



File: A172/21

Applicant: 2748355 Canada Inc.

Address: 30, 40, 50, 60, 70, 80, 100 and 110  
Interchange Way, Concord

Agent: IBI Group

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson  
Hearing Date: Thursday, September 9, 2021

*\*Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).*



Minor Variance  
Application

Agenda Item: 17

A172/21

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday, September 9, 2021 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto:cofa@vaughan.ca) or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

**Applicant:** 2748355 Canada Inc.

**Agent:** IBI Group

**Property:** 30, 40, 50, 60, 70, 80, 100 and 110 Interchange Way, Concord

**Zoning:** The subject lands are zoned C10 - Corporate District Zone and are subject to the provisions of Exception 9(957) under By-law 1-88 as amended.

**OP Designation:** Vaughan Official Plan 2010, Volume 2, Vaughan Metropolitan Centre ('VMC'): "Neighbourhood Precinct", "Major Parks", and "Open Space".

**Related Files:** Site Plan DA.21.019

**Purpose:** Relief from By-law 1-88, as amended, is being requested permit:

"Open Storage" as a use in the C10 Zone for a period of 5-years to support the use of shipping containers in a Temporary Activation Space;

A maximum height of 23.5 m for a landmark structure within the C10 Zone for a period of 5-years to support the placemaking of a Temporary Activation Space; and to facilitate Site Plan Application DA.21.019.

The Temporary Activation Space is proposed to transform the large amounts of existing surface parking into landscaped features, community space, and outdoor activation space to animate an area of the VMC that is currently vacant. The Temporary Activation Space will be privately owned and publicly accessible.

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

By-law Requirement	Proposal
1. Open Storage is not a permitted use within the C10 – Corporate District Zone. [5.11 and 5.1.4]	1. The permit an Open Storage use on the lot (shipping containers).
2. The maximum permitted building height is 15.0 metres. [5.1.5, Schedule A2]	2. The maximum proposed building height of the 'landmark structure' as described in the application is 23.5 metres.

Background (previous applications approved by the Committee on the subject land): None

For information on the previous approvals listed above please visit [www.vaughan.ca](https://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: None

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 **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:  
Public notice was mailed on August 25, 2021

Applicant confirmed posting of signage on August 23, 2021

Property Information	
Existing Structures	Year Constructed
Vacant	N/A

Applicant has advised that they cannot comply with By-law for the following reason(s): Please reference Applicant Cover Letter for a detailed response.

The Temporary Activation Space is proposed to transform the large amounts of existing surface parking into landscaped features, community space, and outdoor activation space to animate an area of the VMC that is currently vacant and underutilized. It is intended to provide an interim, privately owned, publicly accessible space within the southwest quadrant of the VMC, and will include a new, temporary Community Hub, that will renovate and adaptively reuse a vacant commercial space. Within the Temporary Activation Space, shipping containers will be utilized as design features, and as a structural landmark element to generate interest and excitement to a transforming area by drawing people into the space.

Adjournment Request: None

Building Standards (Zoning Review):  
Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Permit No. 21-105127 for Cinema/Theatre - Non-Residential Demolition, Issue Date: Apr 15, 2021

This review pertains only to the uses/buildings proposed as part of Phase 1 as shown on the submitted drawings. A review has not been completed regarding reference to the Phase 2/Phase 3 restaurant shown on the statistics as complete information has not been provided.

A Temporary Parking Lot and/or a Commercial Parking Lot are not permitted uses on the lot. The applicant has confirmed that all parking spaces shown on the drawings submitted as part of this application are existing and accessory to permitted uses on the lot.  
Note that if any change is proposed to the existing parking lot layout to accommodate the development, the provision of accessible parking in accordance with 3.8.1 d) may be required

Outdoor sales (such as a Farmer's Market) are not a permitted use on the lot. This application does not propose to vary the by-law to permit such a use.

The applicant has confirmed that the 'landmark structure' (composed of shipping containers stacked atop one another) is not intended to be used as a building as defined and will not contain a use.

The shipping containers shown on the Site Plan submitted are not proposed to contain a use, and have been interpreted as Open Storage. Please note that if any use is proposed within the shipping containers in the future, another zoning review will be required that may identify additional variances. A building permit may also be required.

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

Building Inspections (Septic):  
No comments or concerns

Development Planning:  
Vaughan Official Plan 2010, Volume 2, Vaughan Metropolitan Centre ('VMC'): “Neighbourhood Precinct”, "Major Parks", and "Open Space".

The Owner is requesting to permit an open storage use of shipping containers and to allow the outdoor storage to have a maximum height of 23.5 m for a temporary period of 5-years. The shipping containers are proposed to complement a proposed temporary activation space as a special design feature on the Subject Lands which is located in the southwest quadrant of the VMC. This temporary activation space will be publicly accessible

and is related to Site Development File DA.21.019 which is currently being reviewed by staff through a delegated approval process.

Council's vision for the VMC is to create a downtown that is intense and dynamic and in time will become the economic, cultural, and physical heart of the city. One of the key principles to achieving council's vision for the downtown is create a vibrant downtown where civic and cultural facilities and other destinations attract people from across the city and the region.

The VMCSPP envisions the Subject Lands to be redeveloped with a mix of uses, including parks and open spaces and residential uses complemented by community amenities such as schools and community centres. Several approved residential developments located in close vicinity of the Subject Lands are under construction and are proposed to be occupied in 2022-2023. Recommendation 15A of the VMC Culture and Public Art Framework speaks to working cooperatively with landowners to develop a multi-year plan for vacant, under-utilized and unencumbered sites as venues for potential temporary cultural uses, pop-up events, etc.

The proposed temporary activation space will not only invigorate an underutilized parcel of land (currently used as a surface parking lot with decommissioned commercial buildings), but the proposal will also create a temporary recreational community hub and open space area that will serve existing and future residents of the VMC. The shipping containers are not proposed to be used as traditional outdoor storage, but instead will act as a landmark design element to generate attention to the temporary activation space and draw visitors to the VMC.

With respect to the requested increase in the maximum building height of 8.5 m (from 23.5 m to 15 m), the proposed height of 23.5 m is to accommodate stacking of a total of 9 shipping containers atop one another. The stacked shipping containers is a design feature that will anchor the temporary activation space as structural landmark which will generate interest to the area.

Planning staff has no objection to the requested variances. Staff are of the opinion that the proposed variances is supportable as the requested variance contributes to achieving the vision of the VMC in the interim while the lands are not yet redeveloped in accordance with the VMCSPP's long-term vision. Furthermore, the temporary nature of the proposed variances will not inhibit the lands from being redeveloped in the future in accordance with the VMCSPP. Should the Committee approve this application subject the recommended condition of this report, the approval of requested variances will lapse in 5 years from the date of the approval.

For the reasons mentioned above, staff are of the opinion that the requested 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, subject to the recommended condition.

The Development Planning Department recommends approval of the application subject to the following condition:

That Minor Variance Application A172/21 to permit an open storage use and increase in maximum building height of 23.5 m to facilitate a temporary activation space be restricted to a temporary approval of 5 years.

**Development Engineering:**

The COA application was circulated to VMC Transportation Engineering and there are no further transportation comments.

As there is a Development Application (DA. 21.019) for the subject address, Development Engineering provided a condition with the COA approval. After receiving the approval for DA. 21.019, the applicant should notify the COA Development Engineering reviewer to clear the condition.

The Development Engineering (DE) Department does not object to variance application A172/21 subject to the following condition(s):

The Owner/applicant shall obtain approval for the related Site Development Application (DA. 21.019) from the Development Engineering (DE) Department.

**Parks Development - Forestry:**

Forestry is currently working with development planning/VMC. No condition/comments at this time.

**By-Law and Compliance, Licensing and Permit Services:**

No comments received to date

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

**Fire Department:**  
No comments received to date

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**  
Applicant Correspondence – Planning Justification Report  
Public Correspondence (60B Interchange Way) – Letter of Objection

**Schedule C - Agency Comments**  
Alectra (Formerly PowerStream) – Under Review  
Region of York – Comments no condition

**Schedule D - Previous Approvals (Notice of Decision)**  
None

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

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers the following:

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

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

	Department/Agency	Condition
1	Development Planning Roberto Simbana  905-832-8585 x 8810 <a href="mailto:roberto.simbana@vaughan.ca">roberto.simbana@vaughan.ca</a>	That Minor Variance Application A172/21 to permit an open storage use and increase in maximum building height of 23.5 m to facilitate a temporary activation space be restricted to a temporary approval of 5 years.
2	Development Engineering Farzana Khan  905-832-8585 x 3608 <a href="mailto:Farzana.Khan@Vaughan.ca">Farzana.Khan@Vaughan.ca</a>	The Owner/applicant shall obtain approval for the related Site Development Application (DA. 21.019) from the Development Engineering (DE) Department.

**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.

**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.

## 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

**PLEASE NOTE:** As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

**PUBLIC CONSULTATION DURING OFFICE CLOSURE:** 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. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit [www.vaughan.ca](https://www.vaughan.ca)

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video 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 Ontario Land Tribunal (OLT) 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**

**Adriana MacPherson**

T 905 832 8585 Extension 8360

E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

Schedule A: Plans & Sketches

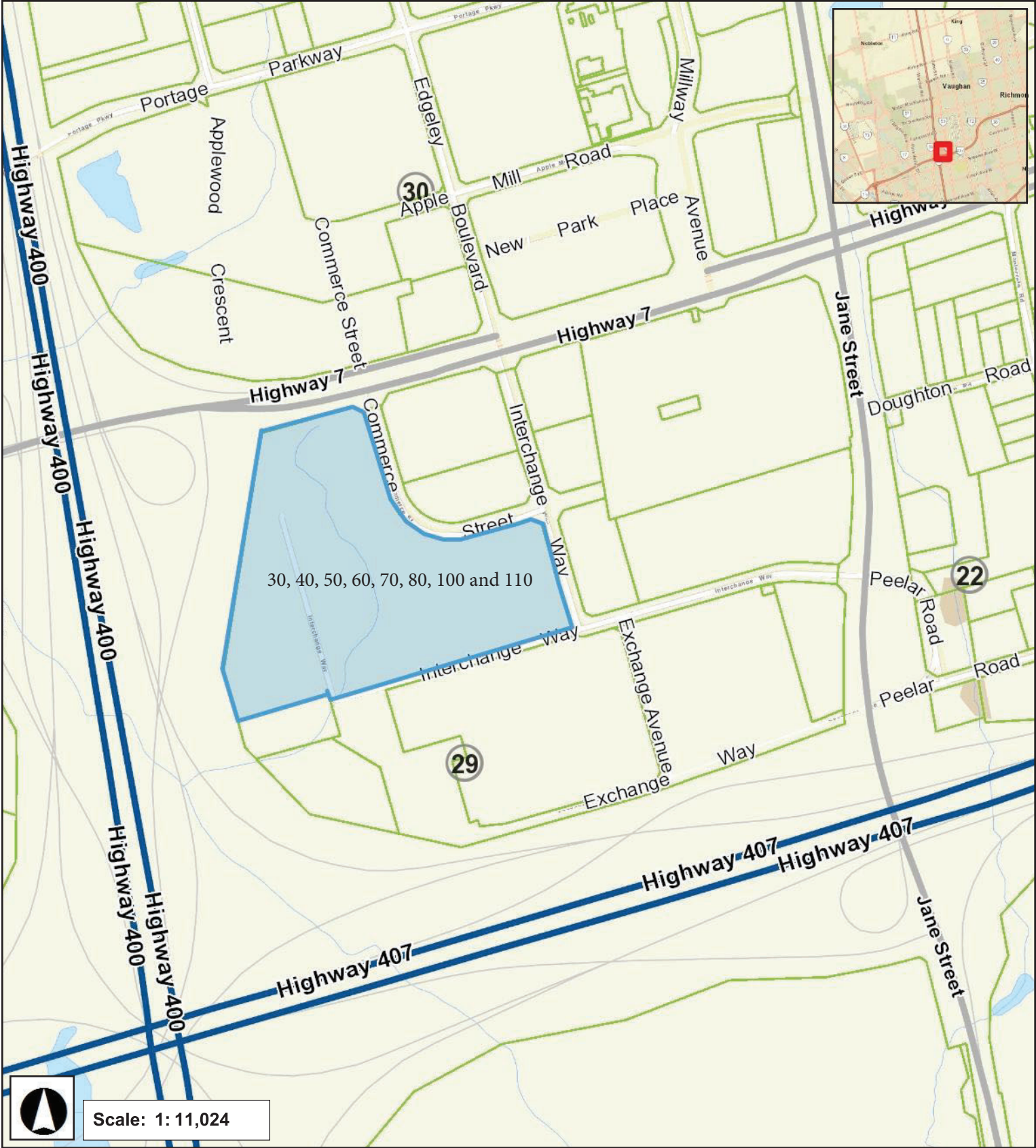
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map  
Plans & Sketches



