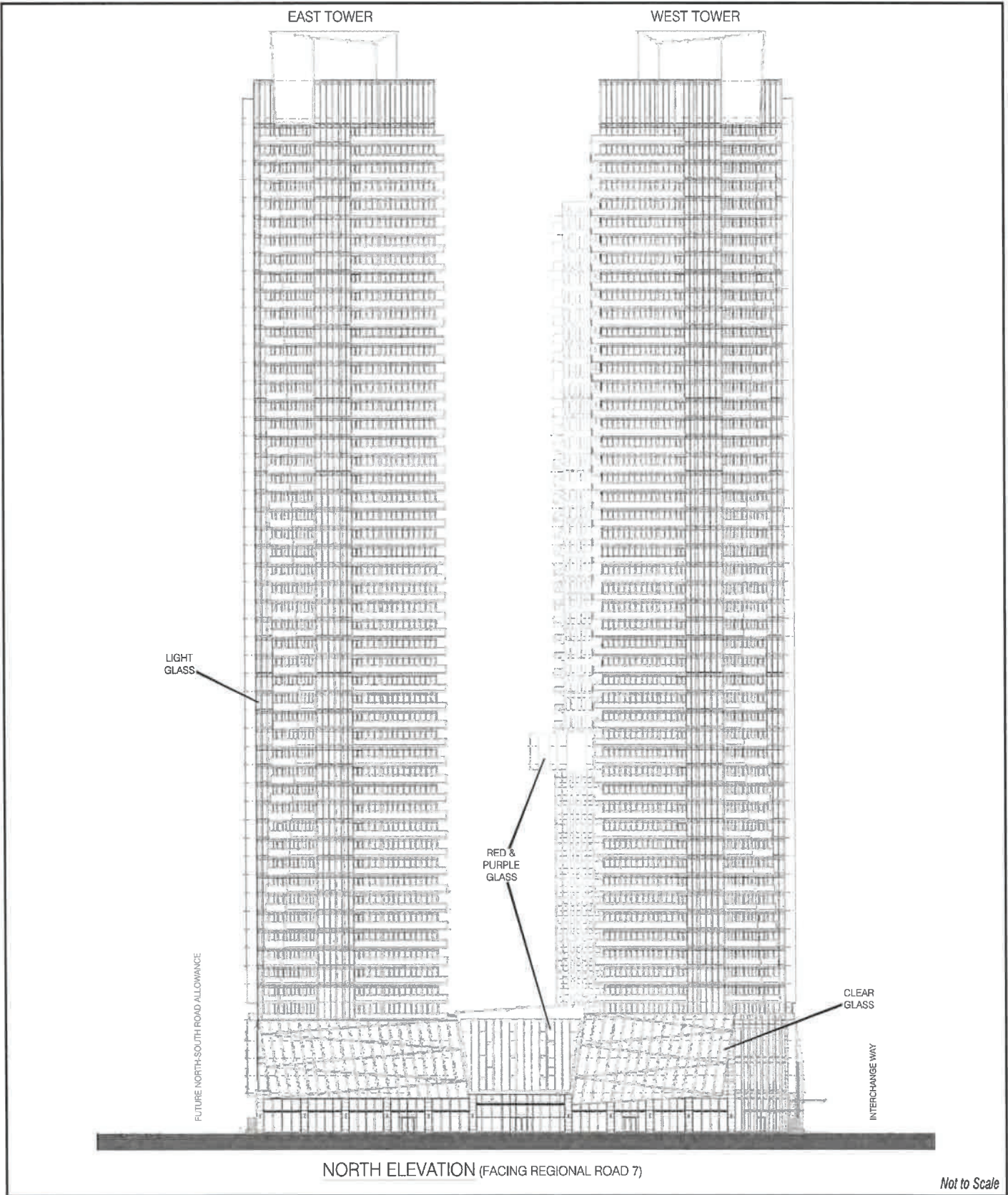
APPLICANT: Iona Hospitality Inc. Part of Lot 5, Concession 5

