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COMMUNICATION – C58
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020

October 28, 2020

Mr. Brandon Correia
Manager, Special Projects
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan ON
L6A 1T1

Dear Mr. Correia:

VAUGHAN COMPREHENSIVE ZONING BY-LAW - THIRD DRAFT - TOROMONT INDUSTRIES LTD. COMMENTS

IBI Group are the planning consultants for Toromont Industries Ltd., who own roughly 27 acres of land south of Highway No. 7, west of Jane Street, north of Highway 407 and east of Highway 400, within the Vaughan Metropolitan Centre (VMC), in the City of Vaughan. Toromont Industries Ltd. were actively involved in the policy development stages of the VMC Secondary Plan (VMC SP), as well as, other key guideline documents, cooperatively working with the City over the last 20+ years.

On behalf of our client, IBI Group wishes to provide the following comments on the Third Draft of the Comprehensive Zoning By-law (CZBL). The intent of this letter is to highlight our main concerns and comments on the Third Draft of the CZBL.

At the outset, IBI Group believes that the lack of consistency between the Third Draft CZBL and the VMC SP significantly impedes the achievement of the City's vision for the VMC. The absence of flexibility in the proposed regulations largely deviates from the collaborative efforts which were undertaken during the lengthy VMC SP mediation processes at the Ontario Municipal Board. The overarching theme of the negotiations were to ensure that VMC SP policies did not impose upon the VMC lands with largely prescriptive standards that reflected a suburban context and would ultimately create challenges with urban development and marketability given the long development timeframe. Given that market and design may change over time, the provisions presented within the draft CZBL revert back to many of the fundamental concerns our clients had in prescribing the VMC lands with an overly rigid planning and development framework.

We would also like to raise additional concerns over the missing provisions regarding calculating density for sub-surface easements where no compensation was taken, as well as the built form and landscape requirements, the proposed parking rates, the minimum amenity area requirements as well as the general lack of consistency in considering recently approved development applications which represent an ideal, real-world example of where the market stands in association with VMC related developments. The draft CZBL largely does not take these amendments into account.

This letter is intended to provide additional feedback to the Zoning update process, adding onto our comments on the First Draft, which were submitted on August 13, 2019 and Second Draft, which were submitted on February 19, 2020, attached hereto in Appendices A and B. The comments found in each of these Appendices shall be considered as part of this letter.

Mr. Brandon Correia – October 28, 2020

Notwithstanding repeated requests to meet and discuss the Draft CZBL with City of Vaughan Staff, we have yet had the opportunity to do so, and continue to respectfully request this in advance of the CZBL proceeding to Committee and Council.

Vaughan Metropolitan Centre Secondary Plan

The City of Vaughan has an ambitious and commendable vision for the VMC to become a new downtown. The VMC SP was created following the City of Vaughan adoption of a new Official Plan in 2010 which designated the subject lands as being within the VMC Intensification Area. Design and development guidance in the VMC SP is provided in conjunction with the VMC Urban Design Guidelines (VMC UDG) and the VMC Streetscape and Open Space Plan (VMC SOSP). A mediation process extending over several years took place between key stakeholders and City Staff during the implementation of the VMC SP to ensure that flexibility was integrated into the policies with respect to a number of development-related considerations such as built-form, height, density and land use. IBI Group was actively involved in the policy development stages of the VMC SP on behalf of our client and are supportive of its policies, collectively working alongside City Staff throughout this process. As such, we are adamant that the flexibility present in the VMC SP policies is reflected in the provisions in the CZBL.

To date, developments in the VMC demonstrate built-form excellence and a high quality of design. They utilize existing and planned investments in rapid transit and establish a hierarchical, fine-grain grid network of streets and pathways, creating a downtown that is walkable, accessible, vibrant, and beautiful. This success is largely a result of the collective approach to policy development that incorporated flexibility into the VMC SP policies. This flexibility encourages a creative and collaborative approach to design and city-building with the public, agencies, and the property owners/developers, and is beneficial to all parties involved.

As it stands, the provisions in the Draft CZBL do not reflect the collaborative efforts between City Staff and stakeholders including Toromont Industries Ltd., throughout the development of the VMC SP policies, and the current policies in the VMC SP. IBI Group and our client are concerned that the rigidity of the Draft CZBL provisions will constrain the collaborative processes to urbanism that made the VMC successful in the first place. It is essential that the policies and intent of the VMC SP are accurately reflected in the regulations of the Draft CZBL.