# A172/21 - Location Map

30, 40, 50, 60, 70, 80, 100 and 110 Interchange Way, Concord

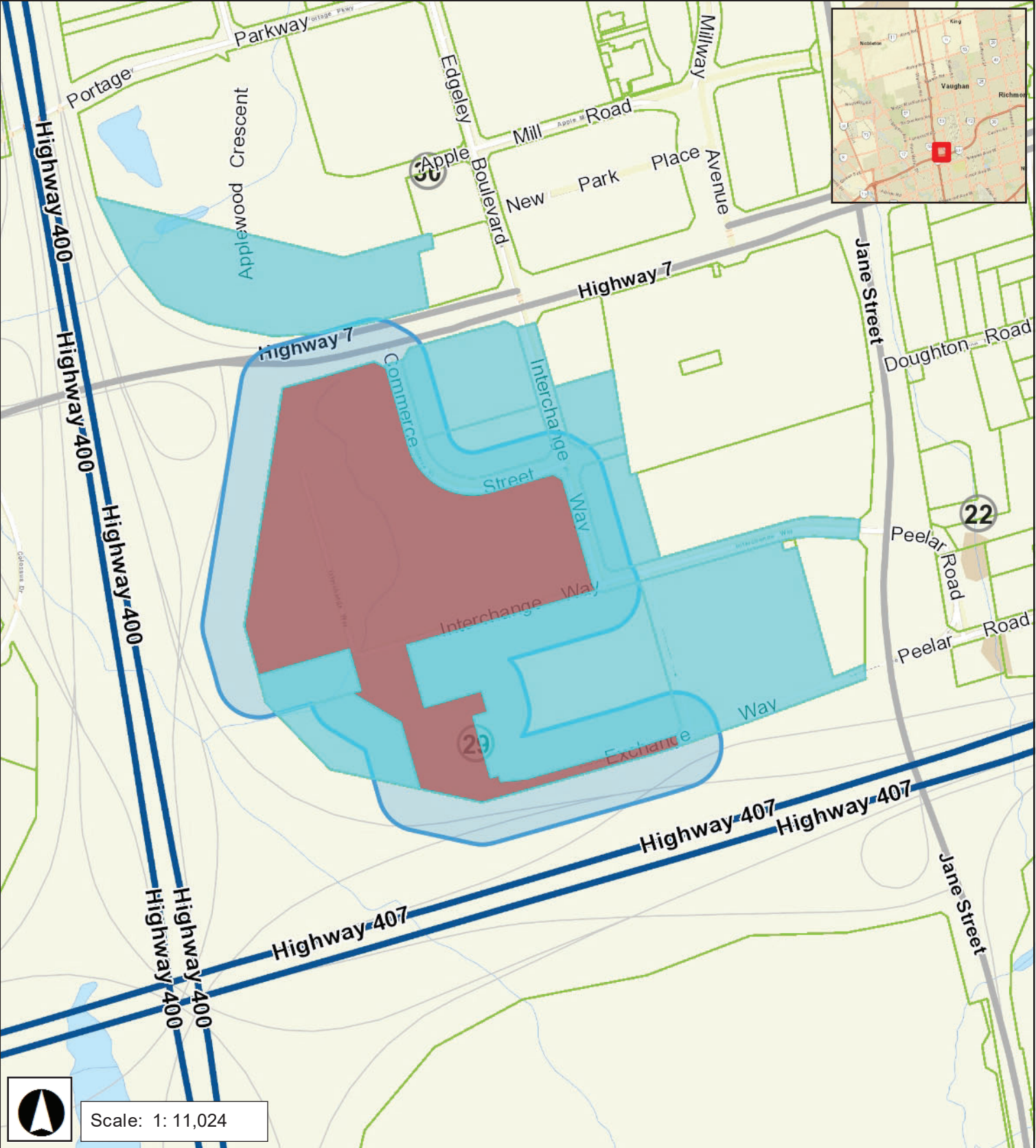






# A172/21 - Notification Map

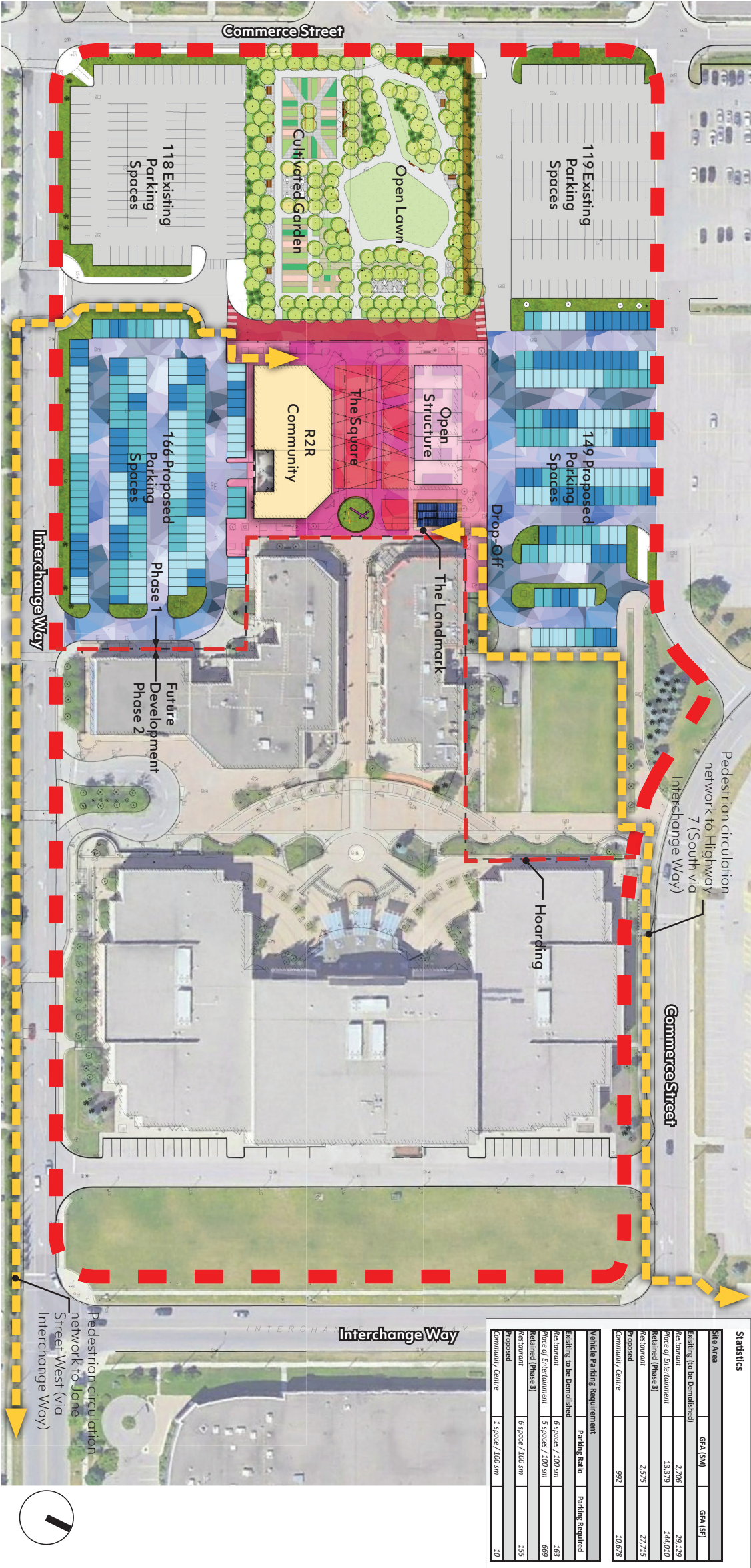
30, 40, 50, 60, 70, 80, 100 and 110 Interchange Way, Concord





Proposal:

- 1. The permit an Open Storage use on the lot (shipping containers).
- 2. The maximum proposed building height of the 'landmark structure' as described in the application is 23.5 metres.



Statistics

Site Area	GFA (SM)	GFA (SF)
Existing (to be Demolished)		
Restaurant	2,206	29,129
Price of Entertainment	13,379	144,010
Retained (Phase 3)		
Restaurant	2,575	27,715
Proposed		
Community Centre	992	10,678

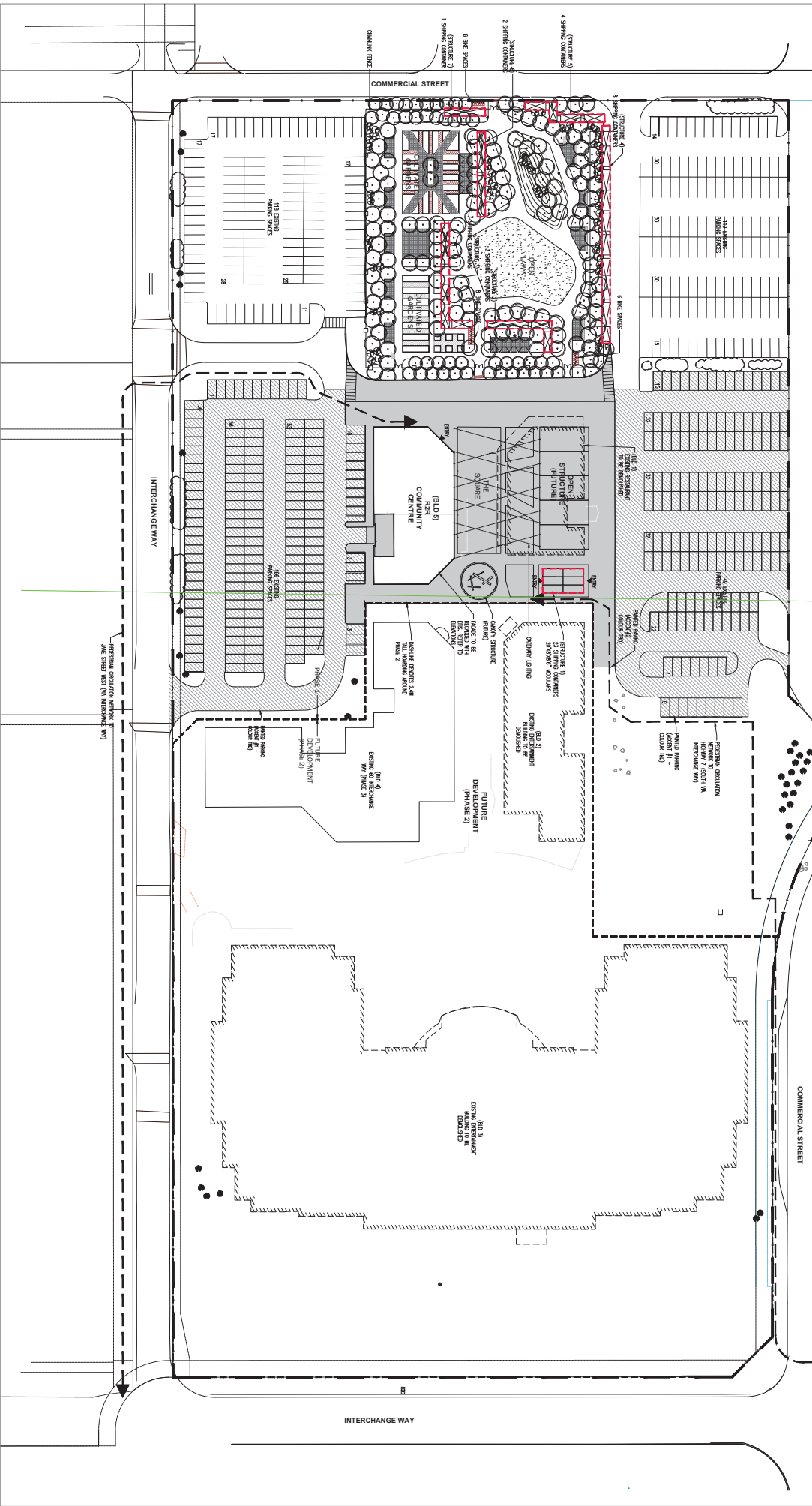
Vehicle Parking Requirement		
	Parking Ratio	Parking Required
Existing (to be Demolished)		
Restaurant	6 spaces / 100 sm	168
Price of Entertainment	3 spaces / 100 sm	669
Retained (Phase 3)		
Restaurant	6 space / 100 sm	155
Proposed		
Community Centre	1 space / 100 sm	10