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FILE: DA.17.015
DATE: June 5, 2018





North Elevation

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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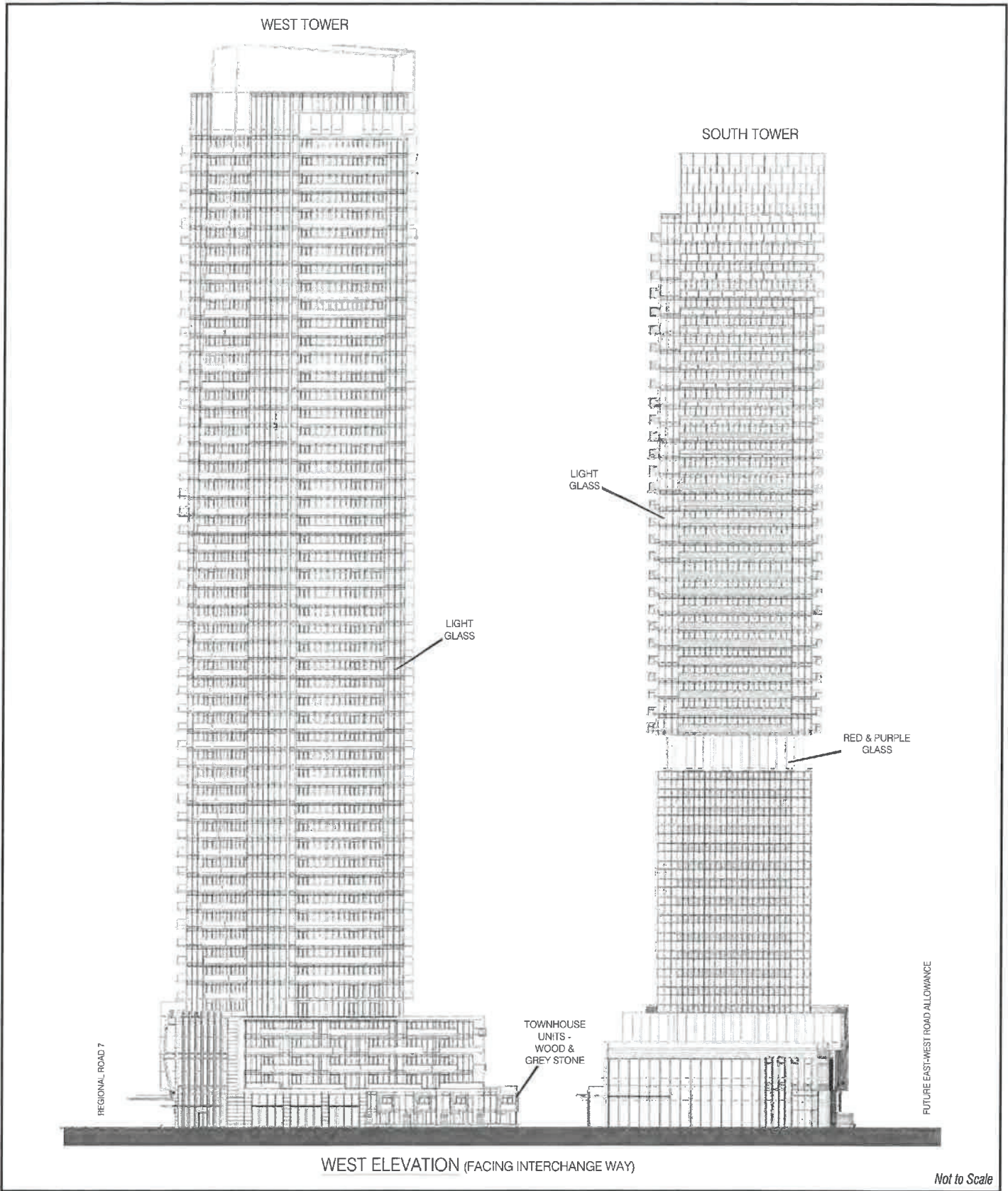
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Department