There are still several policies from the VMC SP that are still not reflected in the Draft Comprehensive Zoning By-law. Notable policies within the VMC SP that are missing from the Draft Comprehensive Zoning By-law include but are not limited to:

- Policy 8.1.1, which states that “...10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot...”;
- Policy 8.1.17, which states that “The land area to be used for the calculation of the area of the lot for the purposes of calculating permitted density, shall include the land used for buildings, private landscaped open space, off-street parking and servicing areas, new City streets, City street widenings/extensions and mews, but excluding street widenings and land areas which are encumbered by a sub-surface transit easement that are being acquired by a public authority through expropriation or acquisition for compensation. The land area for the calculation of permitted density shall exclude land for public parks and other public infrastructure.”
- Policy 8.1.18, which states that “Notwithstanding Policy 8.1.16, where no compensation is taken for the use of a sub-surface transit easement, any lands that are encumbered by that sub-surface transit easement may be used for the calculation of density to the adjacent blocks regardless of the proposed land use designation.”

Mr. Brandon Correia – October 28, 2020

- Policy 8.1.19, which states that *“The calculation of gross floor area shall not include the floor area of underground and above-ground structured parking, bicycle parking and public transit uses, such as subway entrances and bus terminals. In addition, as per Policy 8.1.1, 10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot.”*
- Policy 8.1.21, which states that *“Notwithstanding Policy 8.1.15, office developments with a lower density than the minimums set out in Schedule I may be permitted in the South Precinct and portions of the East and West Employment Precincts outside the Urban Growth Centre, as defined in Schedule A, provided it has been demonstrated in a Development Concept Report, to the satisfaction of the City, that the minimum density can be achieved on the block with future phases of development.”*
- Policy 8.1.24, which states that *“Unused height and/or density of one site (the donor site) may be transferred to another site (the receiver site)...”* (subject to certain conditions);
- Policy 8.7.11, which states that *“...Where a maximum height of 10 storeys is identified, buildings up to 15 storeys may be permitted on properties fronting arterial streets, major or minor collector streets, a Neighbourhood Park or a Public Square identified in Schedule D...”*;
- Policy 8.7.12, which states that *“... Notwithstanding Schedule I, where the maximum permitted height of a building is 25 or more storeys, individual towers within a city block may exceed this limit by up to 7 storeys where an adjacent tower subject to the same rezoning application and located on the same city block has a correspondingly lower height. For example, on a block where the maximum permitted height in Schedule I is 30 storeys, a tower of 37 storeys and an adjacent tower of 23 storeys may be permitted. In such cases, density shall be calculated on the basis of the land area for all buildings involved in the height exchange, and the City may require technical studies demonstrating that the taller building will have acceptable impacts. This exchange of height shall not trigger Section 37 requirements.”*

IBI Group would like to ensure that these policies are included in the final draft of the Comprehensive Zoning By-law and ensure that a Zoning By-law Amendment is not needed for applications that conform to the policies of VMC SP.

Rights to Appeal

In order to allow for the collaborative approach to urban development in the VMC to continue, IBI Group requests that Vaughan Council pass a resolution to permit all current and future VMC landowners to apply for future Zoning By-law Amendment(s), if required, within two years of the Zoning By-law coming into full force and effect for all applications. This exception would be consistent with Section 34.10.0.0.2 of the *Planning Act*, repealing Section 34.10.0.0.1 of the *Planning Act* which prescribes a two-year moratorium on Zoning By-law Applications once a new Zoning-By-law has been introduced and is in-effect.

IBI Group understands that the City of Vaughan has begun to undertake a comprehensive review of the VMC SP. A resolution allowing landowners to apply for future Zoning By-law Amendment(s), if required, within two years of the Zoning By-law coming into full force and effect, would ensure that new developments are able to meet the intent of all the latest policy documents at the municipal, regional, and provincial levels. The resolution would also allow for the collaborative and creative design processes with City staff, agencies, and the public to continue.

Mr. Brandon Correia – October 28, 2020

Density Commitments

The proposed draft CZBL contains no reference to Policy 8.1.18, which states that *“Notwithstanding Policy 8.1.16, where no compensation is taken for the use of a sub-surface transit easement, any lands that are encumbered by that sub-surface transit easement may be used for the calculation of density to the adjacent blocks regardless of the proposed land use designation.”* Without this Policy properly reflected in the proposed draft CZBL, our client loses a significant amount of permitted density on their lands. It is critical that the density commitments that were achieved through the VMC SP negotiations in regards to giving up compensation for sub-surface easements are included into the draft CZBL.