Statistics

Site Area	GFA (SM)	GFA (SF)
Existing (to be Demolished)		
Restaurant	2,706	29,129
Place of Entertainment	13,379	144,010
Retained (Phase 3)		
Restaurant	2,575	27,715
Proposed		
Community Centre	992	10,678

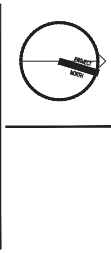
Vehicle Parking Requirement		
Existing to be Demolished	Parking Ratio	Parking Required
Restaurant	6 spaces / 100 sm	163
Place of Entertainment	5 spaces / 100 sm	669
Retained (Phase 3)		
Restaurant	6 space / 100 sm	155
Proposed		
Community Centre	1 space / 100 sm	10



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NOT FOR  
CONSTRUCTION  
PRELIMINARY

3. ISSUED FOR COORDINATION	21.07.20
2. REVISION FOR SITE PLAN APPROVAL	21.04.20
1. ISSUED FOR SITE PLAN APPROVAL	21.04.20
Revision	DAB



**giamone  
petricone  
associates**  
Giamone Petricone Associates Inc. Architects  
4823 Wellington Street West, Toronto, Ontario M3J 1E1  
Tel: 416-754-1788 F: 416-591-1290 E: info@gpa.ca

VMO BLOCK 6  
COMMENCE STREET AND INTERCHANGE WAY,  
VANAGHAN  
SHEET TITLE

SITE PLAN

SCALE	1:600
DATE OF ISSUE	21.04.20
DESIGNED BY	21.04.20
CHECKED BY	21.04.20
DATE OF REV.	15.03.20
SHEET NUMBER	

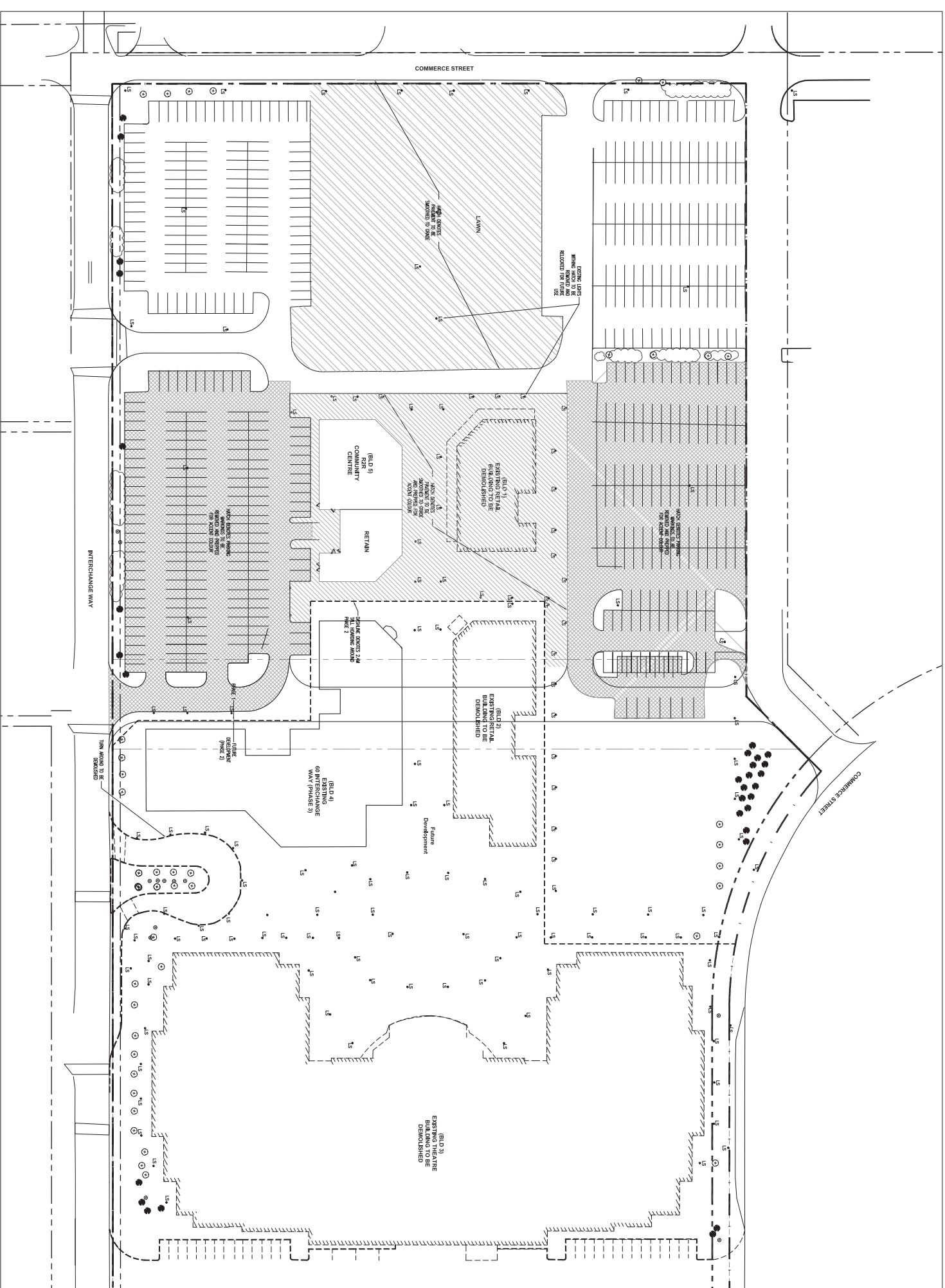
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**NOT FOR  
CONSTRUCTION**

## PRELIMINARY



SCALE:	#####
DRAWN BY:	###
CHECKED BY:	###
DATE:	21.04.09
PROJECT NO.:	19154
SHEET NUMBER	

## EXISTING SITE PLAN

VMC BLOCK 6  
COMMERCE STREET AND INTERCHANGE WAY,  
VAUGHAN  
SHEET TITLE

VMC BLOCK 6

COMMERCE STREET AND INTERCHANGE WAY,  
VAUGHAN

---

**SHEET TIME**



**gianmone  
petricone  
associates**

**Glennore Petticone Associates Inc. Architects**  
462 Wellington Street West, Toronto, Canada M5V 1E3,  
T 416.591.7788 F 416.591.1293 E [mail@gaib.com](mailto:mail@gaib.com)

VMC BLOCK 6

COMMERCE STREET AND INTERCHANGE WAY,  
VAUGHAN

SHEET TIME

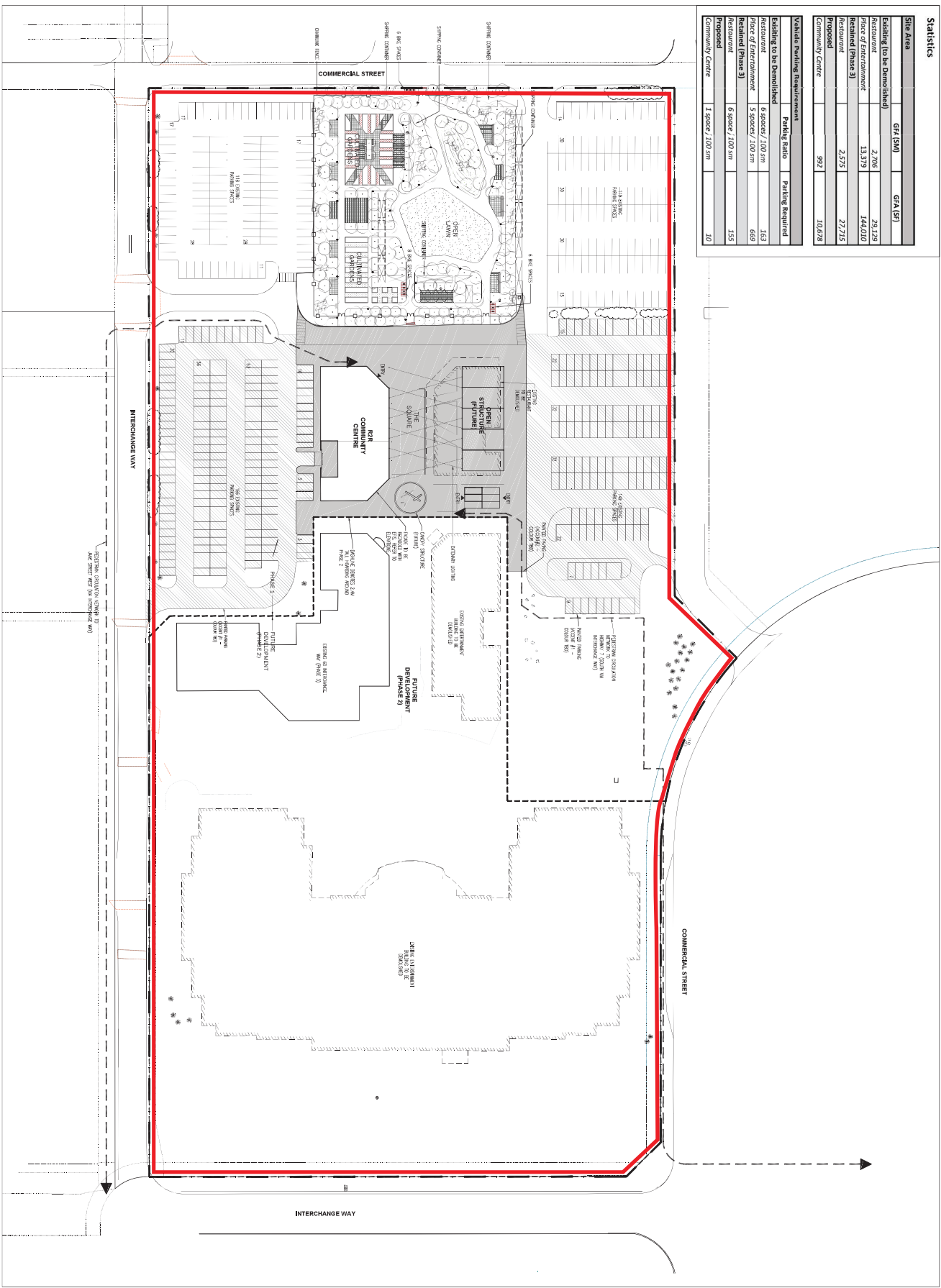
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Statistics

Site Area	GFA (sqm)	GFA (sqf)
Existing (to be Demolished)	2,706	29,128
Phase 1	13,379	144,010
Phase 2	2,575	27,715
Phase 3	992	10,678
Community Centre		