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FILE:
DA.17.015

DATE:
June 5, 2018

7



Not to Scale

West Elevation

LOCATION:
Part of Lot 5, Concession 5

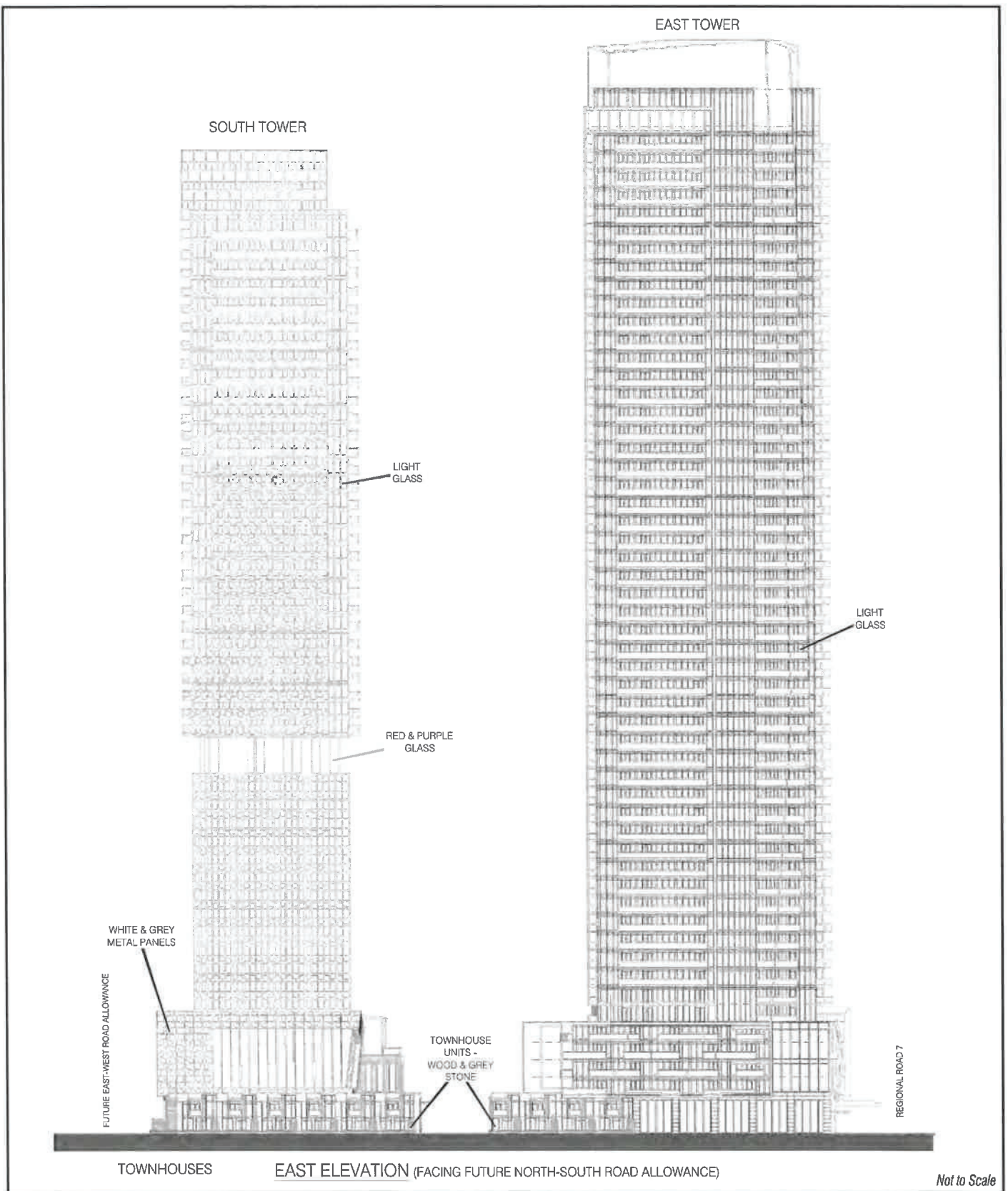
APPLICANT:
Icona Hospitality Inc.