Parking Rates

The VMC is well served by higher-order transit, with the recently opened Vaughan Metropolitan Centre station on the TTC’s Yonge-University-Spadina Subway Line and the VIVA Orange Bus Rapid Transit (BRT) line. To support these transit investments and encourage their use, it is important that the City of Vaughan implement lower parking rates. By providing less parking, the City, developers and residents alike will be supported and encouraged to use non-automobile forms of transportation, such as transit and active forms of transportation such as cycling or walking.

It was noted in the Public Open House on October 14, 2020 that the parking rates were based off an IBI Group study that was completed in 2010. These rates were then confirmed through a benchmarking exercise that compared the parking rates across municipalities in the Greater Toronto Area. IBI Group is concerned that these rates reflect ten-year-old realities, are outdated and not location specific. If an update was completed to this Study, or alternatively a more current parking study was completed to establish and support the draft CZBL proposed rates, IBI Group requests that this study be made public.

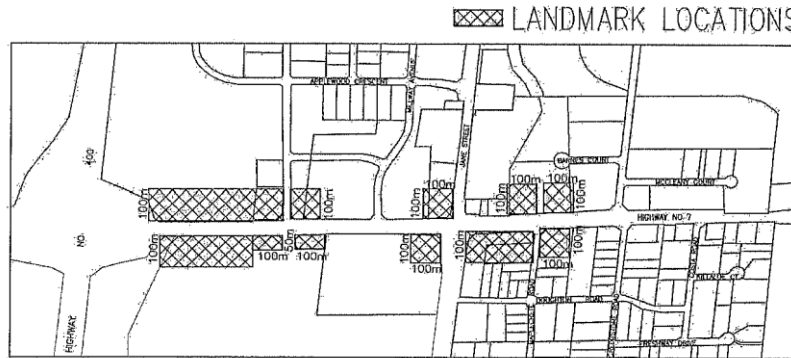
IBI Group supports removing the minimum parking rates altogether, which is consistent with the provisions of the First Draft of the CZBL. Removing minimum parking rates allows for development applications to reflect the market realities at the time of the applications and support transit initiatives as well as walkability.

Landmark Locations

IBI Group would also like to highlight that the notable Landmark Location provision from Schedule A2 of Zoning By-law 1-88 is missing from the Third Draft CZBL. This provision permits unlimited height in key locations along Highway 7 to encourage the development of “landmark buildings”, serving as gateways into the VMC (**Figure 1**). The exclusion of these historic provisions from the CZBL essentially downzones the parcels which is inconsistent with provincial policy related to urban growth centres and MTSAAs. We wish to see them included in the Final Draft.

Mr. Brandon Correia – October 28, 2020

Figure 1. Landmark Locations from Schedule A2 of Zoning By-law 1-88



Conclusion

On behalf of our client, we continue to contend that the CZBL accurately reflect the policies within the VMC SP including the flexibility that was arbitrated through a lengthy Ontario Municipal Board Hearing and ultimately successfully and collaboratively settled upon. IBI Group and our client are appreciative and commendatory of the collaborative approach to city-building the City of Vaughan has undertaken thus far in the VMC and hopes that these processes can continue moving forward.

We would also like to ensure that Vaughan Council pass a resolution permitting all current and future VMC landowners to apply for future Zoning By-law Amendment(s), if required, within two years of the CZBL coming into full force and effect. In addition, we request the Draft CZBL that goes before Council be consistent with the density commitments for sub-surface easements, remove the minimum parking ratios, revisit the minimum amenity areas, and include the missing landmark locations.

IBI Group and Toromont Industries Ltd. kindly request to be included in all further consultations regarding the CZBL and be notified of any future updates and decisions. Please do not hesitate to contact the undersigned should you have any questions.

Sincerely,

IBI Group

Stephen Albanese MCIP RPP

CC: Lynn Korbak, Toromont Industries Ltd.