Vehicle Parking Requirement	Parking Ratio	Parking Required
Existing to be Demolished		
Restaurant	6 spaces / 100 sqm	163
Piece of Entertainment	5 spaces / 100 sqm	669
Restaurant (Phase 3)	6 space / 100 sqm	155
Proposed		
Community Centre	1 space / 100 sqm	10



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NOT FOR  
CONSTRUCTION

PRELIMINARY

 Lands Subject to  
Minor Variance  
Application

2. REVISED FOR SITE PLAN APPROVAL 21.06.03  
1. ISSUED FOR SITE PLAN APPROVAL 21.06.02  
Revision Date



**gannone  
petrone  
associates**  
Gannone Petrone Associates Inc. Architects  
1410-17788 F. A. 202-112-1200 E. info@gpa.com

**VMC BLOCK 6**  
COMMERCIAL STREET AND INTERCHANGE WAY,  
VAUGHAN  
SHEET TITLE

SITE PLAN

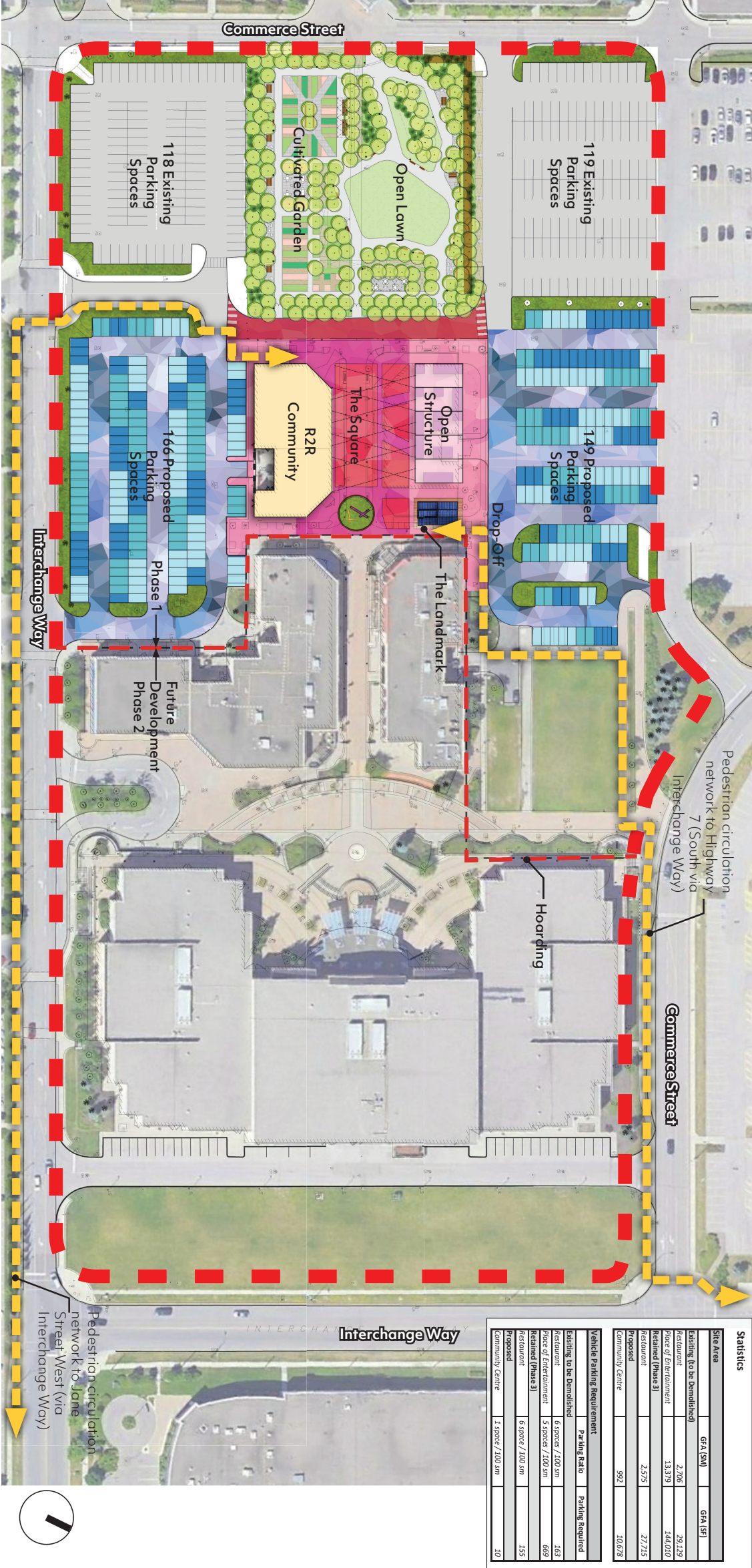
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CHECKED BY	20.03.02
DATE	20.03.02
SHEET NUMBER	19/24

A1.00

1 SITE PLAN  
A1.00 1:500







Statistics

Site Area	GFA (SM)	GFA (SF)
Existing (to be Demolished)		
Restaurant	2,206	29,129
Place of Entertainment	13,379	144,010
Retained (Phase 3)		
Restaurant	2,575	27,715
Proposed		
Community Centre	992	10,678

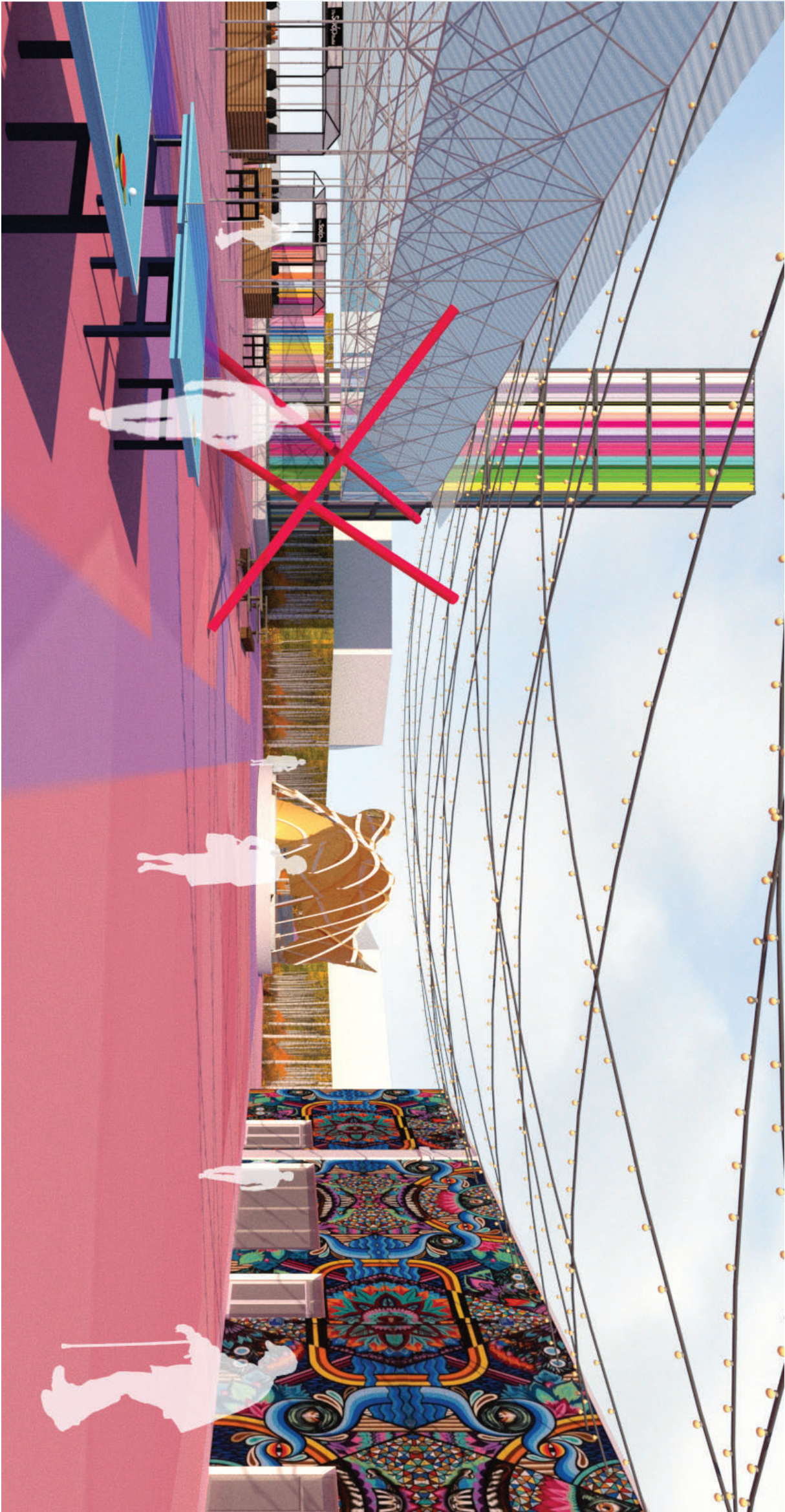
Vehicle Parking Requirement		
	Parking Ratio	Parking Required
Existing (to be Demolished)		
Restaurant	6 spaces / 100 sm	168
Place of Entertainment	3 spaces / 100 sm	669
Retained (Phase 3)		
Restaurant	6 space / 100 sm	155
Proposed		
Community Centre	1 space / 100 sm	10