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FILE:
DA.17.015
DATE:
June 5, 2018
8



East Elevation

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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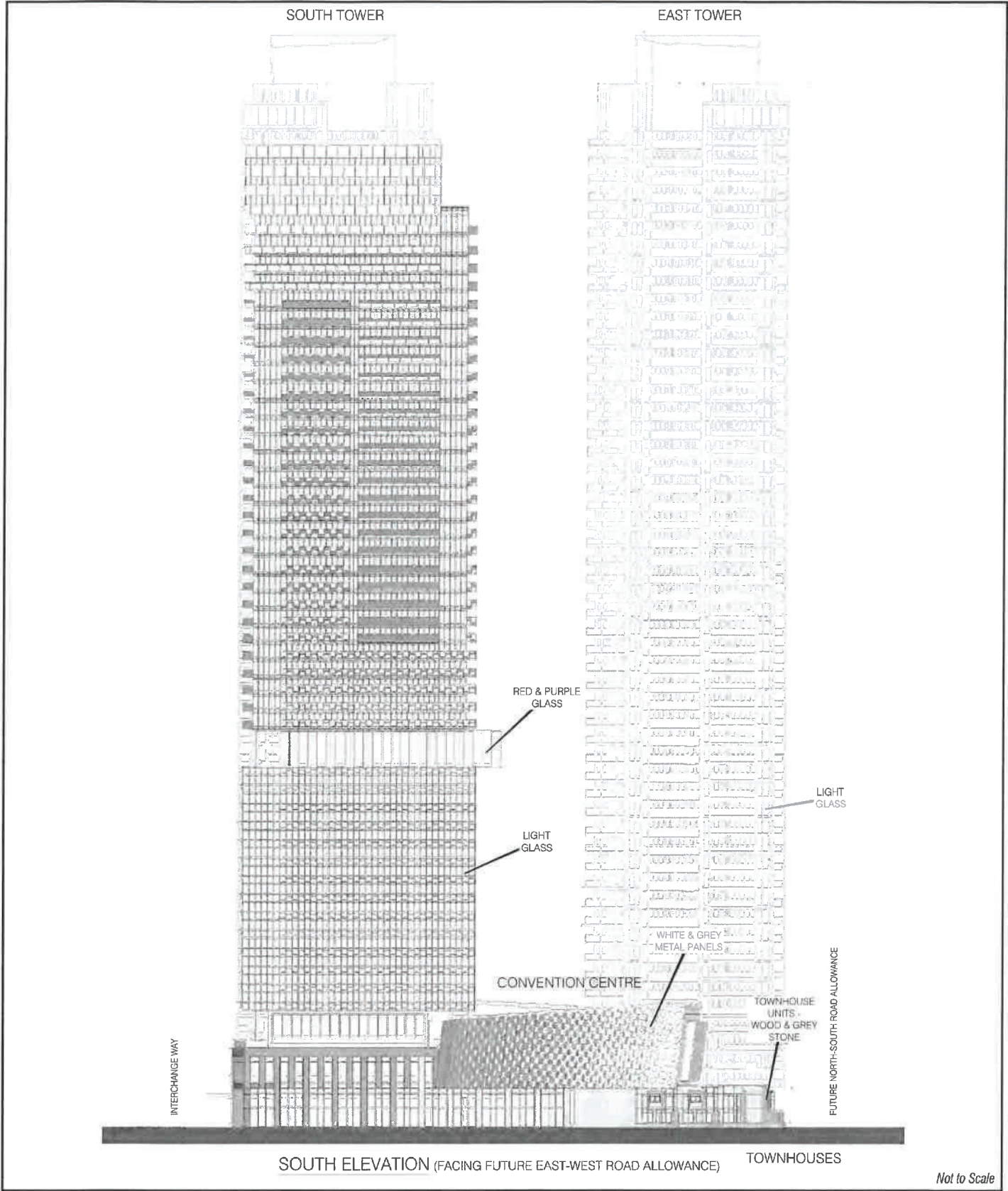
VAUGHAN
Development Planning
Department

