

**C104**  
**COMMUNICATION**  
**COUNCIL – October 20, 2021**  
**CW (2)- Report No. 46, Item 9**

**From:** [Adelina Bellisario](#)  
**To:** [Adelina Bellisario](#)  
**Subject:** FW: October 13th COW - Item 6.9  
**Date:** October-13-21 10:01:56 PM  
**Attachments:** [PTL clerks CZBL Comments-2021-10-12.pdf](#)

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**From:** [Clerks@vaughan.ca](mailto:Clerks@vaughan.ca) <[Clerks@vaughan.ca](mailto:Clerks@vaughan.ca)>  
**Sent:** Tuesday, October 12, 2021 1:49 PM  
**To:** Assunta Ferrante <[Assunta.Ferrante@vaughan.ca](mailto:Assunta.Ferrante@vaughan.ca)>  
**Subject:** FW: October 13th COW - Item 6.9

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**From:** Vanessa Opassinis <[vanessa.opassinis@ibigroup.com](mailto:vanessa.opassinis@ibigroup.com)>  
**Sent:** Tuesday, October 12, 2021 1:39 PM  
**To:** [Clerks@vaughan.ca](mailto:Clerks@vaughan.ca)  
**Cc:** Stephen Albanese <[stephen.albanese@IBIGroup.com](mailto:stephen.albanese@IBIGroup.com)>; Alison Quigg <[alison.quigg@ibigroup.com](mailto:alison.quigg@ibigroup.com)>; Jude Tersigni <[Jude.Tersigni@menkes.com](mailto:Jude.Tersigni@menkes.com)>; Jay Claggett <[jay.claggett@quadreal.com](mailto:jay.claggett@quadreal.com)>  
**Subject:** [External] October 13th COW - Item 6.9

Hello,

On behalf of our clients, IBI Group is pleased to submit the attached comments for the October 13<sup>th</sup> Committee of the Whole meeting regarding Item 6.9 – City-Wide Comprehensive Zoning By-law the Corporation of the City of Vaughan.

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

Vanessa Opassinis MCIP RPP

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October 12, 2021

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 - FINAL DRAFT - 2748355 CANADA INC.,  
MOBILIO DEVELOPMENTS LTD., RP B3S HOLDINGS INC. AND RP B3N HOLDINGS INC.  
COMMENTS**

IBI Group are the planning consultants for 2748355 Canada Inc., Mobilio Developments Ltd., RP B3S Holdings Inc, and RP B3N Holdings Inc. (herein referred to as 'our clients') who collectively own roughly 84 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.

On behalf of our clients, IBI Group wishes to provide the following correspondence on the Final Draft of the proposed Comprehensive Zoning By-law (CZBL). This letter is to be read in conjunction with our comments on the First Draft, which were submitted on August 13, 2019; the Second Draft, which were submitted on February 19, 2020; the Third Draft submitted on October 28<sup>th</sup> 2020; as well as comments on the Fourth Draft provided on June 7, 2021, attached hereto in Appendices A, B, C, and D, respectively. Appendix E provides a comprehensive list of IBI Group's comments on the Final Draft of the CZBL. The comments for unresolved matters found in each of these Appendices shall be considered as part of this letter.

IBI Group is of the opinion that the majority of our client's concerns have not been addressed in the subsequent drafts of the CZBL. In particular, IBI Group takes specific issues with the following items, further summarized in the Appendices, attached hereto:

- Lot and building requirements;
- Podium and tower requirements;
- Active use frontage requirements;
- Minimum amenity requirements; and,
- Certain definitions, including Amenity Area.

IBI Group has made multiple requests to have discussions with City Staff on the matters identified in this letter and in previous correspondence. It is IBI Group's opinion that there has been little to no movement on a large number of these matters, which are still present within the CZBL. IBI Group maintains committed to resolve these outstanding matters prior to the conclusion of this process. Please do not hesitate to contact the undersigned should you have any questions.

Sincerely,

**IBI Group**

**Stephen Albanese** MCIP RPP

CC:

Jay Claggett, 2748355 Canada Inc., Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc.

Jude Tersigni, Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc.

Mark Karam, Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc.

Patrick Duffy, Stikeman Elliot

# APPENDIX A

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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 - 2748355 CANADA INC. COMMENTS**

IBI Group are the planning consultants for 2748355 Canada Inc., who own roughly 68 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. As the majority landowners in the southwest quadrant of the VMC, 2748355 Canada Inc. 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.”*
- Policy 8.1.21, which states that *“...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.”*

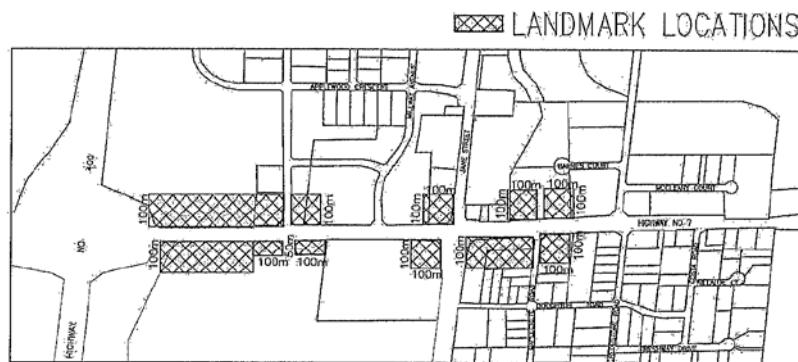
Mr. Brandon Correia – August 13, 2019

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
<b>Gross Floor Area:</b> Means the aggregate of	<b>Gross Floor Area:</b> In reference to a building,	<b>Gross Floor Area:</b> 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

cc: Michael Reel, 2748355 Canada Inc.





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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 - MOBILIO DEVELOPMENTS LTD.**

IBI Group are the planning consultants for Mobilio Developments Ltd., who own roughly 15.6 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.

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**

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Mr. Brandon Correia – August 13, 2019

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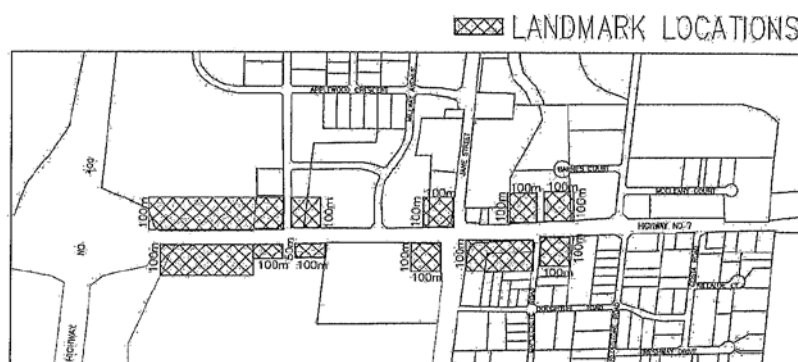
IBI Group would like to ensure that these policies are included in the next version of the Draft Comprehensive Zoning By-law as well as ensure that a Zoning By-law Amendment is not needed for applications that conform to the policies of VMC SP.