Proposed Site Plan



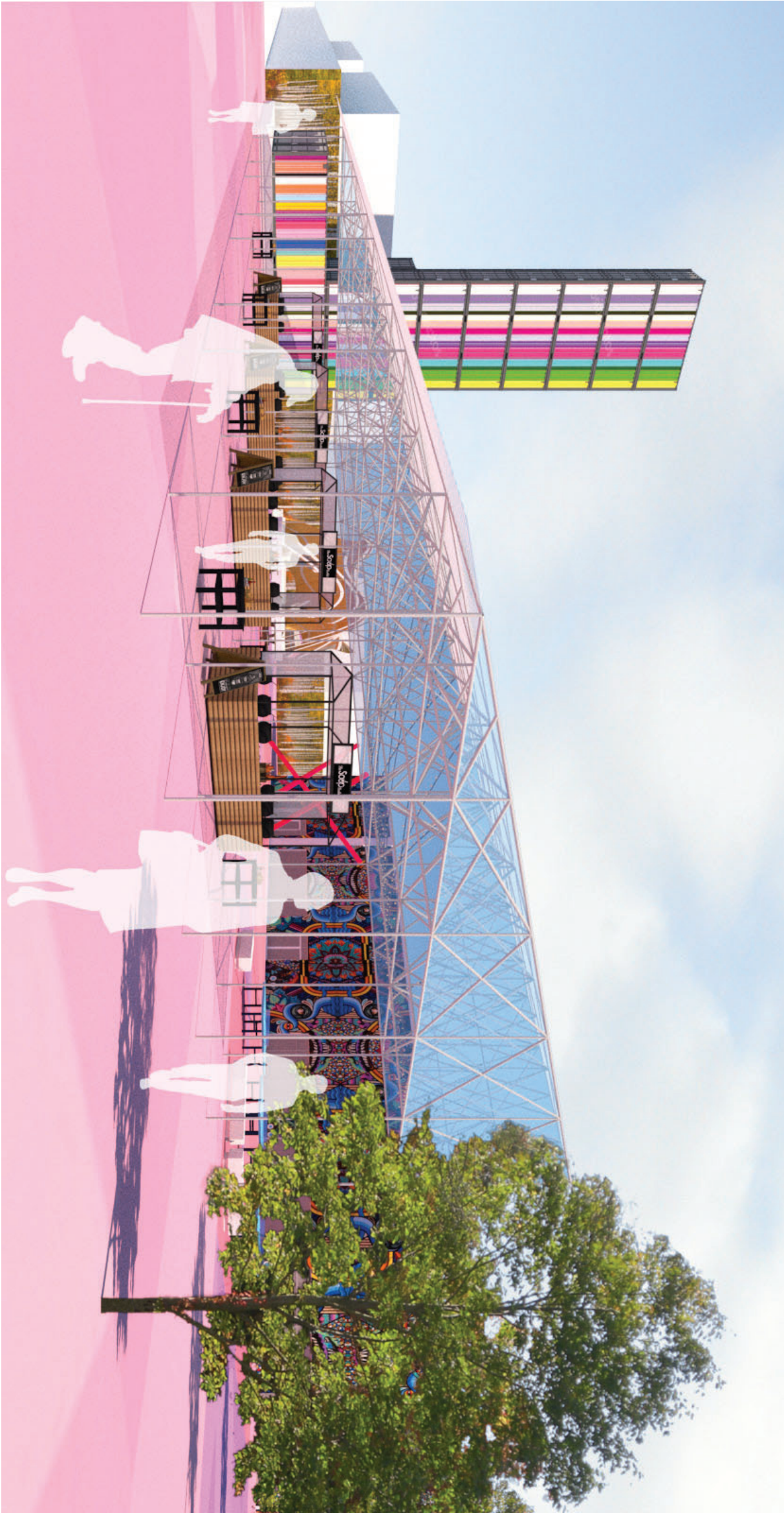






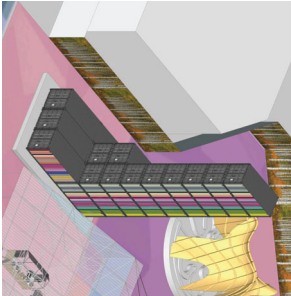




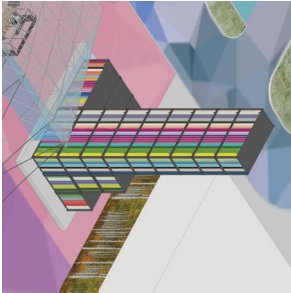


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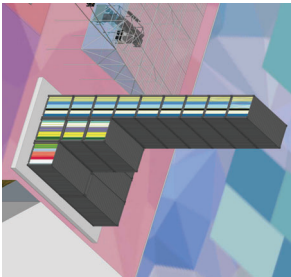
NOT FOR  
CONSTRUCTION  
PRELIMINARY



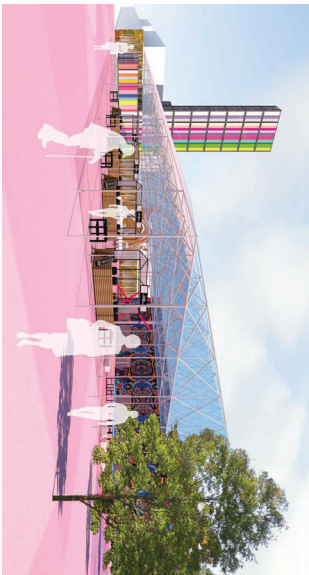
9 NORTH-WEST AXIOMETRIC VIEW  
A2.02 1/100



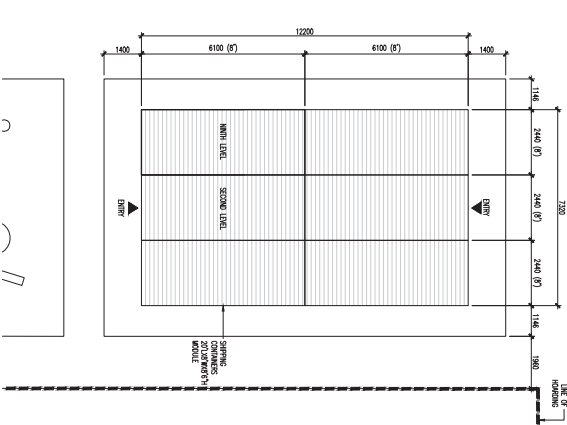
8 SOUTH-WEST AXIOMETRIC VIEW  
A2.02 1/100



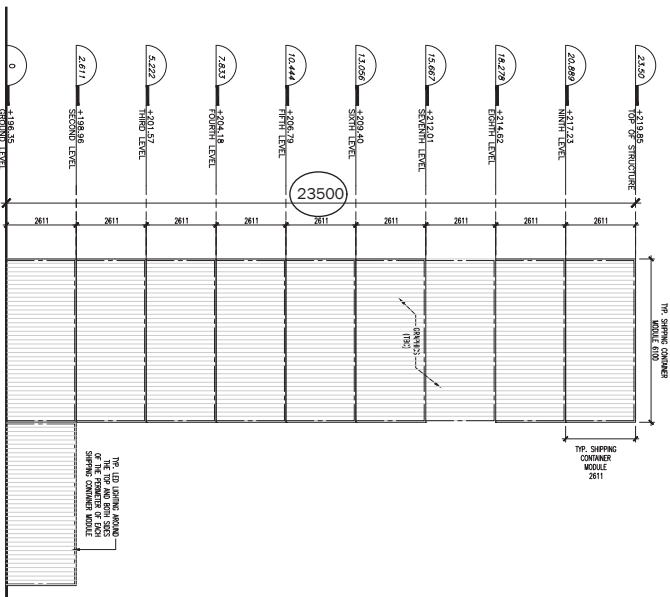
7 SOUTH-EAST AXIOMETRIC VIEW  
A2.02 1/100



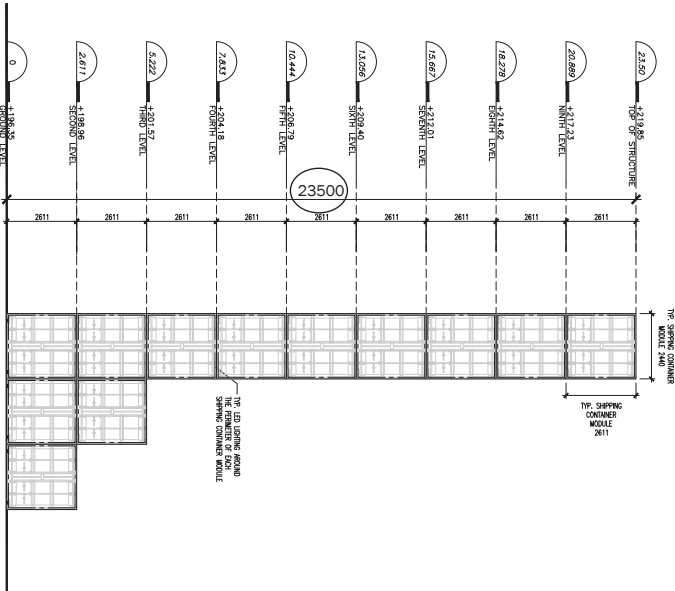
6 PERSPECTIVE VIEW - LOOKING FROM NORTH WEST  
A2.02 1/100



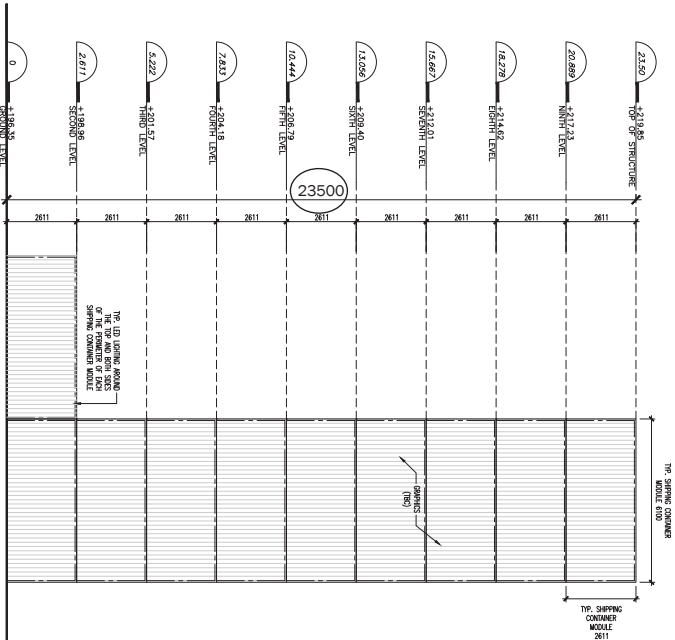
5 ROOF PLAN - THE LANDMARK  
A2.02 1/100



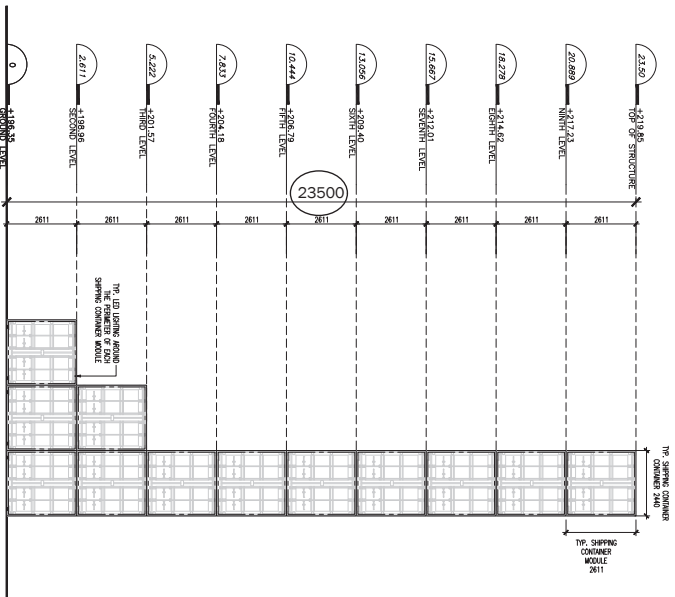
4 EAST ELEVATION - THE LANDMARK  
A2.02 1/100



3 SOUTH ELEVATION - THE LANDMARK  
A2.02 1/100



2 WEST ELEVATION - THE LANDMARK  
A2.02 1/100



1 NORTH ELEVATION - THE LANDMARK  
A2.02 1/100



**Shannon**  
**perkins**  
**associates**  
ARCHITECTS  
4001 UNIVERSITY AVENUE, SUITE 100  
VANCOUVER, BC V6T 1C6  
TEL: 604.681.7788 FAX: 604.681.1293 E: info@shannonperkins.com