Attachment

FILE:
DA.17.015

DATE:
June 5, 2018

9



South Elevation

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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NORTH TOWERS - VIEW FROM NORTHWEST



VIEW FROM HIGHWAY 7 SIDEWALK



PODIUM - VIEW FROM HIGHWAY 7

Not to Scale

Perspective - North Buildings

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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SOUTH BUILDING - VIEW FROM SOUTHWEST



CONVENTION CENTRE - VIEW FROM SOUTHEAST



PODIUM - VIEW FROM EAST

Not to Scale

Perspective - South Building

LOCATION:
Part of Lot 5, Concession 5

APPLICANT:
Icona Hospitality Inc.

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Zoning Site Plan Review

FOR INTERNAL OFFICE USE ONLY

DA File No.:	DA.17.015	Map No.	
Property Location:	3201 Hwy 7 Part of Lot 5, Concession 5		
Applicant:	STEVE GUPTA, ICONA HOSPITALITY INC		
Date Reviewed:	April 25 th 2018		
Zoning Designation:	C9, Corporate Centre, Exception 9(957)		
E-Schedule(s):			
By-Law Amendment(s):			
Related Files:			
CofA Applications:			
Plans Reviewed:			

DWG #	Drawing Title	Rev. #	Date
A-102	Context Plan and Site Stats	1	2018/03/09
A-204a	Site Plan Future Situation	1	2017/08/04
A-103	Site Plan Current Situation	1	2017/12/08
A-204	P1, Plans	1	2018/03/09
A -301 to 302	Elevations Provided	1	2018/03/09

Category	Proposed	By-Law Requirement	By-Law Conformity
Uses for Buildings Fronting onto Hwy 7	19% of total ground floor area. Relief required.	Where a building is constructed fronting onto Regional Road No. 7 (formerly Highway No. 7), a minimum of 60% of the gross floor area at the ground floor level shall be composed of commercial uses which provide individual external at-grade pedestrian access to such use.	By-law relief Required.
Front Set-back	(see note 2) <u>Non-residential</u> 3.7 m West Tower (Regional Road 7)	Non-Residential – 0.0 to 3.0 metres Residential – 3.0 to 6.0metres The minimum setback for any building from the planned width of Regional Road Seven (formerly Hwy No. 7) shall be 3.0 metres, provided that a canopy may project up to 2.4 metres into this required yard.	<u>Non-Residential</u> Relief from By-law required. Exceeds the maximum setback of 3.0 metres.

