

C3

Communication

Council – September 24, 2024

CW(PM) – Report No. 28 Item No. 3

From: Clerks@vaughan.ca
To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Subject: FW: [External] RE: Objection to Rezoning of 11151 Highway 50 (Block 1-3)
Date: September-10-24 5:50:03 PM
Attachments: [image001.png](#)
[2023-12-01 Letter to the City re. Zoning Opinion.pdf](#)

From: Katie Pandey <kpandey@westonconsulting.com>
Sent: Tuesday, September 10, 2024 4:49 PM
To: Christopher Cosentino <Christopher.Cosentino@vaughan.ca>; Clerks@vaughan.ca
Cc: Michael Paiva <michael@unifiedllp.com>; Spencer Roberts <spencer@unifiedllp.com>; japji mangat <mangat.japji@gmail.com>; Ulysses Perkunder <uperkunder@westonconsulting.com>; Eric Lee <elee@westonconsulting.com>
Subject: [External] RE: Objection to Rezoning of 11151 Highway 50 (Block 1-3)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Correction to the subject line :

Rezoning of 11151 Highway 50 (Block 4)

From: Katie Pandey
Sent: September 10, 2024 4:47 PM
To: Christopher.Cosentino@vaughan.ca; clerks@vaughan.ca
Cc: Michael Paiva <michael@unifiedllp.com>; Spencer Roberts <spencer@unifiedllp.com>; japji mangat <mangat.japji@gmail.com>; Ulysses Perkunder <uperkunder@westonconsulting.com>; Eric Lee <elee@westonconsulting.com>
Subject: Objection to Rezoning of 11151 Highway 50 (Block 1-3)

Christopher and Clerks,

Weston Consulting is the planning agent for the property addressed as 11151 Highway 50 (Block 4), owned by 2631622 Ontario Corp .

We have submitted **planning applications OP.23.005 and Z.23.008**, and are currently in the second stage of the process for rezoning the property for General Commercial uses. The specifics of this application are included in our latest submission.

We object to the proposed rezoning of this property to an Agricultural zone. **A letter has previously been submitted by our counsel (attachment 1)** regarding this matter, and we will be submitting a planning rationale before the September 24th Council meeting.

For now, please accept this as a formal comment regarding page 2, row 3, columns 4 and 5 of Attachment 2, related to the property at 11151 Highway 50.

Neither the Japji nor Weston Consulting received a formal letter notifying them of the

intention to amend the Zoning By-law, despite being the Owner and Authorized Planning Representative

Owner will be attending the Committee of the Whole Meeting scheduled for September 10th, 2024 at 7 PM in order to provide oral submissions.

Thank you for your attention to this matter

KATIE PANDEY, MAES, MCIP, RPP
ASSOCIATE
SHE/HER

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December 1, 2023

VIA E-MAIL

Rebecca Roach
City of Vaughan Planner
Development and Planning Department
City Hall Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1
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Michael Joseph Paiva
michael@unifiedLLP.com
TOR: 416-800-1733
Fax: 647-715-6108
File No.: 23-1102

**RE: Development and Planning Comments on File NOs: OP.23.005 & Z.23.008
11151 Hwy 50 (Part 4), PT LT 28 CON 11 VAUGHAN PT 4, 65R19710; VAUGHAN**

Dear Ms. Roach:

Please be advised that Unified LLP has been retained by 2631622 Ontario Corp. ("263"), the registered owner of 11151 Hwy 50, Vaughan, legally described as PT LT 28 CON 11 VAUGHAN PT 4, 65R19710; VAUGHAN (the "Property"). As such, please direct any and all future correspondence regarding this matter to my attention. I also request that if your office has any ongoing communication regarding the Property with any other governmental authority, that you pass along my contact information to those entities.

We have reviewed the Development Planning Comments Memorandum dated July 14, 2023, in relation to file numbers OP.23.005 & Z.23.008 (the "Memorandum") and would like to address the comments in relation to the zoning by-law amendment ("ZBLA").

On page 1, the Memorandum states that the application should be revised to propose a site-specific exception to the General Commercial – GC Zone rather than a rezoning. We agree with this comment. However, on page 2 of the Memorandum, there is a conflicting comment which suggests the application should propose a zoning exception for an Agricultural Zone. It is our position that this suggestion is an error for the reasons described below.

