



DATE: DECEMBER 8, 2016

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER, PLANNING & GROWTH MANAGEMENT

RE: COMMUNICATION - COUNCIL MEETING, DECEMBER 13, 2016
ITEM NO. 32, REPORT NO. 43
COMMITTEE OF THE WHOLE - DECEMBER 6, 2016

ZONING BY-LAW AMENDMENT FILE Z.16.003
SITE DEVELOPMENT FILES DA.16.007 AND DA.16.089
PENGUIN-CALLOWAY (VAUGHAN) INC.
WARD 4 - VICINITY OF MILLWAY AVENUE AND APPLE MILL ROAD

Recommendation

The Deputy City Manager, Planning & Growth Management recommends:

1. THAT the technical report (Item 32 of Report 43) by the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated December 6, 2016, be amended as follows:
 - a) deleting the words “, or portion thereof” in Recommendation 3.a)i), to read as follows:

“500 parking spaces subject to their removal upon redevelopment of the subject lands;”
 - b) adding the word “and” after the word “Owner” to the first bullet and adding “for the staging of events, but not provide free parking to the general public” to the end of the second bullet point in Recommendation 3.b)iv), so to read as follows:
 - the dates and times for the use of the temporary surface parking lot will be agreed upon annually by the Owner and the City;
 - the City may use the parking lot for up to four events annually for the staging of events, but not provide free parking to the general public; and,”
 - c) adding “and the Owner” to the last sentence in Recommendation 3.b)iv), to read as follows:

“The agreement will also consider other matters such as liability, security and on-site operations, to the satisfaction of the City and the Owner;”
 - d) deleting the reference “platinum” after the paragraph beginning with “Goal 4” in the Contribution to Sustainability section and replacing it with “gold”, to read:

“In accordance with the goals and objectives identified above, the Owner advises that the mixed use building development proposal (Site Development File DA.16.007), a brownfield redevelopment, will be constructed to achieve a gold Leadership in Energy



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and Environmental Design (LEED) certification and that the following, but not limited to, sustainable site and building features will be included:"

- e) deleting the reference to "temporary sidewalk" in the first sentence of the third paragraph of item b) of the Landscape Plan/Urban Design section and replacing it with "safe pedestrian connections", to read:

"The Owner has been advised that the landscape treatment along Jane Street must be improved with buffer plantings, safe pedestrian connections, and enhanced screening measures."

Background

On December 6, 2016, the Owner made a deputation to the Vaughan Committee of the Whole and requested points of clarification regarding the technical report (Item 32 of Report 43), dated December 6, 2016, respecting Zoning By-law File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 (Penguin-Calloway (Vaughan) Inc.), to permit a 9-storey, mixed-use building and a temporary surface commercial parking lot. The Owner suggests minor amendments to the technical report, being:

- a) Recommendations 3.a)i) and 3.b)iv), respectively, for Site Development File DA.16.089:
- to delete the reference to "or portions thereof" in the trigger for removal of the 500 parking spaces upon redevelopment of the subject lands; and,
 - to provide clarification on the second principle for the City to stage and host public events on the temporary surface commercial parking lot so as to not permit free parking to the general public. Furthermore, in relation to the required separate agreement to facilitate this arrangement, which considers other matters such as liability, security, and on-site operations, the Owner has requested that this be adjusted to be to the satisfaction of the City and the Owner.

The intent of the words "or portions thereof" was to have parking spaces removed on a portion of the site should the area occupied by the 500 parking spaces be developed in phases, not to have all 500 parking spaces removed should only a portion of the site be developed. The amended recommendation maintains the intent of the original recommendation.

With regard to the execution of the separate agreement, staff concurs with the Owner's requested clarification that it must be to the satisfaction of the both the City and the Owner. Also, staff can support an amendment to the report to clearly identify that the intent of the condition related to the commercial parking lot is to maintain the arrangement for paid parking during City events, which is reflected in the principles to utilize the lot for City events.

- b) Modification of the Owner's aspiration for LEED certification from "platinum" to "gold" under the Contribution to Sustainability section.

Through subsequent iterations of the development proposal, the LEED aspiration of the Owner for the mixed-use building has been modified from platinum to gold certification. This recommendation in this Communication accurately reflects this change.

- c) Reference to "temporary sidewalk" under the Landscape Plan/Urban Design section for the temporary surface commercial parking lot is amended to reference "safe pedestrian connections".



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The surface commercial parking lot is temporary and the interim condition must maintain safe pedestrian connections along Jane Street. A safe interim condition facilitates pedestrian permeability throughout this Anchor Mobility Hub. The Owner has agreed to have this City concern for safe pedestrian connections accurately reflected through this Communication and substitute the words "temporary sidewalk" to "safe pedestrian connections." The Vaughan Development Planning Department supports this clarification, which is appropriate for the temporary condition of the parking lot and the surrounding context.

Conclusion

It is recommended that Recommendation 3 and portions of technical report (Item 32 of Report 43) respecting Zoning By-law Amendment File Z.16.003 and Site Development Files DA.16.007 and DA.16.089 (Penguin-Calloway (Vaughan) Inc.) considered by the Committee of the Whole on December 6, 2016, be revised as identified in this Communication to clarify the intent of certain Recommendations and information in the original report. The balance of the report remains unchanged.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Mackenzie', written over a horizontal line.

JOHN MACKENZIE
Deputy City Manager,
Planning & Growth Management

Copy to: Jeffrey A. Abrams, City Clerk
Daniel Kostopoulos, City Manager
Mauro Peverini, Interim Director of Development Planning

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