Category	Proposed	By-Law Requirement	By-Law Conformity
Rear Set-back	<p><u>Non- Residential</u></p> <p>4.2 m South Tower (future east-west road)</p> <p><u>Residential</u></p> <p>2.4 m Residential South Tower Townhouses (future east-west road)</p>	<p>Non-Residential – 0.0 to 3.0 metres Residential – 3.0 to 6.0 metres</p> <p>The minimum setback for any building from the planned width of Regional Road Seven (formerly Hwy No. 7) shall be 3.0 metres, provided that a canopy may project up to 2.4 metres into this required yard.</p>	<p><u>Non-Residential</u></p> <p>Require relief, greater than 3.0 metre requirement to tower.</p> <p><u>Residential</u></p> <p>2.4 metre is less than the required 3.0 metres Relief Required South Tower Townhouses Require relief from</p>
Exterior Set-back Easterly	<p><u>Residential</u></p> <p>2.6 m East Townhouses (future north-south road)</p> <p>2.2 m East Tower podium (future north-south road)</p> <p>South Tower – Townhouses 0.4 to 2.5 metres</p> <p>Residential 2.5 m South Tower Townhouses (future north-south road)</p>	<p>Residential – 3.0 – 6.0 metres</p> <p>The minimum setback for any building from the planned width of Regional Road Seven (formerly Hwy No. 7) shall be 3.0 metres, provided that a canopy may project up to 2.4 metres into this required yard.</p>	<p><u>Residential</u></p> <p>Relief required b/c less than 3.0 metre requirement</p> <p>South Tower - Townhouses Requires Relief from minimum 3 to 6 metres</p> <p>Relief required as it is less than 3.0 metres requirement.</p>
Exterior Set-back Westerly	<p><u>Non-residential</u></p> <p>3.7 m Commercial Area West Tower (Interchange Way)</p> <p>5.4m Hotel South Tower (Interchange Way)</p>	<p>Non-Residential – 0.0 to 3.0 metres Residential – 3.0 to 6.0 metres</p> <p>The minimum setback for any building from the planned width of Regional Road Seven (formerly Hwy No. 7) shall be 3.0 metres, provided that a canopy may project up to 2.4 metres into this required yard.</p>	<p><u>Non-Residential</u></p> <p>Relief from by-law required as exceeds setback of 0.0 to 3.0 metres</p> <p>South Tower Hotel exceeds requirement of 0.0- 3.0 metres</p>
Minimum Building Height	<p>6.5 m west townhouses 7.8 m east townhouses</p>	<p>16.5 metres by-law 144-09</p>	<p>relief from by-law is required being less than 16.5</p>
Maximum Building Height at all other Locations	<p>South Tower Proposed 150.2 metres maximum height</p>	<p>25 metres (see note 4 below)</p>	<p>150.2 m south tower Relief required exceeds maximum of 25 metres</p>

<i>Category</i>	<i>Proposed</i>	<i>By-Law Requirement</i>	<i>By-Law Conformity</i>
Build to Zone Major Streets	<p>(see note 2)</p> <p>Front Yard Setback</p> <p><u>Non-residential</u></p> <p>3.7 m West Tower (Regional Road 7)</p>	<p>Non-Residential – 0-3 metres Residential – 3-6 metres (see note 3 below)</p> <p>Eighty (80) percent of the length of the street line abutting Regional Road No. 7; Jane Street; Edgeley Blvd; the first east-west street parallel to Regional Road 7; and the north-south street providing a vista to a civic use and the transit corridor (as defined in a future site-specific by-law) shall have buildings located within the build to zone.</p>	<p><u>Non-Residential</u></p> <p>Relief from By-law required. Exceeds the maximum setback of 3.0 metres.</p>
Build to Zone Other streets	<p>Easterly Yard Setback</p> <p><u>Residential</u></p> <p>2.6 m East Townhouses (future north-south road)</p> <p>2.2 m East Tower podium (future north-south road)</p> <p>South Tower – Townhouses 0.4 to 2.5 metres</p> <p>Residential 2.5 m South Tower Townhouses (future north-south road)</p> <p>Westerly Yard Setback</p> <p><u>Non-residential</u></p> <p>3.7 m Commercial Area West Tower (Interchange Way)</p> <p>5.4m Hotel South Tower (Interchange Way)</p> <p>Rear Yard Setback</p> <p><u>Non- Residential</u></p> <p>4.2 m South Tower (future east-west road)</p> <p><u>Residential</u></p> <p>2.4 m Residential South Tower Townhouses (future east-west road)</p>	<p>Non-Residential – 0-3 metres Residential – 3-6 metres (see note 3 below)</p> <p>Fifty (50) percent of the length of the street line shall have buildings located within the build to zone.</p>	<p>Relief from by-law required</p>