### **Consistency with Current Zoning Provisions**

Mr. Brandon Correia – August 13, 2019

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**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.

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<b>Gross Floor Area:</b> Means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of	<b>Gross Floor Area:</b> In reference to a building, the aggregate of the floor areas of all storeys of a building, excluding any cellar, attic, mechanical	<b>Gross Floor Area:</b> 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

Mr. Brandon Correia – August 13, 2019

any cellar, or car parking area above or below grade within the building or within a separate structure.	room, mechanical penthouse, but excluding any portion of a garage or parking structure.	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.

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### 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

cc: Jude Tersigni, Mobilio Developments Ltd.

## **APPENDIX B**

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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 - 2748355 CANADA INC.  
COMMENTS**

IBI Group are the planning consultants for 2748355 Canada Inc., who own roughly 68 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. As the majority landowners in the southwest quadrant of the VMC, 2748355 Canada Inc. 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. IBI Group would like the opportunity to meet with City Staff to discuss 2748355 Canada Inc.'s site-specific policies and their integration and implementation within the Draft Comprehensive Zoning 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);
- 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.

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.

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.



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Document	Gross Floor Area Definition
<b>Zoning By-Law 1-88</b>	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.
<b>VMC SP</b>	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)
<b>1st Draft Comprehensive Zoning By-Law</b>	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.
<b>2<sup>nd</sup> Draft Comprehensive Zoning By-Law</b>	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;

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- 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.

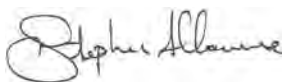
#### **Conclusion**

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: Michael Reel, 2748355 Canada Inc.



**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 - MOBILIO DEVELOPMENTS LTD. COMMENTS**

IBI Group are the planning consultants for Mobilio Developments Ltd., who own roughly 15.6 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.

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 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.

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

Mr. Brandon Correia – February 19, 2020

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. IBI Group would like the opportunity to meet with City Staff to discuss Mobilio Developments Ltd.'s site-specific policies and their integration and implementation within the Draft Comprehensive Zoning 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);
- 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..."*;
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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.

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## 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.

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## **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.
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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:

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- 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

Mr. Brandon Correia – February 19, 2020

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**

A handwritten signature in dark ink, appearing to read "Stephen Albanese". The signature is fluid and cursive, with the first name "Stephen" being more prominent than the last name "Albanese".

**Stephen Albanese** MCIP RPP

cc: Jude Tersigni, Mobilio Developments Ltd.

# APPENDIX C

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Comments on the Third Draft of the CZBL





**IBI GROUP**  
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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 - 2748355 CANADA INC., MOBILIO DEVELOPMENTS LTD., AND RP B3N HOLDINGS INC. COMMENTS**

IBI Group are the planning consultants for 2748355 Canada Inc., Mobilio Developments Ltd., and RP B3N Holdings Inc. (herein referred to as '**our clients**') who collectively own roughly 84 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. As the majority landowners in the southwest quadrant of the VMC, our clients 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 clients, IBI Group wishes to provide the following comments on the Third Draft of the proposed 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. Specifically, we would like to raise concerns over 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. Appendix C provides a complete list of IBI Group's comments on the Third Draft of the CZBL. 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 clients 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 our clients, throughout the development of the VMC SP policies, and the current policies in the VMC SP. IBI Group and our clients 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.

In addition, IBI Group would like to note that there are several policies from the VMC SP that are not reflected in the provisions of the Draft CZBL. A complete list of our comments on the Draft CZBL, including the policies of the VMC SP that are not contemplated in the Draft CZBL, is provided in Appendix C. Appendix C also provides notes on where this flexibility has been lost due to stringent regulations. In particular, IBI Group takes specific issues with the following items, further summarized in the Appendices, attached hereto:

- Lot and building requirements;
- Podium and tower requirements;
- Active use frontage requirements;
- Landscape requirements;
- Minimum amenity requirements;
- Parking provisions; and,
- Certain definitions, including Amenity Area and Gross Floor Area.

## **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

Mr. Brandon Correia – October 28, 2020

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.

### **Consistency with Recently Approved Development Applications**

While the inclusion of *Section 1.6.3 Planning Applications in Process* brings additional clarity to on-going projects and those with site-specific zoning before the enactment of the Draft Comprehensive By-law, IBI Group would like to ensure our clients site-specific policies are integrated and implemented into the Draft CZBL.

As it stands, not all the site-specific exceptions for recently approved development applications are accurately reflected in the Third Draft of the CZBL, including By-laws 092-2020 and 052-2019. It is essential that the site-specific exceptions for these two developments are reflected in CZBL. Please ensure this is updated before the CZBL goes before Council.

### **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. 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 MTSAs. We wish to see them included in the Final Draft.

Mr. Brandon Correia – October 28, 2020

## Conclusion

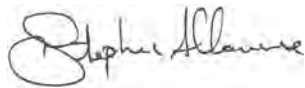
On behalf of our clients, we continue to contend that the CZBL accurately reflect the policies within the VMC SP including the flexibility that was arbitrated through a lengthy Ontario Municipal Board Hearing and ultimately successfully and collaboratively settled upon. IBI Group and our clients are 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 site-specific exceptions associated with recently approved development applications, remove the minimum parking ratios, revisit the minimum amenity areas, and include the missing landmark locations, amongst a variety of other comments provided in Appendix C, attached hereto.

IBI Group kindly requests 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**

A handwritten signature in dark ink, appearing to read "Stephen Albanese". The signature is fluid and cursive, with the first name "Stephen" being more prominent than the last name "Albanese".

Stephen Albanese MCIP RPP

CC:

Jay Claggett, 2748355 Canada Inc., Mobilio Developments Ltd., and RP B3N Holdings Inc.

Jude Tersigni, Mobilio Developments Ltd. and RP B3N Holdings Inc.

Mark Karam, Mobilio Developments Ltd. and RP B3N Holdings Inc.

Brandon Simon, Mobilio Developments Ltd. and RP B3N Holdings Inc.