Mr. Brandon Correia – October 28, 2020

APPENDIX A

Toromont Industries Ltd. Comments on the First Draft of the CZBL

**IBI GROUP**

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August 13, 2019

Mr. Brandon Correia
Manager, Special Projects
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Mr. Correia:

COMPREHENSIVE ZONING BY-LAW REVIEW - TOROMONT INDUSTRIES LTD. COMMENTS

IBI Group are the planning consultants for Toromont Industries Ltd. , who own roughly 27-acres of land south of Highway No. 7, west of Jane Street, north of Highway 407 and east of Highway 400, within the Vaughan Metropolitan Centre (VMC), in the City of Vaughan. Toromont Industries Ltd. were actively involved in the policy development stages of the VMC SP, as well as, other key guideline documents, cooperatively working with the City over the last 20+ years.

On behalf of our client, IBI Group wishes to provide the following comments on the First Draft of the Comprehensive Zoning By-law, which was released in Spring 2019. This letter is intended to provide preliminary feedback to the Zoning update process. Further to this letter, we request that the City consider a coordinated working session with key VMC landowners to review and discuss this Draft.

Consistency with the Vaughan Metropolitan Centre Secondary Plan

IBI Group understands the City of Vaughan is undertaking a review of Zoning By-law 1-88 to create a new Comprehensive Zoning By-law that reflects the policies and permissions of the Vaughan Official Plan 2010 (VOP 2010), including the Vaughan Metropolitan Centre Secondary Plan (VMC SP). IBI Group was actively involved in the policy development stages of the VMC SP on behalf of our client and are supportive of its policies. It should be noted that a mediation process extending over several years took place between key stakeholders and City Staff during the implementation of the VMC SP to ensure that flexibility was integrated into the policies with specific regard to the built form policies. As such, IBI Group is supportive of provisions within the Comprehensive Zoning By-law that accurately reflect the policies from the VMC SP, but wish to ensure that the flexibility currently existing in the VMC SP policies are carried forward in the Draft Zoning By-law.

In the current Draft, many of the provisions proposed accurately match the policies from the VMC SP. For example, the locations of the land use precincts and areas of prescribed height and density from the Schedules of the Draft Comprehensive Zoning By-law accurately match the locations of the land use precincts and areas of prescribed height and density from Schedules of the VMC SP. The road pattern depicted in the Draft Comprehensive Zoning By-law also accurately matches that within the VMC SP. While the lot and building requirements are reflective of the policies from the VMC SP, the flexibility that was integrated into the VMC SP policies was not carried forward in the Draft. Please ensure this flexibility is carried forward in the next Draft.

Mr. Brandon Correia – August 13, 2019

There are also several policies from the VMC SP that are not reflected in the Draft Comprehensive Zoning By-law. Notable policies within the VMC SP that are missing from the Draft Comprehensive Zoning By-law include but are not limited to:

- Policy 8.1.1, which states that *“...10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot...”*;
- Policy 8.1.15, which states that *“No development, except a public school, a stand-alone above grade structured parking facility or other institutional use, shall have a density lower than the minimum FSI identified in Schedule I or a density higher than the maximum FSI identified in Schedule I...”*
- Policy 8.1.17, which states that *“The land area to be used for the calculation of the area of the lot for the purposes of calculating permitted density, shall include the land used for buildings, private landscaped open space, off-street parking and servicing areas, new City streets, City street widenings/extensions and mews, but excluding street widenings and land areas which are encumbered by a sub-surface transit easement that are being acquired by a public authority through expropriation or acquisition for compensation. The land area for the calculation of permitted density shall exclude land for public parks and other public infrastructure.”*
- Policy 8.1.18, which states that *“Notwithstanding Policy 8.1.16, where no compensation is taken for the use of a sub-surface transit easement, any lands that are encumbered by that sub-surface transit easement may be used for the calculation of density to the adjacent blocks regardless of the proposed land use designation.”*
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- Policy 8.1.24, which states that *“Unused height and/or density of one site (the donor site) may be transferred to another site (the receiver site)...”* (subject to certain conditions);
- Policy 8.7.11, which states that *“...Where a maximum height of 10 storeys is identified, buildings up to 15 storeys may be permitted on properties fronting arterial streets, major or minor collector streets, a Neighbourhood Park or a Public Square identified in Schedule D...”*;
- Policy 8.7.12, which states that *“... Notwithstanding Schedule I, where the maximum permitted height of a building is 25 or more storeys, individual towers within a city block may exceed this limit by up to 7 storeys where an adjacent tower subject to the same rezoning application and located on the same city block has a correspondingly lower height. For example, on a block where the maximum permitted height in Schedule I is 30 storeys, a tower of 37 storeys and an adjacent tower of 23 storeys may be permitted. In such cases, density shall be calculated on the basis of the land area for all buildings involved in the height exchange, and the City may require technical studies demonstrating that the taller building will have acceptable impacts. This exchange of height shall not trigger Section 37 requirements.”*