Category	Proposed	By-Law Requirement	By-Law Conformity
Parking stalls -Angled parking: -Parallel parking: -Handicapped:	All parking stalls to be reduced 2.7 by 5.7 Depth to match standard depth of 5.7 metres for AODO standards	Angled parking 2.7 m x 6.0 m Accessible Spaces per AODA	Relief from parking depth requirement of 6.0 metres to 5.7metres
Parking spaces	Total Parking Proposed = 1788 Relief required	VMC parking standards By-law 1-88 Total Required Parking = 1965 Calculated as follows: Residential 1649 units =1348 Parking Spaces Visitor 1649 units = 248 Parking Spaces Hotel 260 Rooms = 195 Parking Spaces Eating Establishment (375 m ²) = 23 Parking Spaces Banquet Area (1074 m ²) = 33 Parking Spaces Retail Area (1043 m ²) = 21 Parking Spaces Convention Centre (3230 m ²) = 97 Parking Spaces Of the Total Required 31 shall be AODA spaces Note 9 of Schedule A2 By-law 1-88 Within the “build to” zone no parking spaces, parking areas or any area designed to accommodate vehicular traffic or loading shall be permitted	Relief Required for 1788 as 1965 required. Please provide breakdown of parking type provided based the follow proposed uses: 1 bedrooms 2 bedrooms 3 bedrooms Townhouses Residential Visitor parking Hotel room Parking Eating establishment Parking Banquet Area Park Retail Area Convention Centre

Category	Proposed	By-Law Requirement	By-Law Conformity
Handicap parking space(s)	27 only proposed; must provide 29 , further parking reduction maybe required to provide AODA standards.	AODA Standards Minimum Dimension of AODA standards Type A 3.4 metres by 6.0 metres with a minimum 1.5-metre-wide accessible Access Aisle. Type B 2.4 metres by 6.0 metres with a minimum 1.5-metre-wide accessible access aisle. Where accessible parking spaces are placed next to one another they may share the 1.5-metre-wide accessible access aisle.	If relief is approved to 1788 from required 1965 than AODA requirements would require a minimum of 29 accessible spaces !4 Type “A” spaces and 15 Type “B” Spaces. Only P1 level was provided. Previous submissions did not provide required 1.5-metre-wide access aisle to the proposed accessible parking spaces.
Loading spaces	Proposed 4 loading spaces, 1 is indicated as not complying dimension TBC.	[9 @ 3.5m(w) x 9.0m(l) x 4.2m(h) 9 Loading spaces are required per parking study report.	1 of the 4 Loading spaces that is proposed does not comply as indicated in the parking report. Dimensions of this loading space is not provided. Please provide and relief from by-law requirement is required. Also a reduction from 9 Loading spaces is required to permit 5 loading spaces
Landscape Area	2.1 m front yard (Regional Road 7) 3.75 m exterior side yard (Interchange Way) 2.4 m exterior side yard (future North-South Road)	All other street lines – 3.0 metres	Relief required for landscaping along front yard and easterly exterior side yard.
		Where the minimum yard requirements permit buildings to be located closer to the street lines than the minimum widths of landscaped areas shall be reduced accordingly.	See notes above, Relief for landscape strips as per above when confirmed

- Notes:
1. The applicant shall address all sections, the comments in the By-law conformity column. Additional comments may be forthcoming upon receipt of revised drawings.
 2. For the purposes of this review, the front lot line is that which abuts Hwy 7.
 3. “Build to Zone” means an area abutting a street line within which a portion of the building on the lot shall be located. The horizontal extent to which the Build to Zone is required to be occupied by a building is given as a percentage of the length of the street line of the lot (parcel) on which the building is located. Within the “build to” zone no parking spaces, parking aisles or any area designed to accommodate vehicular traffic or loading shall be permitted. This provision does not apply to driveways connecting parking areas to public highways.
 4. See landmark locations map below.



Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

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Fax: 416 947 0866
www.stikeman.com

Patrick G. Duffy
Direct: +1 416 869 5257
pduffy@stikeman.com

May 6, 2019
File No.: 142455.1004

By E-mail
Christine.Vigneault@vaughan.ca

Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive East
Vaughan, ON L6A 1T1

Attention: Ms. Christine Vigneault, Secretary
Treasurer

Dear Ms. Vigneault:

**Re: Minor Variance Application A136/18
LPAT Case No. PL190047
3201 Highway 7, Concord**

I am the solicitor for the company, 2748355 Canada Inc. ("**274 Canada**"), that owns various lands within the VMC, including the property on the west side of Interchange Way opposite the property municipally known as 3201 Highway 7 (the "**Property**") at the southwest corner of Highway 7 and Interchange Way, which are the subject of the above-noted Application (the "**Application**").