Patrick Duffy, Stikeman Elliot

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**IBI Group Comments on Table 10-3: Lot and Building Requirements for the VMC Zones**

<b>Table 10-3: Lot and Building Requirements for the VMC Zones</b>						
	<b>V1</b>	<b>V2</b>	<b>V3</b>	<b>V4</b>	<b>OS1</b>	<b>Comments</b>
<b>Lot and Building Requirements</b>						
Minimum lot frontage (m)	50	50	30	30	12.0 (5)	IBI Group would like to ensure that this minimum lot area does not apply to individual freehold townhouse units.
Minimum lot area (m <sup>2</sup> )	4000	4000	1800	1800	-	IBI Group would like to ensure that this minimum lot area does not apply to individual freehold townhouse units.
Minimum front yard (m)	3	3	3	3	9.0	<p>The proposed front yard provisions seem to be reflective of a suburban context, not a downtown setting. Applications in the VMC consistently have a lower front yard setback than 3 m.</p> <p>The minimum front yard in the OS1 zone is 9.0 m., Policy 8.7.4 in the VMC SP states that <i>"Small-scale park supporting uses (cafes, vendors, kiosks, etc.) in parks and Public Squares are exempt from setback requirements."</i> IBI Group would like to see this Policy reflected accurately within the Draft CZBL.</p>
Minimum rear yard (m)	1	1	1	1	15.0	<p>The proposed rear yard provisions do not seem to not consider recently completed developments and/or current planning applications in the VMC, which consistently have/seek lower minimum rear yard setbacks than 1m.</p> <p>The minimum rear yard in the OS1 zone should consider Policy 8.7.4 of the VMC SP.</p>
Minimum interior side yard (m)	1	1	1	1	4.5	<p>The proposed interior side yard provisions do not seem to not consider recently completed developments and/or current planning applications in the VMC, which consistently have/seek lower minimum rear yard setbacks than 1m.</p> <p>The minimum interior yard in the OS1 zone should consider Policy 8.7.4 of the VMC SP.</p>
Minimum exterior side yard (m)	3 (2)	3 (2)	3 (2)	3 (2)	4.5	<p>The proposed exterior side yard provisions seem to be reflective of a suburban context, not a downtown setting. Applications in the VMC consistently have a lower exterior side yard than 3 m.</p> <p>The minimum exterior side yard in the OS1 zone should consider Policy 8.7.4 of the VMC SP.</p>

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Required build-to-zone (m)	3.0-5.0	3.0-5.0	3.0-7.5	3.0-5.0	<p>The required build-to-zone provisions should be consistent with the minimum yard setbacks.</p> <p>Where Policy 8.7.3 of the VMC SP states that buildings generally shall be built to a consistent build-to line defined in the Zoning By-law, generally 2-5 m from edge of the ROW, the draft CZBL is more stringent, eliminating the flexibility introduced through the word “generally” and increasing setbacks for south, station and employment precincts.</p>
Minimum build-to-line for corner lots (%)	80 (3)	80 (3)	60 (3)	60 (3)	<p>The proposed minimum build-to-line for corner lot provisions do not seem to not consider recently completed developments and/or current planning applications in the VMC. This provision should be amended to add additional flexibility.</p>
Minimum build-to-line for all other lot types (%)	75 (3)	75 (3)	75 (3)	60 (3)	<p>The proposed minimum build-to-line for all other lot types provisions do not seem to not consider recently completed developments and/or current planning applications in the VMC. This provision should be amended to add additional flexibility.</p>
Minimum height (m)	As shown on Schedule A (1)				<p>The minimum height provisions do not allow for temporary retail pop-up style spaces. Provisions to allow for pop-up placemaking initiatives that do not meet the minimum height requirements should be included.</p> <p>In addition, please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.</p>
Maximum height (m)	As shown on Schedule A (1)				<p>The Landmark Location provision from Schedule A2 of Zoning By-law 1-88 has not been carried forward into this Draft. This provision permits unlimited height in certain locations along Highway 7 to permit the development of “landmark” sites to serve as gateways to the VMC. IBI Group is not supportive of the exclusion of these provisions from the CZBL that essentially downzones the parcels. Please ensure these provisions are included.</p> <p>Exception 635 states that the height limit for places of entertainment and office buildings located on lands labelled C10, shall be 35.0 m and 25.0m. This regulation should be updated to reflect the maximum height permissions</p>

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						<p>consistent with the VMC SP schedules or removed.</p> <p>In addition, please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.</p>
Minimum ground floor height (m)	3.5 (4)	3.5 (4)	3.5 (4)	3.5 (4)		<p>The Draft CZBL prescribes minimum height requirements to all Zones, whereas the VMC SP only appears to apply a minimum ground-floor height to areas that are required or recommended for retail uses.</p> <p>IBI Group recommends that a range of 3.3m to 5.0m be provided here to allow for flexibility depending on the use.</p>
Minimum street wall (m)	9	9	8	8		<p>Policy 8.7.5 of the VMC states that generally, mid-rise and high-rise buildings shall contribute to a consistent street wall that is at least 2 to 3 storeys high at the build-to line.</p> <p>The minimum street wall provisions of the CZBL imply that a minimum street wall shall be at least 3 storeys.</p>
Minimum FSI	As shown on Schedule A					Please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.
Maximum FSI	As shown on Schedule A					Please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.
Podium and Tower Requirements	The podium and tower requirements as specified in the applicable zone shall apply to any building with a height greater than 20.0 m in the V1 Zone and 14.0 m in the V2, V3 and V4 Zones.					Please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.
Podium and Tower						
Minimum podium height (m)	10.5	10.5	10.5	10.5		<p>The minimum podium height in the Draft CZBL of 10.5m assumes a higher ground floor height than the Minimum ground floor height of 3.5m identified above.</p> <p>At minimum, this provision should be reduced, and a range should be introduced. Prescribing minimum podium heights through Zoning inherently mandates the inclusion of a podium, limiting architectural variability and creativity across the VMC. To facilitate variety in built form, this minimum requirement should be eliminated.</p>

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Maximum podium height (m)	20	14	14	14		At minimum, a range should be introduced. Like above, prescribing maximum podium heights in a Zoning By-law inherently mandates the inclusion of a podium, limiting architectural variability and creativity across the VMC. To facilitate variety in built form, this requirement should be eliminated.
Minimum tower step back (m)	3	3	3	-		<p>Policy 8.7.17 of the VMC SP states that towers shall be set back from the edges of podiums. This policy does not prescribe minimum step backs.</p> <p>The CZBL provides strict minimum design parameters to abide by, which limits variety, flexibility and architectural creativity in terms of design, all while mandating the podium/tower design relationship.</p> <p>Ranges should be introduced, or these zoning provisions should be eliminated altogether.</p>
Minimum residential tower separation (m)	25	25	25	-		<p>This CZBL provision provides strict minimum design parameters to abide by, which limits variety, flexibility and architectural creativity in terms of design.</p> <p>Where the VMC SP includes the word 'generally', this flexibility has been removed. While 25.0m is understood as a best practice, this minimum tower separation distance is better served as a guideline present in the VMC Urban Design Guidelines.</p>
Minimum residential tower setback from any rear lot line and interior side lot line (m)	12.5	12.5	12.5	-		<p>This CZBL provision provides strict minimum design parameters to abide by, which limits variety, flexibility and architectural creativity in terms of design.</p> <p>A policy pertaining to this is non-existent in the VMC SP. A prescription such as this is better served as a guideline present in the VMC Urban Design Guidelines.</p>
Minimum office tower separation (m)	20	20	20	20		<p>This CZBL provision provides strict minimum design parameters to abide by, which limits variety, flexibility and architectural creativity in terms of design.</p> <p>This Zoning provisions contradicts Policy 8.7.18 of the VMC SP which states that the distance between the facing walls of a residential tower and an office tower may be</p>