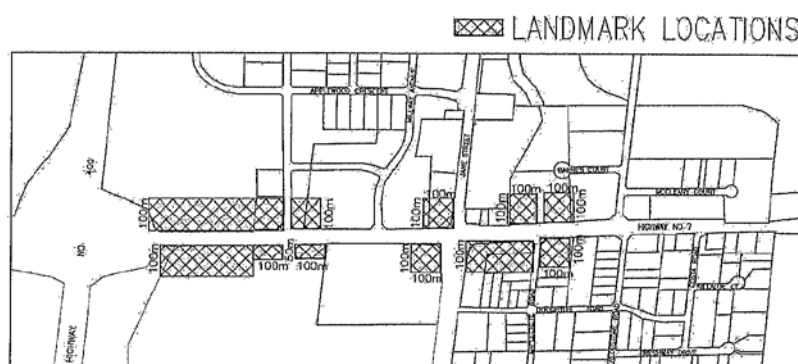
Mr. Brandon Correia – August 13, 2019

IBI Group would like to ensure that these policies are included in the next version of the Draft Comprehensive Zoning By-law as well as ensure that a Zoning By-law Amendment is not needed for applications that conform to the policies of VMC SP.

Consistency with Current Zoning Provisions

IBI Group would also like to highlight that notable provisions from Zoning By-law 1-88 are missing from the current Draft Comprehensive Zoning By-law, including the Landmark Location provision from Schedule A2 of Zoning By-law 1-88 (**Figure 1**). This provision permits unlimited height in certain locations along Highway 7 to serve as a gateway to the Highway 7 corridor. IBI Group is not supportive of the exclusion of these provisions from the Comprehensive Zoning By-law and wish to see them included in the Second Draft. Several towers have already been approved and/or constructed along Highway 7 within the Landmark Locations, setting a precedent for the built-form along this corridor. The removal of these provisions will create a disconnect between the built-form, conflicting with several of the City's Urban Design objectives and creating great variations in height and density.

Figure 1. Landmark Locations from Schedule A2 of Zoning By-law 1-88



IBI Group is generally supportive of the revisions to the parking requirements including the removal of minimum parking requirements for the majority of commercial uses, including general office, retail, and restaurants, and the slight decrease in rates for residential uses to 0.6 per dwelling unit plus 0.15 visitor parking spaces per dwelling unit. These will have positive impacts in promoting walkability and the use of active and public transportation in the VMC, as well as better responds to current market conditions and car ownership. We would like to ensure that the parking requirements proposed are consistent with what is currently being approved in the VMC. If lower rates are currently being approved, an adjustment to the rates is needed.

Definitions

IBI Group also wishes to note the differences that currently exist between the definitions of Gross Floor Area within Zoning By-law 1-88, the Draft Comprehensive Zoning By-law and the VMC SP. The following table provides the definitions listed in each document:

ZONING BY-LAW 1-88	DRAFT COMPREHENSIVE ZONING BY-LAW	VMC SP
Gross Floor Area: Means the aggregate of	Gross Floor Area: In reference to a building,	Gross Floor Area: The calculation of gross floor area shall not include the

Mr. Brandon Correia – August 13, 2019

the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure.	the aggregate of the floor areas of all storeys of a building, excluding any cellar, attic, mechanical room, mechanical penthouse, but excluding any portion of a garage or parking structure.	floor area of underground and above-ground structured parking, bicycle parking and public transit uses, such as subway entrances and bus terminals. In addition, as per Policy 8.1.1, 10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot. (8.1.19)
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The definition listed in Zoning By-law 1-88 includes the floor areas of a building for mechanical rooms and mechanical penthouses, whereas the definition listed in Draft Comprehensive Zoning By-law excludes these floor areas. Furthermore, the definitions listed in Zoning By-law 1-88 and the Draft Comprehensive Zoning By-law exclude any floor area of a cellar, whereas the VMC SP includes floor area of a cellar. Another notable difference is that the VMC SP states that 10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot. The Draft Comprehensive Zoning By-law does not make reference to this policy in any of its provisions. All definitions between the three documents are consistent in that they exclude any floor area devoted to parking structures.