**VMC BLOCK 6**  
**COMMERCIAL STREET AND INTERCHANGE WAY,**  
**VANCOUVER**  
SHEET TITLE

THE LANDMARK  
PLAN, ELEVATIONS  
AND VIEWS

SCALE	AS NOTED
DRAWN BY	
CHECKED BY	21.04.09
PROJECT NO.	111113
SHEET NUMBER	

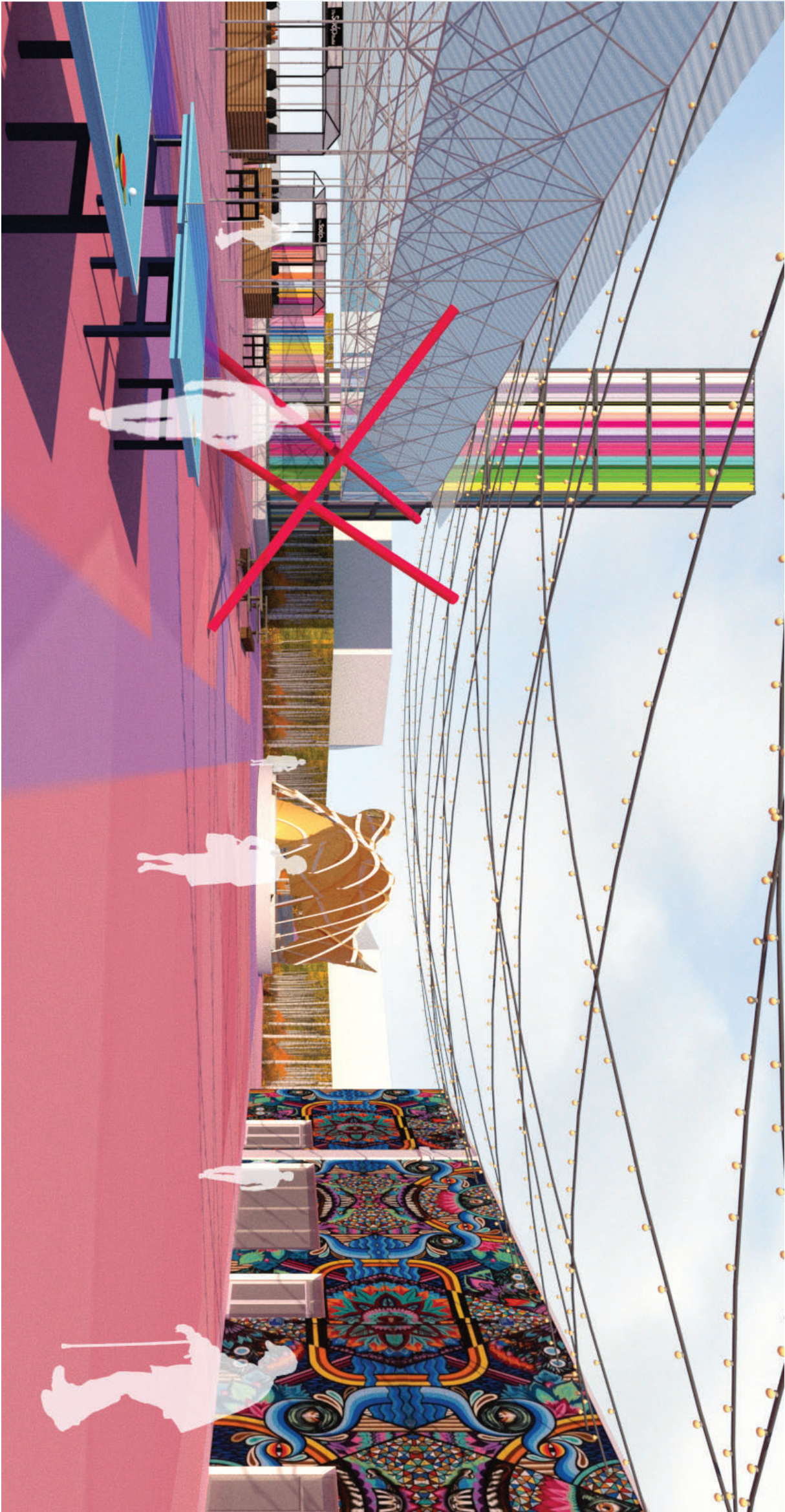
A2.02



Proposed Site Plan



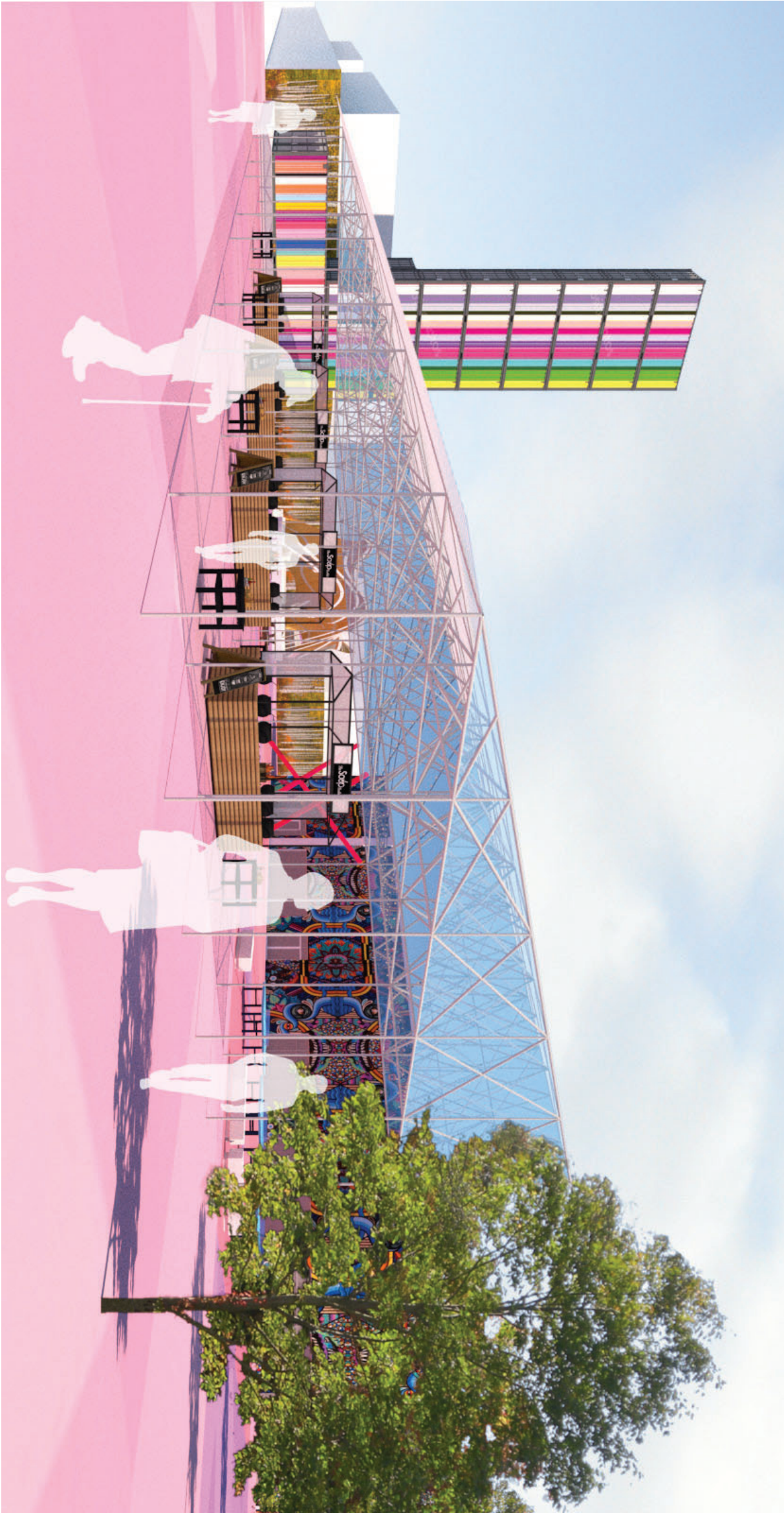








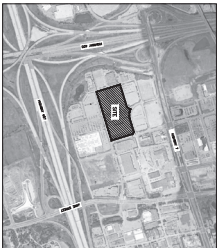




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**NOT FOR  
CONSTRUCTION**

**PRELIMINARY**



2 CONTEXT PLAN  
A1.01A 1:2000

3. ISSUED FOR COORDINATION	21.07.20
2. REVISION FOR SITE PLAN APPROVAL	21.08.20
1. ISSUED FOR SITE PLAN APPROVAL	21.04.20
Revision	DAB

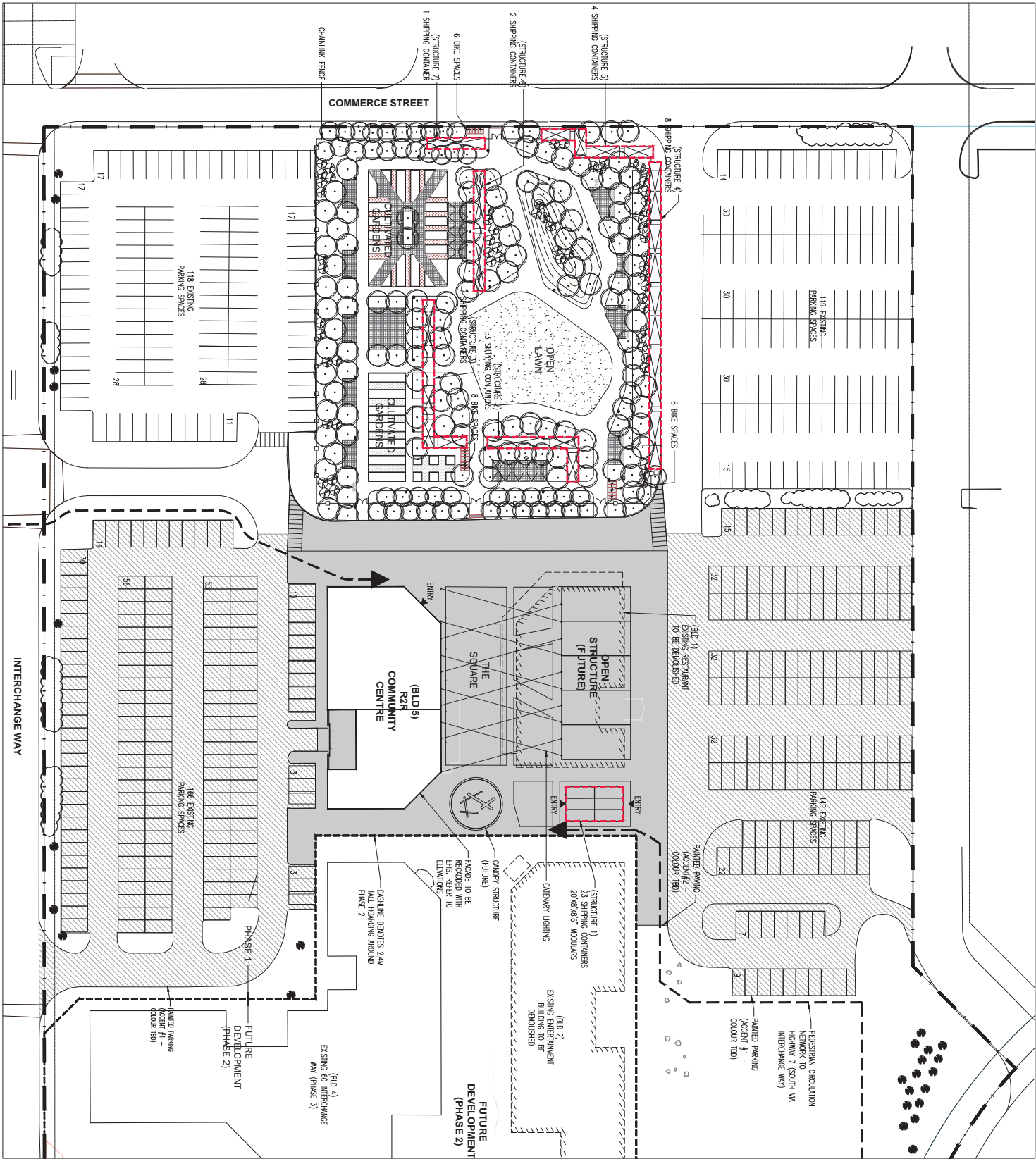
**gianpiero  
petrone  
associates**  
Gianpiero Petrone Associates Inc. Architects  
4832 McMillan Street West, Toronto, Ontario M3J 1E1  
T: 416-597-1788 F: 416-597-1250 E: info@petrone.com

**VMC BLOCK 6**  
COMMERCE STREET AND INTERCHANGE WAY,  
VAUGHAN  
SHEET TITLE

SCALE	1:600
DATE	21.07.20
DESIGNED BY	21.04.20
CHECKED BY	21.04.20
DATE	21.04.20
PROJECT NO.	15135
SHEET NUMBER	

**A1.01A**

REV DATE: 21.07.20



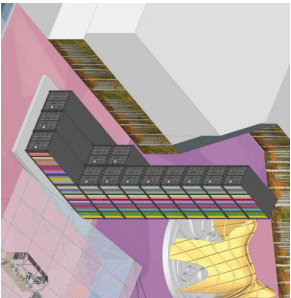
1 SITE PLAN  
A1.01A 1:600



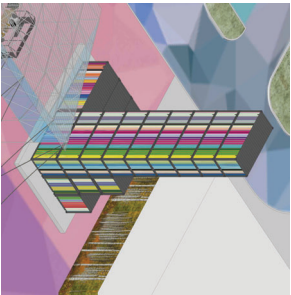


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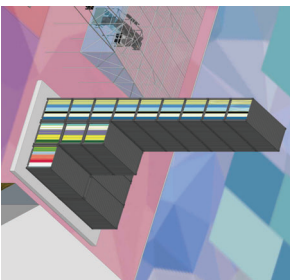
NOT FOR  
CONSTRUCTION  
PRELIMINARY



