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PUBLIC HEARING
COMMUNICATION

Date: Dec 5/17 ITEM NO. 3

DATE: DECEMBER 4, 2017

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JASON SCHMIDT-SHOUKRI, DEPUTY CITY MANAGER, PLANNING
AND GROWTH MANAGEMENT

MARK CHRISTIE, DIRECTOR OF POLICY PLANNING AND
ENVIRONMENTAL SUSTAINABILITY

SUBJECT: COMMUNICATION
ITEM # 3, REPORT #45 – COMMITTEE OF THE WHOLE (PUBLIC
HEARING) – DECEMBER 5, 2017

OFFICIAL PLAN AMENDMENT FILE OP.17.003
VMC RESIDENCES III GP INC. AS A GENERAL PARTNER AND ON
BEHALF OF VMC RESIDENCES III LIMITED PARTNERSHIP
WARD 4 – VICINITY OF MILLWAY AVENUE AND PORTAGE PARKWAY

Recommendation

The Deputy City Manager, Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability recommend:

1. That Council declare that applications for amendment to the Vaughan Metropolitan Secondary Plan in Volume 2 of the City of Vaughan Official Plan may be made prior to the second anniversary of the first day any part of the plan came into effect;
2. That such applications for Official Plan Amendment be processed concurrently with the related Zoning By-law Amendment application and in an expeditious manner in order to optimize the utilization of the transit investments made for the Vaughan Metropolitan Centre (VMC); and
3. That staff be directed to report no later than June 30, 2018 on an amendment to the VMC Secondary Plan to clarify that modifications to height and/or density in the VMC Secondary Plan area, that are being requested through Section 37 bonusing shall be implemented through a section 34 zoning by-law amendment and that an official plan amendment would not be required notwithstanding policy 9.4.4 in the VMC Secondary Plan and policy 10.2.1.7 in Volume 1 of the Vaughan Official Plan 2010 (VOP 2010).

Purpose

To seek a resolution of Council that would allow official plan amendments to the VMC Secondary Plan to be made despite the two-year moratorium set out in the *Planning Act*; and to seek direction from Council for staff to investigate and report back on the potential elimination of the need for an Official Plan Amendment in the VMC Secondary Plan area for a change in height and/or density that is initiated or requested through Section 37 (s.37) bonusing.



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Background and Analysis

Smart Centres has made an application for a third Transit City tower in the VMC. The applicant seeks permission to:

- a. increase the building height from 25 to 55-storeys; and
- b. increase the density from 4.5 to 12.1 times the area of the lot for the subject lands.

The proposed amendments to the Official Plan would permit the development of a 55-storey residential apartment building containing 606 units, as shown on Attachments #3 to #9 of the report to the Committee of the Whole.

Through discussions with the applicant, concerns were raised regarding the need for an Official Plan Amendment for the adjustment in height and/or density, as they perceived that the s.37 request and an implementing zoning by-law is all that is required. The applicant also expressed concern that the new Planning Act provisions regarding privately initiated Official Plan Amendments within the first two years following the approval of a secondary plan may impact the ability to make applications for changes to height and density in a timely manner to support the growth adjacent to the subway station.

Both the VMC secondary plan and the VOP 2010 contain policies that require an Official Plan amendment for variations to height and density that is separate from the process for s.37 approvals.

Policy 9.4.4 of the VMC Secondary Plan states:

“Minor variations from numerical requirements in the plan, with the exception of maximum and minimum heights and densities, may be permitted without an Official Plan Amendment where it is demonstrated through a site planning process to be appropriate and provided that the general intent of the plan is maintained.”

Policy 10.2.1.7 of VOP 2010 states:

“That where policies of this Plan contain numerical standards, minor variations from those standards may be permitted without amendment to this Plan, with the exception of any variations to floor space index, height or environmental standards set out in Chapter 3, provided that such variations respond to unique conditions or context of a site, and are supported through a Planning Justification Report and/or Urban Design Brief to the satisfaction of the City.”

Staff advise that the need for an Official Plan Amendment is separate from the s.37 process. The requirement for an OPA exists in the VOP 2010 and the VMC Secondary Plan due to the inclusion of height and density numbers in the two documents. The requirement for the OPA provides the City with a planning instrument and approval through which these numerical factors can be managed.

Staff agree with the applicant that the application of s.37 does not mandate or require the need for an OPA, and staff are prepared to review and report back on potential amendments to the



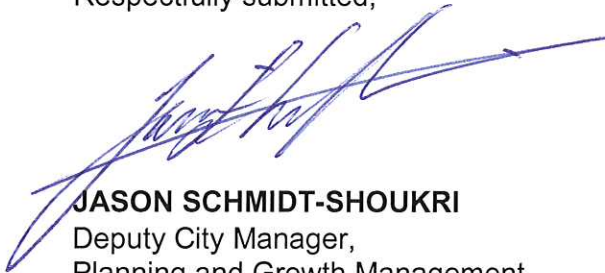
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VMC Secondary Plan that clarify this process, and that facilitate efficient and effective approval process within the VMC.

Conclusion

The effective and efficient approvals of development in the VMC, for which the terminus station of the \$4.2 Billion TTC line 1 extension has been built, the \$32.1 Million SmartCentres Place Bus Terminal has been built, the \$1.4 Billion York Viva bus rapid way connects, is paramount to the continued success of the creation of a world class transit hub. The review of the policy framework and its implementation is appropriate, and staff support the proposed resolution for Council's consideration.

Respectfully submitted,



JASON SCHMIDT-SHOUKRI
Deputy City Manager,
Planning and Growth Management



MARK CHRISTIE
Director, Policy Planning and
Environmental Sustainability

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Copy to: Daniel Kostopoulos, City Manager
Barbara McEwan, City Clerk