The calculation of gross floor area has significant implications on the calculation of several municipal fees, including but not limited to Development Charges, Section 37, and Parkland dedication. It is imperative that there is consistency between the definitions moving forward moving forward, and IBI Group recommends a revisit of these definitions.

Concluding Remarks

IBI Group wishes to reiterate our support for the proposed provisions within the Draft Comprehensive Zoning By-law that accurately reflect the policies within the VMC SP. However, as it stands there are still several policies from the VMC SP that are not reflected in the current Draft and many of the provisions do not include the flexibility that is included in the VMC SP policies. Efforts should be made to ensure that these policies and the flexibility are reflected in the provisions moving forward. Furthermore, IBI Group would like to ensure that the Landmark Location provisions are carried forward in the Comprehensive Zoning By-law and that there is consistency between the VMC SP and the Comprehensive Zoning By-law in regards to the definition of Gross Floor Area.

IBI Group kindly requests to be included in all further consultations regarding the Comprehensive Zoning By-law and be notified of any future updates. Further to this letter, we request that the City consider a coordinated working session with key VMC landowners to review and discuss this Draft. Please do not hesitate to contact the undersigned should you have any questions.

Yours truly,

IBI Group



Stephen Albanese MCIP RPP

Mr. Brandon Correia – October 28, 2020

APPENDIX B

Toromont Industries Ltd. Comments on the Second Draft of the CZBL



IBI GROUP
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February 19, 2020

Mr. Brandon Correia
Manager, Special Projects
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan ON L6A 1T1

Dear Mr. Correia:

COMPREHENSIVE ZONING BY-LAW - SECOND DRAFT - TOROMONT INDUSTRIES LTD. COMMENTS

IBI Group are the planning consultants for Toromont Industries Ltd., who own roughly 27 acres of land south of Highway No. 7, west of Jane Street, north of Highway 407 and east of Highway 400, within the Vaughan Metropolitan Centre (VMC), in the City of Vaughan. Toromont Industries Ltd. were actively involved in the policy development stages of the VMC Secondary Plan (SP), as well as, other key guideline documents, cooperatively working with the City over the last 20+ years.

On behalf of our client, IBI Group wishes to provide the following comments on the Second Draft of the Comprehensive Zoning By-law, which was released on January 28, 2020. This letter is intended to provide additional feedback to the Zoning update process, in addition to our comments on the First Draft, which were submitted on August 13, 2019. We respectfully request a working session with City staff and key VMC landowners to review and discuss the Draft Comprehensive Zoning By-law.

Consistency with the Vaughan Metropolitan Centre Secondary Plan

IBI Group understands the City of Vaughan is undertaking a review of Zoning By-law 1-88 to create a new Comprehensive Zoning By-law that reflects the policies and permissions of the Vaughan Official Plan 2010 (VOP 2010), including the Vaughan Metropolitan Centre Secondary Plan (VMC SP). IBI Group was actively involved in the policy development stages of the VMC SP on behalf of our client and are supportive of its policies. It should be noted that a mediation process extending over several years took place between key stakeholders and City Staff during the implementation of the VMC SP to ensure that flexibility was integrated into the policies with specific regard to the built form policies. As such, IBI Group is supportive of provisions within the Comprehensive Zoning By-law that accurately reflect the policies from the VMC SP, but wish to reiterate that the flexibility currently existing in the VMC SP policies are carried forward in the Comprehensive Zoning By-law.

Further, IBI Group understands that the City of Vaughan will begin to undertake a comprehensive review of the VMC SP this year. We would like to understand the City's plan to update the Comprehensive Zoning By-law as new planning policies of the VMC SP come into effect to ensure consistency. If the Comprehensive Zoning By-law is updated to reflect the existing VMC SP policies, the zoning will need to be updated again to be consistent with the new VMC SP policies. IBI Group requests that updating the Zoning within the VMC be postponed until the VMC SP review process is complete to avoid unnecessary amendments to the Comprehensive Zoning By-law.

Mr. Brandon Correia – February 19, 2020

In the second Draft, many of the provisions proposed still accurately match the policies from the VMC SP. For example, the locations of the land use precincts and areas of prescribed height and density from the Schedules of the Draft Comprehensive Zoning By-law accurately match the locations of the land use precincts and areas of prescribed height and density from Schedules of the VMC SP.