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						reduced to a minimum of 20 metres, subject to appropriate site and building design. Lesser separation distances between office towers may be permitted. By applying a minimum separation distance between office towers, this CZBL provision appears to contradict this VMC SP policy.
Minimum office tower setback from a rear lot line or interior side lot line (m)	10	10	10	10		<p>This CZBL provision provides strict minimum design parameters to abide by, which limits variety, flexibility and architectural creativity in terms of design.</p> <p>A policy pertaining to this is non-existent in the VMC SP. A prescription such as this is better served as a guideline present in the VMC Urban Design Guidelines.</p>
Maximum residential tower floor plate (m²)	750	750	750	-		<p>This CZBL provision provides strict minimum design parameters to abide by, which limits variety, flexibility and architectural creativity in terms of design.</p> <p>Further, by prescribing podium and tower relationships, as well as mandating minimum stepback and separation distance requirements, as well as floor plate maximums, City of Vaughan is inherently requesting uniformity in VMC built form, limiting the ability to creatively and organically develop a downtown which responds to market conditions at any given time.</p> <p>Approvals have been granted for larger tower floor plate sizes in the VMC to date. The provisions in the Draft CZBL should reflect this approved built-form.</p>
Active Use Frontage Requirements						
Active Use Frontage (Required) and Active Use Frontage (Convertible)	Applicable where shown on Schedule B-1 and in accordance with Section 4.2.					IBI Group recommends that these provisions be removed as they are already implemented through the VMC SP. If they should be kept in the Draft CZBL, please include a range to offer some flexibility.
Landscape Requirements						
Minimum landscape strip on any interior side lot line or rear lot line abutting the V3 Zone (width in m)	3	-	-	3		Please ensure that the minimum landscape strip requirements are consistent with the minimum yard requirements. As it stands, the landscape requirements are greater than the minimum yard requirements.

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						According to Section 4.2.3 of the VMC UDG, "At minimum, the landscape area should generally be 2m wide; however, a minimum of 3m wide is highly encouraged in order to allow for sufficient space for large trees." This CZBL deviates from the range afforded through this guideline and seeks to mandate a recommended guideline in a prescriptive zoning by-law.
Minimum landscape strip along an interior side lot line or rear lot line abutting an Open Space Zone (width in m)	3	3	3	3		Please refer to above.
Minimum landscape strip abutting a street line (width in m)	3	3	3	3		Please refer to above.
<b>Additional requirements to Table 10-3:</b>						
(1) This requirement shall not apply to an above grade parking structure						
(2) The minimum exterior side yard shall be 3.5 m where the exterior side yard abuts a walkway, greenway, or stormwater management facility.						Please provide clarification on why the 3.5 m side yard deviates from the exterior yard provisions above. Please provide clarification on what is considered a walkway/greenway, as no side yard should be required for urban mews/pedestrian walkways, urban squares, POPS, etc. as required by the VMC SP.
(3) Urban squares, driveways, and walkways shall be permitted within the build-to-line, provided the cumulative total does not exceed 25% of the total build-to line requirement.						Urban Square areas, driveways, and walkways are largely prescribed by the VMC SP, and or negotiated through the detail design process. Placement of Urban Squares, especially on corners, would largely conflict the build-to-lines requirements listed above.
(4) Where lands are subject to the active use frontage (convertible) or active use frontage (required) as shown on Schedule B-1, the minimum ground floor height requirement shall be in accordance with Section 4.2.						<p>IBI Group recommends that these provisions be removed as they are already implemented through the VMC SP.</p> <p>If maintained, IBI Group recommends that a range of 3.3m to 5.0m be provided here to allow for flexibility depending on the use.</p>
(5) No minimum lot frontage shall be required in an OS Zone where the principal use is a passive recreation use or any other use operated by a public authority						

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**Other Draft CZBL Provisions**

#	Regulation	Comments
4.2	<p>Active Use Frontages in the Vaughan Metropolitan Centre</p> <p>7. A minimum of 70% of the ground floor frontage that is shown on Schedule B-1 as being subject to the active use frontage (required) shall consist of one or more of the following uses:</p> <ul style="list-style-type: none"> <li>a. Business service;</li> <li>b. Clinic;</li> <li>c. Community facility;</li> <li>d. Personal service;</li> <li>e. Restaurant; and,</li> <li>f. Retail.</li> </ul>	<p>CZBL removes flexibility.</p> <p>Elimination of "unless it can be demonstrated that there are functional or operational constraints that warrant relief from this requirement as determined through the development approval process", which is stated in Policy 8.6.1 of the VMC SP.</p> <p>Please ensure this is reflected in the provision, as it lacks the same flexibility afforded by the policy document guiding land use and development in the VMC.</p>
	8. The minimum number of building entrances shall be 1 per 30.0 m of a main wall facing a street line that is shown on Schedule B-1 as being subject to the active use frontage (required).	<p>This provision does not provide for any flexibility and as above, seeks to prescribe design parameters associated with the ground floor. Should a large format retail store or grocery store in the podium of a building be presented, this provision mandates that several entrances will be required spanning the frontage, prescribing design criteria and limiting flexibility.</p>
	9. Notwithstanding the minimum ground floor height of the applicable zone, the minimum ground floor height shall be 5.0 m for any portion of a main wall facing a street line that is shown on Schedule B-1 as being subject to the active use frontage (required) or active use frontage (convertible).	<p>Policy 8.6.3 of the VMC SP states that "For frontages identified on Schedule H where retail, service commercial or public uses are required or recommended on the ground floor of buildings, ground floor heights generally shall be a minimum of 5 metres floor to floor, and windows shall correspond appropriately to the height of ground floors".</p> <p>Please ensure this is reflected in the provision, as it lacks the same flexibility afforded by the policy document guiding land use and development in the VMC. It is recommended that a range be</p>

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		provided for a minimum ground floor height, if not eliminated, depending on the use.
Table 4-1	Permitted Encroachments into Required Yards	These are several features that are excluded from this list and should be added. These include: Public art, signage, fencing, sills, belt courses, cornices, canopies, stairs, architectural features, and decks.
5.15.2	Below-grade Parking Structures 1. A below-grade parking structure shall be permitted to encroach into any required yard.	
	2. The minimum setback of a below-grade parking structure shall be subject to the following requirements: a. The minimum setback from a street line shall be 1.8 m; and, b. The minimum setback from an interior side lot line or rear lot line shall be 0.0 m.	Given the high ground water levels in certain areas of the VMC, it is recommended that the minimum setback be 0.0 m from a street line in order to maximize the buildable areas of underground garages, and assist with depth issues.
	3. Notwithstanding any other requirement of this By-law, an accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation or an access staircase, shall be permitted anywhere on the same lot as the parking structure is located, subject to the following requirements: a. The accessory building or structure shall not be located in a minimum required front yard or exterior side yard. b. The accessory building or structure shall have a minimum setback of 3.0 m from any lot line.	Ventilation grates associated with the underground parking garage are derived from mechanical infrastructure locations, and should not be prescribed through the Zoning By-law. These should be able to encroach into the minimum setback up to 0.0 m from the lot line.
Definition	Gross Floor Area: 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, electrical room, mechanical penthouse, elevator, elevator shaft, refuse chute, escalators, bicycle parking space, loading space, a dedicated waste storage area, any portion of a garage or parking structure located above or below grade, or any minimum amenity area required by this By-law.	Policy 8.1.1 of 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.  There is no mention of this 10,000 square metres exclusion. Please ensure this is included.
5.15.1	Above-grade Parking Structures Any portion of a parking structure located above established grade shall be subject to the minimum lot and building requirements of the zone in which the lot is located.	There is no mention of a deduction of height in this CZBL provision. The VMC SP states that "Where two or more levels of underground parking are provided for a residential, office or mixed-use building, two levels of above-grade