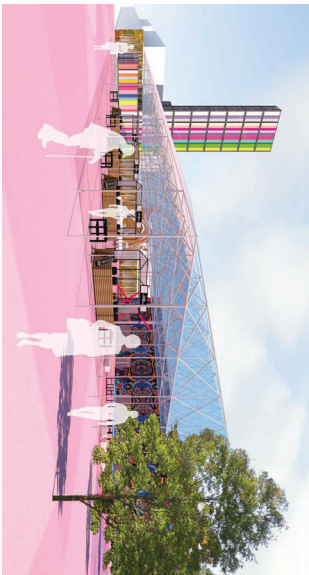
9 NORTH-WEST AXIOMETRIC VIEW  
A2.02 1/100



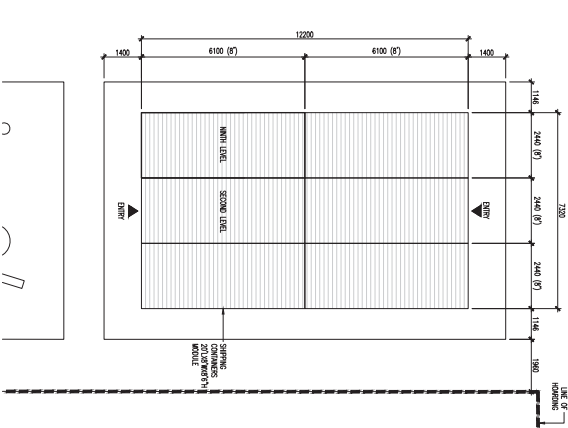
8 SOUTH-WEST AXIOMETRIC VIEW  
A2.02 1/100



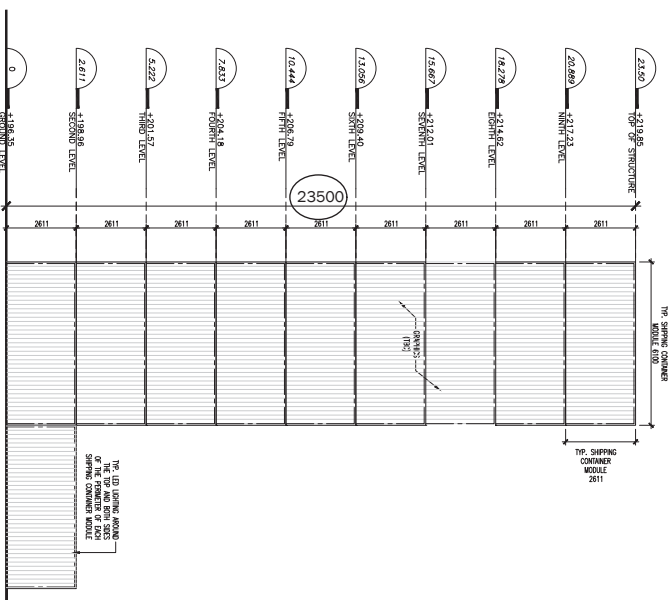
7 SOUTH-EAST AXIOMETRIC VIEW  
A2.02 1/100



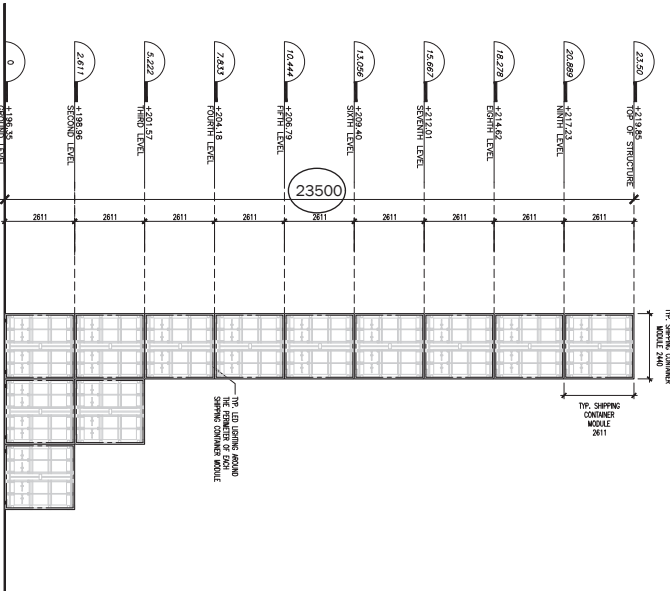
6 PERSPECTIVE VIEW - LOOKING FROM NORTH  
A2.02 1/100



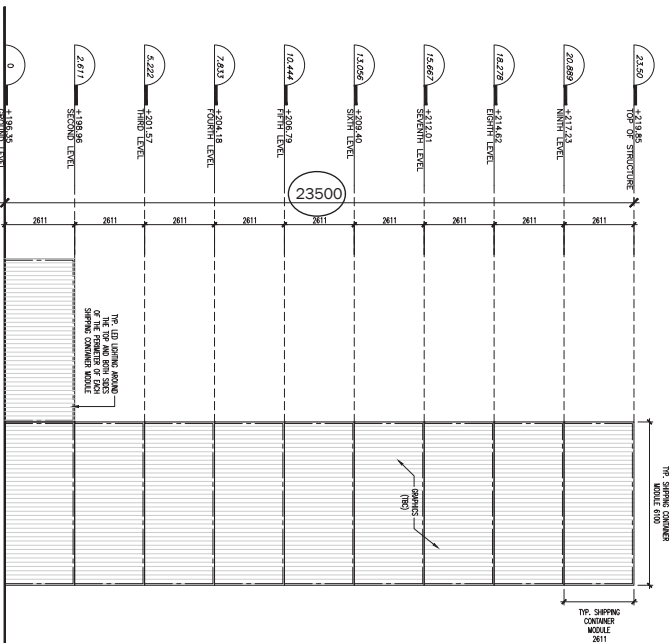
5 ROOF PLAN - THE LANDMARK  
A2.02 1/100



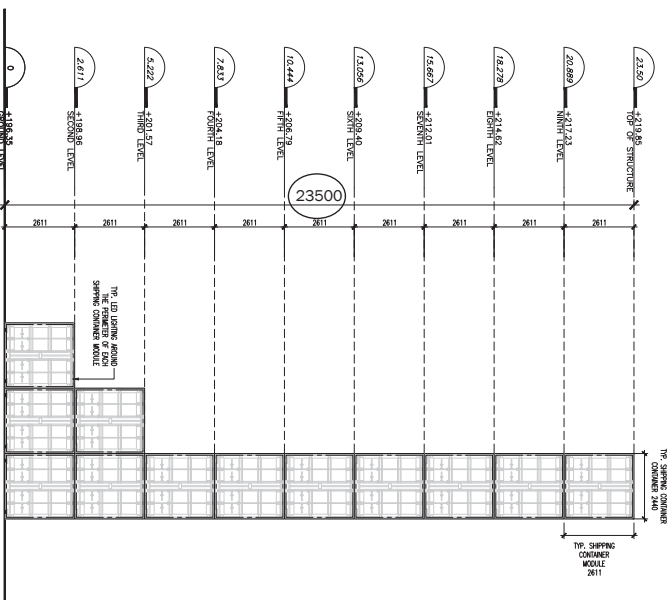
4 EAST ELEVATION - THE LANDMARK  
A2.02 1/100



3 SOUTH ELEVATION - THE LANDMARK  
A2.02 1/100



2 WEST ELEVATION - THE LANDMARK  
A2.02 1/100



1 NORTH ELEVATION - THE LANDMARK  
A2.02 1/100



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TEL: 604.681.7788 FAX: 604.681.1293 E: info@shannonperkins.com

**VMC BLOCK 6**  
COMMERCIAL STREET AND INTERCHANGE WAY,  
VANCOUVER

THE LANDMARK  
PLAN, ELEVATIONS  
AND VIEWS

SCALE	AS NOTED
DRAWN BY	
CHECKED BY	21.04.09
PROJECT NO.	111113
SHEET NUMBER	

A2.02

**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.

**Applicant Correspondence – Planning Justification Report**  
**Public Correspondence (60B Interchange Way) – Letter of Objection**





**IBI GROUP**  
7th Floor – 55 St. Clair Avenue West  
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tel 416 596 1930 fax 416 596 0644  
**ibigroup.com**

July 26, 2021

Ms. Christine Vigneault  
Manager Development Services and Secretary Treasurer  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Ms. Vigneault,

**MINOR VARIANCE FOR PARTS 17, 27, 28, 33, 34 & 57, ON PLAN 65R-20291:  
30, 50, 60, 70 & 80 INTERCHANGE WAY**

IBI Group, on behalf of 2748355 Canada Inc. (i.e. “the applicant”), is pleased to submit this Application for a Minor Variance for the lands legally described as Parts 17, 27, 28, 33, 34, and 57 on Plan 65R-20291 of the City of Vaughan, Regional Municipality of York, municipally known as 30, 50, 60, 70 & 80 Interchange Way (i.e. the “subject site”). The subject site is located in the southwest quadrant of the Vaughan Metropolitan Centre (VMC). There is an active Site Development Application currently under review for the subject site, City of Vaughan File Number (No.) DA.21.019, further described below.

The subject site is designated as *Neighbourhood Precinct* in the Vaughan Metropolitan Centre (VMC Secondary Plan). The subject site is currently zoned as *C10 - Corporate District Zone* subject to Exception 9(957) under By-law 1-88 as amended.

Site Development Application DA.21.019 was submitted to the City of Vaughan in May 2021 to facilitate the development of a Temporary Activation Space in the southwest quadrant of the VMC. The Temporary Activation Space will be created through the adaptive reuse of specific vacant commercial buildings and include the demolition of other vacant commercial buildings and associated surface parking lots. The Temporary Activation Space is proposed to transform the large amounts of existing surface parking into landscaped features, community space, and outdoor activation space to animate an area of the VMC that is currently vacant and underutilized. It is intended to provide an interim, privately owned, publicly accessible space within the southwest quadrant of the VMC, and will include a new, temporary Community Hub, that will renovate and adaptively reuse a vacant commercial space. Within the Temporary Activation Space, shipping containers will be utilized as design features, and as a structural landmark element to generate interest and excitement to a transforming area by drawing people into the space.

To facilitate this proposal and to construct the development proposed through DA.21.019, the following variances are being sought:

**1. Permit Open Storage Use for a period of five (5) years**

- By-law 1-88 does not permit *Open Storage* as a use within the *C10 – Corporate Centre Zone*;
- A variance is being requested to permit *Open Storage* as a temporary use in the *C10 – Corporate Zone* for a five (5)-year period. As demonstrated in Site Development Application DA.21.019, the proposal includes a unique community activation space in

From: Bart Kacki Luxy Nightclub  
To: Vaughan Committee of Adjustment  
Subject: Minor Variance Application A172/21  
Date: August 31, 2021

To Whom It May Concern

I am writing you this letter to state my opposition to the Minor Variance Application A172/21. One of the municipal addresses that the applicant lists in the application is where my business is housed in: 60 Interchange Way. Lux Entertainment Inc, (operating as Luxy Nightclub), has a lease in place and the business is exercising their rights of the lease until March 31, 2023.