The Memorandum states that it is the opinion of the Development Planning Department that the Property was inadvertently rezoned from Agricultural to GC Zone and therefore the



applicants should submit a site-specific exception to the Agricultural Zone and not the GC Zone. It is further stated that the City plans to bring an “administrative” amendment to the City of Vaughan Zoning By-Law (the “ZBL”) in order for the zoning to be consistent with the City of Vaughan Official Plan 2010 (the “2010 VOP”). The Memorandum also suggests that, if 263 consents, the Property’s zoning can be amended through their development applications.

There are a few issues with the suggestions made with respect to the ZBLA application. A site-specific exception to an Agricultural Zone cannot be granted where there is no Agricultural Zone in existence. This would require a rezoning application to rezone the Property Agricultural Zone in addition to the site-specific exception to the Agricultural Zone. 263 does not desire to rezone the Property Agricultural Zone and will not be seeking such an amendment in their planning applications. 263’s land use planning experts, Weston Consulting, is of the opinion that such a ZBLA would not be supportable from a planning perspective, as described further below.

If the City wishes to amend the ZBL, it must do so through the process outlined in section 34 of the *Planning Act*, as is the regular course. This is the case even where a city or municipality believes an administrative error was made. Therefore, the zoning of the Property is currently GC Zone and will remain GC Zone until such time as a ZBLA is passed. The owners cannot submit an application for a site-specific exception to an Agricultural Zone because the Property is not designated as Agricultural Zone. Further, it is our position and Weston Consulting’s position that the City’s proposed ZBLA is unlikely to receive approval.

As mentioned, the Memorandum suggests that the City wishes to rezone the Property Agricultural in order to be consistent with the 2010 VOP. However, the 2022 York Regional Official Plan (the “2022 YROP”) designates the Property as “Employment Area”. The “Employment Area” designation of the Property was not made through a provincial modification. Therefore, no change to this designation is being contemplated in the proposed Bill 150 which would, if passed, reverse certain provincial modifications that were included in the 2022 YROP.

Section 27 of the *Planning Act* requires that every lower-tier municipality update their official plan to conform with the plan of the upper-tier municipality that comes into effect. Therefore, pursuant to the *Planning Act*, the 2010 VOP is required to be amended to conform with the 2022 YROP which designates the Property “Employment Area”.



Additionally, s. 27 requires that a by-law passed under s. 34 by a lower-tier municipality must conform with the official plan of the upper-tier municipality that comes into effect. The City's plan to amend the ZBL to designate the Property as Agricultural Zone does not conform with the 2022 YROP which designates the Property "Employment Area". Therefore, the City's proposed amendment to the ZBL is unlikely to be approved.

However, the current zoning designation of the Property does conform with the 2022 YROP. There was no administrative error in the GC Zone designation of the Property as was suggested in the Memorandum. It is our position that the City of Vaughan's Zoning By-Law was amended by rezoning the Property GC Zone in order to conform with the 2022 YROP as required by the *Planning Act*. The City is now required to also update the 2010 VOP to conform with the 2022 YROP "Employment Area" designation pursuant to the *Planning Act*.

Additionally, in reviewing whether the proposed planning applications conform with the 2022 YROP and the 2010 VOP, the 2022 YROP designation takes precedence to the extent the 2010 VOP does not conform with the 2022 YROP. Subsection 27(4) of the *Planning Act* states:

In the event of a conflict between the official plan of an upper-tier municipality and the official plan of a lower-tier municipality, the plan of the upper-tier municipality prevails to the extent of the conflict but in all other respects the official plan of the lower-tier municipality remains in effect.

Therefore, the "Employment Area" designation under the 2022 YROP prevails over the "Agricultural" designation under the 2010 VOP. A General Commercial Zone conforms with an "Employment Area" designation whereas an Agricultural Zone does not. The 2022 YROP designation would also prevail in reviewing and considering an application to amend the ZBL to designate the Property Agricultural Zone under s. 34 of the *Planning Act*.

Please confirm that the proper proposal for file number Z.23.008 is a site-specific exception to the General Commercial Zone. This is the Property's current zoning and no ZBLA has been approved to rezone the Property Agricultural. Such a proposed amendment would not conform with the 2022 YROP as required by the *Planning Act*.

We trust the above to be satisfactory. Please let us know if you have any questions or concerns.



Yours very truly,

UNIFIED LLP

A handwritten signature in blue ink that reads "Michael Paiva". The signature is written in a cursive, flowing style.

Per: Michael J. Paiva