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		<p>parking integrated within the podium of the building may be excluded from the calculation of the total height of the building, and the GFA of the parking area may be excluded from the calculation of the total density of the building”.</p> <p>Please ensure this is reflected in the CZBL.</p>
4.8	<p>Notwithstanding any other provision of this By-law, the following uses shall be located a minimum distance of 14.0 m from any lot line abutting a highway corridor:</p> <ol style="list-style-type: none"> <li>1. Any building or structure;</li> <li>2. Any part of a minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway;</li> <li>3. A minimum required amenity area; and,</li> <li>4. A stormwater management facility.</li> </ol>	<p>The corresponding policy in the VMC SP (i.e. Policy 8.1.13) is currently under appeal. This CZBL provision is therefore more stringent than the VMC SP.</p>
4.3.1	<ol style="list-style-type: none"> <li>1. A minimum amenity area shall be required for the following dwelling types: <ol style="list-style-type: none"> <li>a. Apartment dwelling;</li> <li>b. Block townhouse dwelling;</li> <li>c. Multiple-unit townhouse dwelling; and,</li> <li>d. Podium townhouse dwelling.</li> </ol> </li> <li>2. Any required amenity area shall be located on the same lot as the dwelling to which the amenity area is required by this section.</li> </ol>	
4.3.2	<p><b>Minimum Required Amenity Area</b></p> <ol style="list-style-type: none"> <li>1. For a block townhouse dwelling, the minimum amenity area requirement shall be 10.0 m<sup>2</sup> per dwelling unit.</li> <li>2. For a multiple-unit townhouse dwelling and podium townhouse dwelling, the minimum amenity area requirement shall be 10.0 m<sup>2</sup> for the first eight dwelling units, and an additional 8.0 m<sup>2</sup> of amenity area shall be required for each additional dwelling unit.</li> <li>3. For an apartment dwelling, the minimum amenity area requirement shall be 8.0 m<sup>2</sup> per dwelling unit for the first eight dwelling units, and an additional 5.0 m<sup>2</sup> of amenity area per dwelling unit shall be required for each additional dwelling unit.</li> </ol>	<p>This provision is too stringent and too far removed from market conditions, as well as requirements in other proximate municipalities such as Toronto and Mississauga. In the current by-law amenity area can be an exclusive area that is accessible by an individual dwelling unit, such as a rooftop terrace or balcony. The CZBL states that an amenity area shall not include an exclusive area that is only accessible by an individual dwelling unit, thereby limiting the amount of land available for development, and limiting the density in order to appropriately respond to amenity area requirements.</p>

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4.3.3	<p>1. Where a minimum amenity area is required in accordance with this section, a portion of the amenity area shall be located outdoors, and not within any enclosed building or structure, in accordance with the following:</p> <p>a. For a block townhouse dwelling or multiple-unit townhouse dwelling, the minimum outdoor amenity area requirement shall be 50% of the total required amenity area.</p> <p>b. For an apartment dwelling, apartment dwelling units or podium townhouse dwelling units, the minimum outdoor amenity area requirement shall be the provision of at least one contiguous outdoor area of 55.0 m<sup>2</sup> located at grade.</p> <p>c. A maximum of 20% of the required minimum outdoor amenity area shall consist of amenity area located on a rooftop or terrace.</p> <p>2. Where any outdoor amenity area is required in accordance with this section, at least 50% of the minimum required outdoor amenity area shall be aggregated into contiguous areas of at least 55.0 m<sup>2</sup>.</p> <p>3. Where any outdoor amenity area is provided at grade, it shall be included in satisfying any applicable minimum landscaped open space requirements of this By-law.</p>	<p>As it stands, the CZBL does not provide any caps for outdoor amenity area for a block townhouse dwelling or multiple-unit townhouse dwelling. The provision states that the minimum outdoor amenity area requirement shall be 50% of the total required amenity area for these uses. The way this provision is written at the moment, large block townhouse or multiple-unit townhouse dwelling developments would need to provide a significant amount of outdoor amenity area. This could be a significant deterrent to building this typology of housing, which is critical for the provision of missing middle housing, as this would significantly limit the amount of land area available. It is recommended that the CZBL only provide a minimum amenity area to be provided outside for these uses. As it stands, these provisions create obstacles to providing this form of housing, which ultimately is permitted through the VMC SP, and required to ensure variability and choice in housing stock.</p>
Definition	<p>Amenity Area: Means an indoor or outdoor communal space designed and maintained for active recreational uses or passive recreational uses for residents of a dwelling or building with residential uses, and shall include a breezeway. An amenity area shall not include an exclusive area that is only accessible by an individual dwelling unit.</p>	<p>In By-law 1-88, amenity area can be an exclusive area that is accessible by an individual dwelling unit. The CZBL states that an amenity area shall not include an exclusive area that is only accessible by an individual dwelling unit.</p> <p>This definition is too stringent and too far removed from market conditions, as well as requirements in other proximate municipalities such as Toronto and Mississauga. It is strongly recommended that this definition be revised to allow for amenity areas to include exclusive use areas, that are only accessible to individual dwelling</p>