IBI Group supports the inclusion of *Office Use Permitted Zones* outside the Urban Growth Centre in Schedule B1 in the Second Draft. Additionally, the inclusion of *Section 1.5.3 Planning Approvals in Process*, brings additional clarity to on-going projects and those with site-specific zoning before the enactment of the Draft Comprehensive By-law.

There are, however, several policies from the VMC SP that are still not reflected in the Draft Comprehensive Zoning By-law. Notable policies within the VMC SP that are missing from the Draft Comprehensive Zoning By-law include but are not limited to:

- Policy 8.1.1, which states that “...10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot...”;
- Policy 8.1.17, which states that “The land area to be used for the calculation of the area of the lot for the purposes of calculating permitted density, shall include the land used for buildings, private landscaped open space, off-street parking and servicing areas, new City streets, City street widenings/extensions and mews, but excluding street widenings and land areas which are encumbered by a sub-surface transit easement that are being acquired by a public authority through expropriation or acquisition for compensation. The land area for the calculation of permitted density shall exclude land for public parks and other public infrastructure.”
- Policy 8.1.18, which states that “Notwithstanding Policy 8.1.16, where no compensation is taken for the use of a sub-surface transit easement, any lands that are encumbered by that sub-surface transit easement may be used for the calculation of density to the adjacent blocks regardless of the proposed land use designation.”
- Policy 8.1.24, which states that “Unused height and/or density of one site (the donor site) may be transferred to another site (the receiver site)...” (subject to certain conditions);
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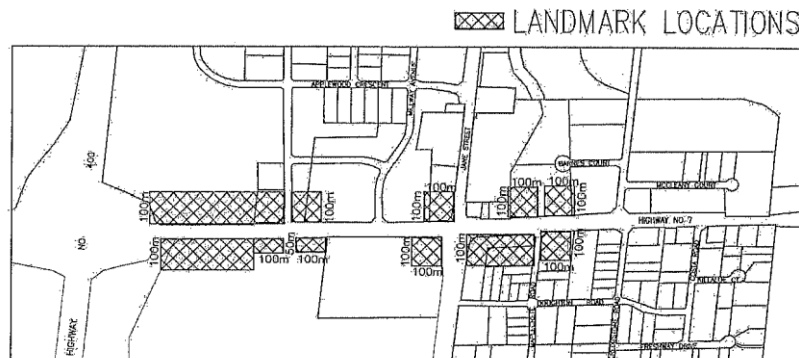
Mr. Brandon Correia – February 19, 2020

IBI Group would like to ensure that these policies are included in the final draft of the Comprehensive Zoning By-law and ensure that a Zoning By-law Amendment is not needed for applications that conform to the policies of VMC SP.

Landmark Locations

IBI Group would also like to highlight that notable provisions from Zoning By-law 1-88 are still missing from the Second Draft Comprehensive Zoning By-law, including the Landmark Location provision from Schedule A2 of Zoning By-law 1-88 (**Figure 1**). This provision permits unlimited height in certain locations along Highway 7 to serve as a gateway to the Highway 7 corridor. IBI Group is not supportive of the exclusion of these provisions from the Comprehensive Zoning By-law that essentially downzone the parcels and wish to see them included in the Final Draft. The removal of these provisions will create a downzoning that is inconsistent with provincial policy related to urban growth centres and MTSAs.

Figure 1. Landmark Locations from Schedule A2 of Zoning By-law 1-88



Definitions

IBI Group is pleased with the updates to the Gross Floor Area (GFA) definition in the Second Draft, which provides additional clarity into the calculation of GFA. However, there is still a significant difference with the definition within the VMC SP, which states that 10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot. The Draft Comprehensive Zoning By-law does not make reference to this policy in any of its provisions. It is imperative that there is consistency between the definitions moving forward.