By way of background, the Application was submitted by 1406284 Ontario Inc. ("**Icona**"). We understand that the Application was submitted to implement the development of the Property in accordance with the plans and drawings approved by City of Vaughan Council on June 19, 2018 under Site Plan Application No. DA.17.015.

The Application was originally scheduled for a hearing before the Committee of Adjustment on January 10, 2019. At that time, the Committee adjourned the Application to January 24, 2019 in order to seek legal counsel on an issue that we raised on behalf of our client, in respect of a restrictive covenant registered on title to the lands.

At the January 24, 2019 hearing, the Committee decided to adjourn the Application *sine die* as 2748355 Canada Inc. was pursuing an application for injunctive relief against the Applicant from, in part, pursuing the Application. Icona appealed this decision of the Committee to the Local Planning Appeal Tribunal on February 12, 2019, pursuant to section 45(12) of the *Planning Act*, R.S.O.1990, c. P. 13, as amended.

We are writing to advise that Icona and our client have now resolved this and related matters, which includes a discharge of the restrictive covenant.

274 Canada has no objection to the Application and it no longer opposes the Application from proceeding before either the Committee of Adjustment or the Local Planning Appeal Tribunal.

Yours truly,



Patrick G. Duffy

PGD/rw
Enclosure

cc. D. Artenosi, *Overland LLP*
T. Saric, *Local Planning Appeal Tribunal*

**Environment and Land Tribunals
Ontario**

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**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Tribunal d'appel de l'aménagement
local

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Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Site Web: www.elto.gov.on.ca



May 29, 2019

VIA EMAIL: christine.vigneault@vaughan.ca

Christine Vigneault
Secretary-Treasurer
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Subject:	Case Number:	PL190047
	File Number:	PL190047
	Municipality:	Vaughan
	Municipal Number:	A136/18
	Property Location:	3201 Highway 7
	Applicant/Appellant(s):	14406284 Ontario Inc.

Subsection 45(15) of the *Planning Act* provides;

(15) Where all appeals to the Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

I am writing to advise that the appeal by 14406284 Ontario Inc. was withdrawn by letter dated May 28, 2019.

There are no outstanding appeals in this matter, and our file is closed.

The hearing scheduled for June 24, 2019 has been canceled.

Yours truly,

Mary Ann Hunwicks

A handwritten signature in cursive script that reads 'Ma Hunwicks'.

Registrar

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.

- MTO – Located outside of MTO permit control area
- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections

Providence, Lenore

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: December-04-18 11:02 AM
To: Vigneault, Christine
Cc: Committee of Adjustment; Providence, Lenore; MacPherson, Adriana
Subject: Request for Comments

Hello Christine,

MTO Highway Corridor Management Section has reviewed the location of the following Application for Minor Variance:

A136/18 - 3201 Hwy 7, Vaughan, ON.

Although the MTO has no comments on the Application for Minor Variance, the proponents should be made aware that the MTO considers this project to be a high traffic generator, and as such, an MTO Building and Land Use Permit will be required from this office.

Please do not hesitate to contact me if you have any further questions.

Thank you,

Paul Nunes | Corridor Management Officer
Ministry of Transportation | Corridor Management Section | York Region
159 Sir William Hearst Avenue, 7th floor Building D, Downsview, ON M3M 0B7
(416) 235-5559 | paul.nunes@ontario.ca



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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

Providence, Lenore

Subject: FW: A136-18 - REQUEST FOR *revised* COMMENTS (City of Vaughan Committee of Adjustment)

From: Wong, Tiffany <Tiffany.Wong@york.ca>

Sent: December-04-18 1:32 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: FW: A136-18 - REQUEST FOR *revised* COMMENTS (City of Vaughan Committee of Adjustment)

Hello Lenore,

The Regional Municipality of York has completed its review of the above revised Minor Variance Application-A136/18 (321 Highway 7) and has **no comments**. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,

Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca
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