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		units, such as balconies and rooftop terraces.
5.12	<p>Outdoor Patio</p> <p>1. An outdoor patio shall only be permitted as an accessory use to a restaurant use and only where an outdoor patio is expressly permitted by this By-law.</p> <p>2. An outdoor patio shall be provided in accordance with the required setbacks for the principal building as indicated in the zone, except in accordance with the permitted encroachments of this By-law.</p> <p>3. The total area of the outdoor patio shall not exceed 40% of the gross floor area of the principal use to which the outdoor patio is accessory.</p> <p>4. An outdoor patio located at grade and with direct access from the first storey of a building shall be located a minimum distance of 30.0 m from any lot line abutting a Residential Zone, Open Space Zone or Institutional Zone.</p> <p>5. An outdoor patio located above the first storey of a building shall be located a minimum distance of 40.0 m from any lot line abutting a Residential Zone, Open Space Zone or Institutional Zone. For the purpose of this provision, the minimum distance shall be measured horizontally from the nearest part of the outdoor patio to the nearest lot line abutting a Residential Zone, Open Space Zone, or Institutional Zone.</p>	<p>With the COVID-19 Pandemic shedding light on the importance and need for flexible patio provisions and use, the outdoor patio provisions of 5.12 are too stringent.</p> <p>To help promote the feasibility of restaurant uses, it is recommended that the total area of the outdoor patio can be greater than 40% of the gross floor area of the principal use to which the outdoor patio is accessory, as well as allow for the patios to encroach into the setback of 0.0m.</p>
Table 10-2: Permitted Uses	Multiple townhouse dwelling units Schools	<p>Multiple townhouse dwelling units should be permitted within all VMC zones. Under the Draft CZBL they are only permitted in the V3 zone.</p> <p>Schools should be permitted within all VMC Zones, including the V4 Zone, in order for the Draft CZBL to be consistent with Schedule E and Policy 3.4.</p>
Additional requirements to Table 10-2	4. Apartment dwellings shall not be permitted within the ground floor frontage, except that a maximum of 15% of the ground floor frontage may be used for lobby or other common areas associated with the apartment dwelling.	Developments in the VMC have been approved which permit at-grade apartment dwellings. This provision should be removed.
Additional requirements to Table 10-2	5. This use shall only be permitted in the ground floor frontage and the total gross floor area shall not exceed 10% of the gross floor area of all uses on the lot.	This provision is too restrictive and limits the potential tenants who may want to operate businesses on the ground floor of these buildings.

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Notable policies within the VMC SP that are missing from the Draft CZBL include but are not limited to:

VMC SP Policy	Comments
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...”;	There is no mention of the exclusion of 10,000 square metres of office uses being allowed from the density calculation if the development contains a minimum of 10,000 square metres of office uses in the by-law.
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.”	There should be consistency between the CZBL and the VMC SP for how the land area to be used for the calculation of the area of the lot for the purposes of calculating permitted density is calculated.
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.”	There should be consistency between the CZBL and the VMC SP for how density is calculated.
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.”	There is no mention of the exclusion of 10,000 square metres of office uses being allowed from the density calculation if the development contains a minimum of 10,000 square metres of office uses in the by-law.
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.”	There are no provisions in the CZBL that would allow for the office developments with a lower density to be permitted. There should be consistency.
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);	There are no provisions in the CZBL that would allow for the additional height and/or density permitted through this policy.
Policy 8.7.11, which states that “...Where a maximum height of 10 storeys is identified, buildings up to 15 storeys	There are no provisions in the CZBL which allow for this additional height on properties that front arterial streets. A



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<p><i>may be permitted on properties fronting arterial streets, major or minor collector streets, a Neighbourhood Park or a Public Square identified in Schedule D...";</i></p>	<p>Zoning By-law Amendment should not be required for developments that meet the criteria for additional height listed in Policy 8.7.11.</p>
<p><i>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."</i></p>	<p>There are no provisions in the CZBL which allow for this additional height on properties that front arterial streets. A Zoning By-law Amendment should not be required for developments that meet the criteria for additional height listed in Policy 8.7.12.</p>

## **APPENDIX D**

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Comments on the Fourth Draft of the CZBL



**IBI GROUP**  
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June 7, 2021

Mr. Todd Coles  
City Clerk  
City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan ON  
L6A 1T1

Dear Mayor and Members of Committee:

**VAUGHAN COMPREHENSIVE ZONING BY-LAW- 2748355 CANADA INC., MOBILIO DEVELOPMENTS LTD., RP B3N HOLDINGS INC., AND RP B3S HOLDINGS INC. COMMENTS**

IBI Group are the planning consultants for 2748355 Canada Inc., Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc. (herein referred to as ‘**our clients**’) who collectively own roughly 84 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. As the majority landowners in the southwest quadrant of the VMC, our clients 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 clients, IBI Group wishes to provide the following comments on the proposed Comprehensive Zoning By-law (CZBL). The intent of this letter is to highlight our main concerns and comments on the proposed CZBL.

At the outset, IBI Group believes that the lack of consistency between the proposed 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 proposed CZBL revert to many of the fundamental concerns our clients had in prescribing the VMC lands with an overly rigid planning and development framework. Specifically, we would like to raise concerns over 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 proposed 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, Second Draft, which were submitted on February 19, 2020, and Third Draft, which were submitted on October 28, 2020, attached hereto in Appendices A, B and C, respectively. The comments found in each of these Appendices shall be considered as part of this letter.

Mayor and Members of Committee – June 7, 2021

## **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 our client's 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 clients 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 proposed CZBL do not reflect the collaborative efforts between City Staff and stakeholders including our clients, throughout the development of the VMC SP policies, and the current policies in the VMC SP. IBI Group and our clients are concerned that the rigidity of the proposed 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 proposed CZBL.

In addition, IBI Group would like to note that there are several policies from the VMC SP that are not reflected in the provisions of the proposed CZBL. A complete list of our comments on the proposed CZBL is provided in the Appendix. In particular, IBI Group takes specific issues with the following items, further summarized in the Appendices, attached hereto:

- Lot and building requirements;
- Podium and tower requirements;
- Active use frontage requirements;
- Landscape requirements;
- Minimum amenity requirements;
- Parking provisions, including a reduction in the visitor parking rate; and,
- Certain definitions, including Amenity Area and Gross Floor Area.

## **Rights to Appeal**

It is IBI Group's understanding that the two-year moratorium on amendments to the CZBL does not apply. Given the complexities and site-specific provisions of urban development projects in the VMC, our clients are supportive of this inclusion.

## **Consistency with Development Applications**

While the inclusion of *Section 1.6.3 Planning Applications in Process* brings additional clarity to on-going projects and those with site-specific zoning before the enactment of the proposed CZBL, IBI Group would like to ensure our clients site-specific policies are accurately integrated and implemented into the proposed CZBL, as well as recently proposed amendments to By-law 1-88.

Mayor and Members of Committee – June 7, 2021

## **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 proposed 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. If not removed all together, IBI Group requests a reduction to the visitor parking rate. For instance, there are specific developments in the VMC that have a visitor parking rate of 0.15 space/residential unit and residential parking at rates as low as 0.3 space/residential unit. In these developments, the City is essentially mandating that the visitor parking rate accounts for at least half of the required parking in these specific developments.

## **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 proposed 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. The exclusion of these historic provisions from the proposed CZBL essentially downzones the parcels which is inconsistent with provincial policy related to urban growth centres and MTSAs. IBI Group requests these provisions be included.

## **Conclusion**

On behalf of our clients, we continue to contend that the proposed 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 clients 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.

In addition, we request the proposed CZBL be tabled for discussion and that additional refinements be made prior to proceeding to Council for approval. These include refinements to the minimum parking ratios including visitor parking, the minimum amenity area provisions, and inclusion of the missing landmark locations, amongst a variety of other comments provided in the Appendix, attached hereto.

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

Mayor and Members of Committee – June 7, 2021

Sincerely,

**IBI Group**

A handwritten signature in black ink, appearing to read "Stephen Albanese". The signature is fluid and cursive, with the first name "Stephen" being more prominent than the last name "Albanese".