**By-law requirement: 1. Open Storage is not a permitted use within the C10 – Corporate District Zone. [5.11 and 5.1.4]**

**Proposal: 1. The permit an Open Storage use on the lot (shipping containers)**

This development and zoning change will significantly, negatively affect my business. I am relying upon 1994 *Assaraf v. Toronto (City) Comm. of Adj't*. 31 O.M.B.R. 257 which states that a minor variance is a special privilege. There should be a valid reason why the bylaw requirements cannot be met. It is not sufficient that variance would be convenient to an owner to justify its approval. This plaza was originally designed and zoned as a world class entertainment not for an open space and park. This area is Zoned C10 for a reason and the applicant's recent and ongoing demolition actions is continually changing the landscape of this shopping centre. I have a map attached to my lease agreement indicating how that plaza should look and how it should be kept. There is no mention of shipping containers to be taking up parking spots in my lease agreement. To be transparent, I do have an ongoing lawsuit against landlord at Ontario Superior Court of Justice regarding their actions with breaches of the lease. The approval of the open storage on the lot in the form of shipping containers will additionally have an adverse impact on surrounding lands, (including other buildings such as Dave & Busters, Ikea and GoodLife). Perhaps of considerable notice is the fact that the applicant has indicated that they will be 'reusing specific vacant commercial buildings and include the demolition of other vacant commercial buildings and associated surface parking lots.' The application includes my building, where I currently have an operational business and I have significant leasehold improvements. The application also lists that the shipping containers to be used as an 'outdoor activation space will animate an area of the VMC that is **currently vacant** and underutilized". This is a misleading statement made by the applicant. The area is **NOT** currently vacant. I am the last remaining tenant, and as such, what the applicant is proposing to do interferes with my free and quiet enjoyment of my property. The request of the applicant to 'transform the large amounts of existing surface parking into landscaped features' additionally eliminates significant parking spots for my patrons. My building's square footage is 13,379 square feet as listed on the application. This which allocates 669 required parking spots for my patrons. If these shipping containers are there, where would my patrons be parking? There is no available parking for them if the shipping containers are approved to be stored there. To reiterate, the approval to permit open storage not only is a contravention of by-law 1-88 within the C-10 zoning, and there is a reason for this, the current zoning does not allow for it! The approval of such of a parking lot allowing shipping containers to be brought in, unloaded, organized, and continually accessed, would significantly reduce the parking lot spots of my patrons that are allotted to me under my current lease agreement.

2. The maximum permitted building height is 15.0 metres. [5.1.5, Schedule A2]

2. The maximum proposed building height of the 'landmark structure' as described in the application is 23.5 metres

The applicant has applied to build height landmark structure which is **8.5 meters** more than by-law 1-88 permits within the C-10 zoning. This will negatively impact the building my business is housed in. The structure is massive, bulky, and mass, exceeds the by-law's height allowance. This will have negative impact of the traffic flow and will be unattractive for any potential clientele.

The original walkway and alley paths which were created in the original design of this plaza, included easy access and high visibility to all tenants. This will be eliminated completely, create a hazard for emergency and fire access routes, and my business will be blocked by the landmark structure. Access to my business already is challenging, the allowance of this variance will make access to my business further limited, (if not eliminated), which is unacceptable in fact and law. The

erection of this landmark structure takes away the views and visual enjoyment of open areas shared by the community as a whole and the negative impact of insensitive and obstructive overbuilding on greenery and openness is at stake. If this were to happen, my business's property would in effect be boxed in with the view greatly reduced, and our once sunny front and side exposures now in shadow. As well, shadowing is the result of overbuilding and an insensitive increase in mass, height, and bulk. There would be considerable loss of enjoyment of being on an outdoor patio if there is a massive object obstructing my patrons' ability to enjoy outdoor activities due to excessive shadowing. Perhaps a sun and shade study could be conducted?

I am additionally relying on 2001 *Toronto (City) v. Contact Real Estate Inc.*, (Sup. Ct.) which states requested variances would have an adverse impact on surrounding lands is extremely important in deciding whether the variances are in fact minor. It is clear by the plans submitted by the applicant, that the proposed variances will **NOT** be minor. As you see my building will be again completely isolated and left out, there is no significant improvements to my premises, in adherence with the landlord's plans with the rest of the property. Furthermore, **I was never advised nor communicated by landlords at any time about any plans and any application including the demolition of other buildings nor that my building will be demolished in the future too.** The application of this variance is a blatant example to overbuild beyond what is allowed.

Lastly, will my Vaughan business license and other vendor permits including liquor license be affected by the zoning change?

In conclusion, we disagree with the applicant's statement that applicant's minor variances meet the four test of a Minor Variance of S 45(1) of the *Planning Act*. I am taking the position that in fact, *both* variations are not 'minor' in nature and that they do not meet in fact meet the definition of 'minor in nature' criteria as outlined by the legal test. Both variances significantly negatively impact my business and surrounding businesses, (Ikea and Dave and Buster's). Furthermore, the application itself is incorrect and misleading where it states that the lands are vacant. As previously stated, the lands are NOT vacant. The proposal of facilitating these initiatives will be done at my business's expense. The Committee's approval of these variations will cause an additional hardship to my already struggling business. I am relying on the Committee of Adjustments to deny the application of these 'minor' variances.

1. Additionally, the requested maximum height is anything but desirable and NOT an appropriate use of the land especially since the land still houses a tenant that will be there until March 31, 2023. As per the drawings submitted by the applicant my business will be completely obstructed and blocked out from any plain sight. My patrons already have a challenging enough time getting to my location in dealing with the ongoing construction debris. The approval of developing a 'Temporary Activation Space' will DESTROY sightlines to my business.
2. Lastly, Vaughan's Official Plan is part of an overall Growth Management Strategy. My business is currently located in the Vaughan Metropolitan Centre which is to "comprise distinct development precincts including residential neighbourhoods, office districts, **employment Areas** and mixed-use areas, all linked by a robust system of parks, public squares and open spaces..." My small business IS an employment area. My business employs up to 50 people when we can operate at full capacity, to allow this variance would destroy not only the small business which is still housed there, but the employment opportunities that my staff rely on, as such this directly contradicts with the OP.

I respectfully implore the Committee of Adjustments to take into serious consideration my above noted oppositions to the variances being sought. I appreciate your time and attention to this matter.

Thank you,

Bart Kacki  
Luxy Club  
60B Interchange Way  
Vaughan, ON  
L4K 5C3

Ms. Vigneault – July 26, 2021

which this variance is intended to allow the use of shipping containers create a structural, landmark element as well as allow for shipping containers to be integrated into the design of the space.

The requested variance meets all four tests of a Minor Variance as prescribed by Section 45(1) of the *Planning Act*:

1. The application is minor in nature as the variance represents a temporary activation design feature on an unused surface parking lot for a period of five (5) years.
2. The temporary *Open Storage* use is a desirable and appropriate use of the land as it will facilitate way-finding and animate a privately owned, publicly accessible space for current and future VMC residents, visitors, and the greater Vaughan community for the duration of the five (5) year period. The application represents the enhanced use of underutilized space and will improve the public realm in the VMC, providing for a temporary public space to serve residents and visitors.
3. The proposed variance is in keeping with the general intent of the Zoning By-law as the temporary use will be permitted for a period of five-years. Additionally, the temporary use will complement the planned function of the retained existing commercial buildings, including the Community Hub, which are all permitted uses within the C10 Zone. Furthermore, this variance is in keeping with the intent of the Zoning By-law as it will facilitate the construction of the works proposed in City of Vaughan File No. DA.21.019, which is currently under review by City Staff.
4. The proposed variance is in keeping with the general intent of the Official Plan as it facilitates a placemaking initiative for the VMC, generates interest and excitement to the southwest quadrant of the VMC, and assists in the establishment of a privately owned publicly accessible space in the same general location as identified for a public park in the VMC Secondary Plan. The proposed variance does not inhibit the lands from being redeveloped in the future and assists in facilitating the approval and construction of the works proposed in City of Vaughan File No. DA.21.019, which is currently under review by City Staff.

**2. Maximum Height Increase for a period of five (5) years**

- By-law 1-88 states that the subject site shall have a maximum height of 15.0m.
- A variance is being requested to permit a maximum height of 23.5 m in the C10 – *Corporate Zone* for a five (5)-year period. The intent of this variance is to facilitate the construction of a placemaking initiative which will serve as a landmark structure composed of shipping containers stacked atop one another. This structure is not intended to be used as a building and is being proposed to attract people into the Activation Space.

The requested variance meets all four tests of a Minor Variance as prescribed by Section 45(1) of the *Planning Act*:

1. The application is minor in nature as the variance is being requested to facilitate a placemaking initiative in the form of a temporary landmark structure composed of shipping containers stacked atop one another for a five (5)-year period.
2. The requested maximum height is a desirable and appropriate use of the land as it will facilitate the development of a placemaking initiative for a privately owned, publicly accessible space to attract residents, visitors, and the greater Vaughan community to the Temporary Activation Space for the duration of the five (5) year period. The application

Ms. Vigneault – July 26, 2021

represents the enhanced use of underutilized space and will improve the public realm in the VMC.

3. The proposed variance is in keeping with general intent of the Zoning By-law as the maximum height will only be permitted for a period of five (5) years for a placemaking initiative and the creation of a landmark structure. The structure is not proposed to be used as a *building* under the definition of By-law 1-88, and it is intended to complement the planned function of the retained existing commercial buildings which will serve in the future as a Community Hub. Furthermore, this variance is in keeping with the intent of the Zoning By-law as it will facilitate the construction of the works proposed in City of Vaughan File No. DA.21.019, which is currently under review by City Staff.
4. The proposed variance is in keeping with the general intent of the Official Plan as it facilitates a placemaking initiative for the VMC, generates interest and excitement to the southwest quadrant of the VMC, and assists in the establishment of a privately owned publicly accessible space in the same general location as identified for a public park in the VMC Secondary Plan. The proposed variance does not inhibit the lands from being redeveloped in the future, in accordance with the VMC Secondary Plan, and assists in facilitating the approval and construction of the works proposed in City of Vaughan File No. DA.21.019, which is currently under review by City Staff.

The overall intent of this Temporary Activation Space is to attract people into the southwest quadrant of the VMC and temporarily serve as the heart of this community until such time that the larger urban park is constructed. The centric location, visibility from major highways and roads, frontage at the intersection of major municipal streets and the subject site's proximate location to development blocks currently proposed (i.e. Block 3S) and/or under construction (i.e. Mobilio and Festival), all support this location as being an ideal place for this type of use within the quadrant. Permitting *Open Storage* as a use variance will assist in achieving the vision to create a space that is accessible by residents and visitors alike. Permitting a higher maximum height requirement will assist in creating a placemaking initiative and a landmark structure to attract people and generate interest into the area. Both variances together facilitate the development proposed in DA.21.019 to create a place where people become acquainted with the transformations currently underway in Vaughan's new downtown and establishes a desire for people to become a part of this transformation.

Overall, as demonstrated above, the proposed variances to introduce *Open Storage* as a permitted use and to permit a maximum height of 23.5 m on a temporary basis on the subject site both meet the four tests of a Minor Variance as prescribed by Section 45(1) of the *Planning Act*, and support placemaking initiatives to further support the development and establishment of the VMC as a growing neighbourhood. Both variances are minor in nature, desirable for the appropriate use of the land, are in keeping with general intent and purpose of the Zoning By-law and Official Plan, and will help facilitate the construction and approval of the submitted Site Development Application DA.21.019.

Please do not hesitate to contact the undersigned should you require any further clarification.

Respectfully submitted this 26<sup>th</sup> day of July 2021.

Regards,

**IBI Group**



Stephen Albanese MCIP RPP

**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.-

**Alectra (Formerly PowerStream) – Under Review**  
**Region of York – Under Review**

**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 & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

Mr. Tony D'Onofrio  
Supervisor, Subdivisions (Alectra East)  
**Phone:** 1-877-963-6900 ext. 24419

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

## Adriana MacPherson

---

**Subject:** FW: [External] RE: Request for Comments- A172/21 (30 et al Interchange Way).

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** August-31-21 9:38 AM

**To:** Adriana MacPherson <Adriana.MacPherson@vaughan.ca>

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

**Subject:** [External] RE: Request for Comments- A172/21 (30 et al Interchange Way).

Good morning Adriana,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

*Gabrielle*

**Gabrielle Hurst mcip rpp** | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)