Mr. Brandon Correia – February 19, 2020

Document	Gross Floor Area Definition
Zoning By-Law 1-88	Means the aggregate floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure.
VMC SP	The calculation of gross floor area shall not include the floor area of underground and above-ground structured parking, bicycle parking and public transit uses, such as subway entrances and bus terminals. In addition, as per Policy 8.1.1, 10,000 square metres of gross floor area devoted to office uses on lots in the Station Precinct may be excluded from the density calculation where the development contains a minimum of 10,000 square metres of office uses per lot. (8.1.19)
1st Draft Comprehensive Zoning By-Law	In reference to a building, the aggregate of the floor areas of all storeys of a building, excluding any cellar, attic, mechanical room, mechanical penthouse, but excluding any portion of a garage or parking structure.
2nd Draft Comprehensive Zoning By-Law	In reference to a building or structure, means the aggregate of the floor areas of all storeys of a building measured from the outside of the exterior walls, but excluding any basement, attic, mechanical room, mechanical penthouse, elevator, elevator shaft, escalators, bicycle parking space, loading space, a dedicated waste storage area, or any portion of a garage or parking structure located above or below grade.

Permitted Uses and Building and Lot Requirements

A working session with City Staff would be beneficial to discuss detailed matters such as the permitted uses and lot and building requirements within the VMC Zones. Some elements of concern that IBI Group would like to highlight, include, but are not limited to:

Permitted Uses

- Permitted uses within V3 Zone (Vaughan Metropolitan Centre Neighbourhood Zone) are more prescriptive than the permitted uses listed within the VMC SP for Neighbourhood Precincts (Policy 8.4.1). For example, while the VMC SP permits retail and service commercial uses within the Neighbourhood Precincts in accordance with Section 8.6 (Retail), these uses are not permitted based on the Draft Comprehensive Zoning By-law.
- Public parking is not permitted in V3, which is inconsistent with future driving trends and does not allow for shared parking opportunities.
- Note #3: Why are commercial uses restricted to the ground floor? What is the rationale behind the proposed 10% restriction? ;
- Note #4: Restricting office uses to the V3 zone subject to areas shown on Schedule B-1 is overly restrictive, resulting in an intent not consistent with VMC SP;

Mr. Brandon Correia – February 19, 2020

- Note #5: This condition exists/is proposed within several applications within the VMC. Instead of restricting apartment dwellings within the ground floor frontage, can they be limited to a certain percentage?
- Note #6: It is too restrictive to limit these uses to corner lots only. What is the rationale for this?

Lot and Building Requirements

IBI Group wishes to understand the rationale behind the following changes to the lot and building requirements for the VMC zones between the First and Second Draft Comprehensive By-law:

- An increase to the minimum front yard from 2.0m to 3.0m for V1, V2 and V4;
- An increase to the minimum exterior side yard from 2.0m to 3.0m for V1, V2 and V4; and
- An increase to the required build-to-zone from 3.0m to 5.0m for V1, V2 and V3.

IBI Group is supportive of the removal of the 30.0m height minimum for podium and tower.

Overall it appears there are several inconsistencies between the VMC SP and the current Draft Comprehensive Zoning By-law in terms of permitted uses and the lot and building requirements. IBI Group wishes that more flexibility be integrated within the lot and building requirements so that the provisions are not too restrictive. There is currently an innovative and collaborative approach to city building occurring in the VMC between the landowners and City staff, and the restrictive nature of the zoning provisions within the current Draft Comprehensive By-law could remove some of this creativity and collaboration.

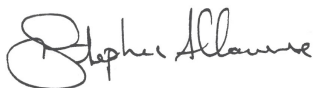
Conclusion

On behalf of our client, we continue to contend the advancement of a Comprehensive Zoning By-law in advance of a new policy review of the VMC SP appears premature. Notwithstanding, should the City wish to continue, we submit that the Comprehensive Zoning By-law accurately reflect the policies within the VMC SP including the flexibility that was arbitrated through a lengthy Ontario Municipal Board Hearing. Additional efforts should be made to ensure that these policies and the flexibility are reflected in the provisions moving forward. Furthermore, our clients would like to ensure that the Landmark Location provisions are carried forward in the Comprehensive Zoning By-law so as to not downzone the existing permissions enjoyed by these select blocks.

IBI Group kindly requests to be included in all further consultations regarding the Comprehensive Zoning By-law and be notified of any future updates. Further to this letter, we request that the City consider a coordinated working session with key VMC landowners to review and discuss the draft Comprehensive By-law. We would also like to understand the City's plan to update the Comprehensive Zoning By-law as new planning policies of the VMC SP come into effect to ensure consistency. Please do not hesitate to contact the undersigned should you have any questions.

Thank you,

IBI GROUP



Stephen Albanese MCIP RPP

cc: Lynn Korbak, Toromont Industries Ltd.