**Stephen Albanese** MCIP RPP

CC:

Jay Claggett, 2748355 Canada Inc., Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc.

Jude Tersigni, Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc.

Mark Karam, Mobilio Developments Ltd., RP B3N Holdings Inc., and RP B3S Holdings Inc.

Patrick Duffy, Stikeman Elliot

# APPENDIX E

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Comments on the Final Draft of the CZBL

## IBI Group Comments on Table 10-3: Lot and Building Requirements for the VMC Zones

Table 1: Table 10-3 Lot and Building Requirements for the VMC Zones Comments

Table 10-3: Lot and Building Requirements for the VMC Zones						
	V1	V2	V3	V4	OS1 (Table 12-2)	Comments
<b>Lot and Building Requirements</b>						
Minimum height (m)	As shown on Schedule A					<p>The minimum height provisions do not allow for temporary retail pop-up style spaces. Provisions to allow for pop-up placemaking initiatives that do not meet the minimum height requirements should be included.</p> <p>In addition, please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.</p>
Maximum height (m)	As shown on Schedule A (1)					<p>The Landmark Location provision from Schedule A2 of Zoning By-law 1-88 has not been carried forward into this Draft. This provision permits unlimited height in certain locations along Highway 7 to permit the development of "landmark" sites to serve as gateways to the VMC. IBI Group is not supportive of the exclusion of these provisions from the CZBL that essentially downzones the parcels. Please ensure these provisions are included.</p> <p>Exception 635 states that the height limit for places of entertainment and office buildings located on lands labelled C10, shall be 35.0 m and 25.0m. This regulation should be updated to reflect the maximum height permissions consistent with the VMC SP schedules or removed.</p> <p>In addition, please refer to below, as certain policies from the VMC SP are not reflected in the draft CZBL.</p>
Minimum ground floor height (m)	3.5 (7)	3.5 (7)	3.5 (7)	3.5 (7)	-	<p>The Draft CZBL prescribes minimum height requirements to all Zones, whereas the VMC SP only appears to apply a minimum ground-floor height to areas that are required or recommended for retail uses. IBI Group recommends that a range of 3.3m to 5.0m be provided here to allow for flexibility depending on the use.</p>
Minimum street wall (m)	9	9	8	8	-	<p>Policy 8.7.5 of the VMC states that generally, mid-rise and high-rise buildings shall contribute to a consistent street wall that is at least 2 to 3 storeys high at the build-to line.</p> <p>The minimum street wall provisions of the CZBL imply that a minimum street wall shall be at least 3 storeys.</p>





Active Use Frontage (Required) and Active Use Frontage (Convertible)	Applicable where shown on Schedule B-1 and in accordance with Section 4.2.	-	IBI Group recommends that these provisions be removed as they are already implemented through the VMC SP. If they should be kept in the Draft CZBL, a range should be provided to offer some flexibility.
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## Other Draft CZBL Provisions

*Table 2: Other Draft CZBL Provisions*

#	Regulation	Comments
4.2	Active Use Frontages in the Vaughan Metropolitan Centre	
	<p>7. A minimum of 70% of the ground floor frontage that is shown on Schedule B-1 as being subject to the active use frontage (required) shall consist of one or more of the following uses:</p> <ul style="list-style-type: none"> <li>a. Business service;</li> <li>b. Clinic;</li> <li>c. Community facility;</li> <li>d. Personal service;</li> <li>e. Restaurant and take-out restaurant; and,</li> <li>f. Retail.</li> </ul>	<p>CZBL removes flexibility.</p> <p>Elimination of "unless it can be demonstrated that there are functional or operational constraints that warrant relief from this requirement as determined through the development approval process", which is stated in Policy 8.6.1 of the VMC SP.</p> <p>Please ensure this is reflected in the provision, as it lacks the same flexibility afforded by the policy document guiding land use and development in the VMC.</p>
	<p>8. Notwithstanding the minimum ground floor height of the applicable zone, the minimum ground floor height shall be 5.0 m for any portion of a main wall facing a street line that is shown on Schedule B-1 as being subject to the active use frontage (required) or active use frontage (convertible).</p>	<p>This provision does not provide for any flexibility and as above, seeks to prescribe design parameters associated with the ground floor.</p> <p>IBI Group recommends that a range of 3.3m to 5.0m be provided here to allow for flexibility depending on the use. For example, residential uses on the ground floor should be able to provide lower ground floor heights in convertible areas.</p>
5.15.2	<p>Below-grade Parking Structures</p> <p>1. A below-grade parking structure shall be permitted to encroach into any required yard.</p>	
	<p>2. The minimum setback of a below-grade parking structure shall be subject to the following requirements:</p> <ul style="list-style-type: none"> <li>a. The minimum setback from a street line shall be 1.8 m; and,</li> </ul>	<p>Given the high ground water levels in certain areas of the VMC, it is recommended that the minimum setback be 0.0 m from a street line in order to maximize the buildable areas</p>

	b. The minimum setback from an interior side lot line or rear lot line shall be 0.0 m.	of underground garages, and assist with depth issues.
	<p>3. Notwithstanding any other requirement of this By-law, an accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation or an access staircase, shall be permitted anywhere on the same lot as the parking structure is located, subject to the following requirements:</p> <p>a. The accessory building or structure shall not be located in a minimum required front yard or exterior side yard.</p> <p>b. The accessory building or structure shall have a minimum setback of 3.0 m from any lot line.</p>	Ventilation grates associated with the underground parking garage are derived from mechanical infrastructure locations, and should not be prescribed through the Zoning By-law. These should be able to encroach into the minimum setback up to 0.0 m from the lot line.
5.15.1	<p><b>Above-grade Parking Structures</b></p> <p>Any portion of a parking structure located above established grade shall be subject to the minimum lot and building requirements of the zone in which the lot is located.</p>	<p>There is no mention of a deduction of height in this CZBL provision. The VMC SP states that "Where two or more levels of underground parking are provided for a residential, office or mixed-use building, two levels of above-grade parking integrated within the podium of the building may be excluded from the calculation of the total height of the building, and the GFA of the parking area may be excluded from the calculation of the total density of the building".</p> <p>Please ensure this is reflected in the CZBL.</p>
4.9	<p><b>Intermodal Container</b></p> <ol style="list-style-type: none"> <li>1. An intermodal container shall not be permitted in any zone except where it is a specifically permitted use in this By-law.</li> <li>2. An intermodal container, where permitted by this By-law, shall be subject to the following requirements: <ol style="list-style-type: none"> <li>a. An intermodal container shall be considered an accessory structure and subject to the maximum lot coverage requirements, locational and setback requirements for accessory structures as set out in this By-law.</li> <li>b. An intermodal container shall be setback a minimum distance of 10.0m from any lot line abutting a Residential Zone of any lot used for a residential use.</li> </ol> </li> </ol>	<p>This provision is too stringent as it does not reflect the common use of intermodal containers for a variety of placemaking and design initiatives. Intermodal containers should be permitted as building and/or architectural design.</p>

	c. The use of an intermodal container for human habitation shall be prohibited.	
4.3.1	<p>1. A minimum amenity area shall be required for the following dwelling types:</p> <p>a. Apartment dwelling;</p> <p>b. Block townhouse dwelling;</p> <p>c. Multiple-unit townhouse dwelling; and,</p> <p>d. Podium townhouse dwelling.</p> <p>2. Any required amenity area shall be located on the same lot as the dwelling to which the amenity area is required by this section.</p>	
4.3.2	<p>Minimum Required Amenity Area</p> <p>1. For a block townhouse dwelling, the minimum amenity area requirement shall be 10.0 m<sup>2</sup> per dwelling unit.</p> <p>2. For a multiple-unit townhouse dwelling and podium townhouse dwelling, the minimum amenity area requirement shall be 10.0 m<sup>2</sup> for the first eight dwelling units, and an additional 8.0 m<sup>2</sup> of amenity area shall be required for each additional dwelling unit.</p> <p>3. For an apartment dwelling, the minimum amenity area requirement shall be 8.0 m<sup>2</sup> per dwelling unit for the first eight dwelling units, and an additional 5.0 m<sup>2</sup> of amenity area per dwelling unit shall be required for each additional dwelling unit.</p> <p>4. Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space.</p>	<p>This provision is too stringent and too far removed from market conditions, as well as requirements in other proximate municipalities such as Toronto and Mississauga.</p> <p>In the current by-law amenity area can be an exclusive area that is accessible by an individual dwelling unit, such as a rooftop terrace or balcony. The CZBL does not specify that an amenity area shall not include an exclusive area that is only accessible by an individual dwelling unit. If amenity area includes exclusive areas for individual dwelling units, the provision that 90% of the amenity area shall be provided as a common space essentially removes all flexibility provided, thus making these provisions too stringent. The City needs to clarify why 90% of the minimum amenity area shall be provided as common space.</p>
4.3.3	<p>1. Where a minimum amenity area is required in accordance with this section, a portion of the amenity area shall be located outdoors, and not within any enclosed building or structure, in accordance with the following:</p> <p>a. For a block townhouse dwelling or multiple-unit townhouse dwelling, the minimum outdoor amenity area requirement shall be 50% of the total required amenity area.</p> <p>b. For an apartment dwelling, apartment dwelling units or podium townhouse dwelling units, the minimum outdoor amenity area requirement shall be the provision of at least one contiguous outdoor area of 55.0 m<sup>2</sup> located at grade.</p> <p>c. A maximum of 20% of the required minimum outdoor amenity area shall consist of amenity area located on a rooftop or terrace.</p>	<p>As it stands, the CZBL does not provide any caps for outdoor amenity area for a block townhouse dwelling or multiple-unit townhouse dwelling. The provision states that the minimum outdoor amenity area requirement shall be 50% of the total required amenity area for these uses. The way this provision is written at the moment, large block townhouse or multiple-unit townhouse dwelling developments would need to provide a significant amount of outdoor amenity area. This could be a significant deterrent to building this typology of housing, which is critical for the provision of missing middle housing, as this would significantly limit</p>

	<p>2. Where any outdoor amenity area is required in accordance with this section, at least 50% of the minimum required outdoor amenity area shall be aggregated into contiguous areas of at least 55.0 m<sup>2</sup>.</p> <p>3. Where any required outdoor amenity area is provided at grade, it shall be included in satisfying any applicable minimum landscape requirements of this By-law.</p>	<p>the amount of land area available. It is recommended that the CZBL only provide a minimum amenity area to be provided outside for these uses. As it stands, these provisions create obstacles to providing this form of housing, which ultimately is permitted through the VMC SP, and required to ensure variability and choice in housing stock.</p>
Definition	<p>Amenity Area: Means an indoor or outdoor communal space designed and maintained for active recreational uses or passive recreational uses for residents of a dwelling or building with residential uses.</p>	<p>In By-law 1-88, amenity area can be an exclusive area that is accessible by an individual dwelling unit. It is unclear in the CZBL whether amenity area includes an exclusive area that is only accessible by an individual dwelling unit.</p> <p>This definition is too stringent and too far removed from market conditions, as well as requirements in other proximate municipalities such as Toronto and Mississauga. It is strongly recommended that this definition be revised to allow for amenity areas to include exclusive use areas, that are only accessible to individual dwelling units, such as balconies and rooftop terraces.</p>
Table 10-2: Permitted Uses	<p>Multiple townhouse dwelling units</p> <p>Schools</p>	<p>Multiple townhouse dwelling units should be permitted within all VMC zones. Under the Draft CZBL they are only permitted in the V3 zone.</p> <p>Schools should be permitted within all VMC Zones, including the V4 Zone, in order for the Draft CZBL to be consistent with Schedule E and Policy 3.4 of the VMC SP.</p> <p>Intermodal Containers shall be permitted in the VMC.</p>
Additional requirements to Table 10-2	<p>4. Apartment dwellings shall not be permitted within the ground floor frontage, except that a maximum of 15% of the ground floor frontage may be used for lobby or other common areas associated with the apartment dwelling.</p>	<p>Developments in the VMC have been approved which permit at-grade apartment dwellings. This provision should be removed.</p>
Additional requirements to Table 10-2	<p>5. This use shall only be permitted in the ground floor frontage and the total gross floor area shall not exceed 10% of the gross floor area of all uses on the lot.</p>	<p>This provision is too restrictive and limits the potential tenants who may want to operate businesses on the ground floor of these buildings.</p>

Notable policies within the VMC SP that are missing from the Draft CZBL include but are not limited to:

*Table 3: Missing VMC SP Policies in Draft CZBL*

<b>VMC SP Policy</b>	<b>Comments</b>
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...”;	There is no mention of the exclusion of 10,000 square metres of office uses being allowed from the density calculation if the development contains a minimum of 10,000 square metres of office uses in the by-law.
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.”	There should be consistency between the CZBL and the VMC SP for how the land area to be used for the calculation of the area of the lot for the purposes of calculating permitted density is calculated.
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.”	There should be consistency between the CZBL and the VMC SP for how density is calculated.
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.”	There is no mention of the exclusion of 10,000 square metres of office uses being allowed from the density calculation if the development contains a minimum of 10,000 square metres of office uses in the by-law.
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.”	There are no provisions in the CZBL that would allow for the office developments with a lower density to be permitted. There should be consistency.
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);	There are no provisions in the CZBL that would allow for the additional height and/or density permitted through this policy.

<p>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...”;</p>	<p>There are no provisions in the CZBL which allow for this additional height on properties that front arterial streets. A Zoning By-law Amendment should not be required for developments that meet the criteria for additional height listed in Policy 8.7.11.</p>
<p>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.”</p>	<p>There are no provisions in the CZBL which allow for this additional height on properties that front arterial streets. A Zoning By-law Amendment should not be required for developments that meet the criteria for additional height listed in Policy 8.7.12.</p>