



Overland LLP
Christopher J. Tanzola
Tel: (416) 730-0337 x. 112
Direct: (416) 730-0645
Email: ctanzola@overlandllp.ca

COMMUNICATION – C15
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020

October 26, 2020

VIA EMAIL

Mayor Maurizio Bevilacqua and Members of City Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Brandon Correia
Manager, Special Projects

Your Worship and Members of Council:

RE: City of Vaughan New Comprehensive Zoning By-law
10-20 Gattineau Drive
City of Vaughan File Nos. Z.08.032 and DA.13.040
Transition Concerns

We are the lawyers for D'Or Developments Inc. (the "**Owner**"), the owner of the lands municipally known as 10-20 Gattineau Drive in the City of Vaughan (the "**Site**").

The Site was the subject of applications for Zoning By-law Amendment and Site Plan Approval that were approved by the Ontario Municipal Board/Local Planning Appeal Tribunal (LPAT Case No. PL131327) (the "**Applications**") and is currently under construction for an approved 20- and 17-storey residential development.

In this context, we are providing our comments on the draft City of Vaughan New Comprehensive Zoning By-law (the "**New Vaughan ZBL**").

Background

By way of background, the Site is an irregularly shaped parcel, located on the east side of New Westminster Drive, north of Centre Street, and on the north side of Gattineau Drive, a new street created as part of the approval of the Applications.

The Site was severed from the lands to the south (which continue to be owned by Blue Water Ranch Developments Inc.) via a consent application that was approved by the Committee of Adjustment on December 7, 2017, which created a new lot to facilitate the development contemplated by the Application.

The rezoning of the Site was approved by the OMB/LPAT in its order issued January 17, 2017, and subsequently amended by its orders of September 26, 2017 and February 12, 2019 correcting minor errors in the text of the by-law. The Site Plan Application was approved subject

to conditions in the Tribunal's order dated June 2, 2020. The proposal conforms to the Vaughan Official Plan 2010, and did not require an amendment to the Official Plan.

A copy of the final OMB/LPAT-approved zoning by-law is attached to this letter.

The Approved Development

The approved site-specific amendment to By-law No. 1-88 applies an RA5 zone and site-specific exceptions to the Site.

The Site is identified as Parcel "A" in the approved zoning by-law amendment. The approved zoning permits a maximum of 22-storeys or 63 meters with a maximum gross floor area of 39,185 square meters, and applies various site-specific zone standards including with respect to parking requirements, landscaping, setbacks, and unit sizes.

The approved Site Plan Application facilitates the development proposed for Parcel "A". As approved and currently under construction, this Site will contain two residential condominium buildings (17 and 20 storeys in height) linked by a low-rise podium. Loading spaces, outdoor amenities, and visitor parking spaces are accommodated at grade; resident parking is below grade.

The zoning by-law amendment approved by the OMB/LPAT contemplates a further application before development can proceed on the Parcel "B" lands, which remain subject to a holding symbol.

The New Vaughan ZBL (3rd Draft)

We have reviewed the third draft of the New Vaughan ZBL released in October 2020, which now includes site specific exceptions to the performance standards of the New Vaughan ZBL. As currently drafted, the New Vaughan ZBL now proposes to zone the Site as *RM2- 1068 (Multiple Residential Zone 2, exception number 1068)*.

We note that the permissions and performance standards found in exception 1068 generally reflect those which have been approved by the OMB/LPAT for the Site, and are transposed into the template of the New Vaughan ZBL. However, we note that the **addresses** do not reflect the most recently municipally assigned addresses for the Site, which now include **10 and 20 Gatineau Drive**.

We also note that the third draft contains transition provisions for developments that are proceeding through the planning process. It is important that there be clear, effective transition rules for developments that are at various stages of the planning process so that inappropriate or unintended impediments to development do not arise in site-specific matters as a result of the exercise of enacting a new, general zoning by-law.

Our client is interested in ensuring that construction and finalization of the development on the Site will continue without interruption as a result of the New Vaughan ZBL; and that the correct zoning provisions that accurately reflect the results of the site-specific OMB/LPAT approvals are incorporated into any new zoning that is applicable to the Site.

Thank you for providing the opportunity to comment on the draft New Vaughan ZBL. Would you kindly ensure that we receive a copy of any notices for public meetings, revised draft of the by-law, and any consideration or decisions made by City Council and committees of Council with respect to the New Vaughan ZBL.

Please provide notice to each of the following. Our mailing address is shown above. Our email addresses are as follows:

- Christopher Tanzola (ctanzola@overlandllp.ca)
- Greg Smith (gsmith@overlandllp.ca)

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 12, 2019

CASE NO.: PL131327

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDINGS COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Blue Water Ranch Developments Inc.
Subject:	Application to amend Zoning By-law No. 1-88 – Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	RA5(H) High Density Residential – Town Centre Zone
Proposed Zoning:	RA5(North) and RA5(South)
Purpose:	To permit a 22 storey residential building with a 5.65 FSI in the northern portion of the property and to permit a 6 storey residential building with a 1.7 FSI in the southern portion of the property
Property Address/Description:	784 Centre Street
Municipality:	City of Vaughan
Municipal File No.:	Z.08.032
OMB Case No.:	PL131327
OMB File No.:	PL131327
OMB Case Name:	Blue Water Ranch Developments Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	Blue Water Ranch Developments Inc.
Subject:	Site Plan
Property Address/Description:	Part Lot 6, Concession 2
Municipality:	City of Vaughan
OMB Case No.:	PL131327
OMB File No.:	PL140910

BEFORE:

S. JACOBS
MEMBER

) Tuesday, the 12th
)
) day of February, 2019

THIS MATTER having come on for a public hearing before the Ontario Municipal Board (the "Board"), now continued as the Local Planning Appeal Tribunal (the "Tribunal"), on November 27 and 28, 2014;

AND THE BOARD having issued its Decision on February 9, 2015, as amended by its Decision on March 6, 2015, allowing the appeal by Blue Water Ranch Developments Inc. ("Blue Water") of its Zoning By-law Amendment application and approving Blue Water's Site Plan Approval application;

AND THE BOARD having issued its Order on January 17, 2017 as amended by its Order on September 26, 2017, with respect to Blue Water's Zoning By-law Amendment;

AND THE TRIBUNAL having been advised in a telephone conference call with the Parties held on February 11, 2019 of the need for a technical correction to the September 26, 2017 Order in respect of the form of Zoning By-law Amendment attached to the September 26, 2017 Order as Schedule "A" (the "ZBA"), whereby it has been determined by the Parties that a portion of Section 2 (ci) of the ZBA inadvertently prohibits zero setbacks below grade on the lands;

AND THE TRIBUNAL having been advised by the Parties, on consent, that it was not intended to prohibit zero setbacks below grade on the lands, and the Parties having jointly requested that the Tribunal correct this error with respect to below grade setbacks;

AND THE TRIBUNAL having been satisfied by the evidence of Philip Levine provided by an Affidavit sworn on February 7, 2019;

AND THE TRIBUNAL being satisfied that a correction to the ZBA would be minor in the circumstances;

AND THE TRIBUNAL having been provided by the Parties, on consent, with an amended form of Zoning By-Law Amendment (the "Corrected By-law") attached as Schedule "A" to this Amending Order, which corrects the permissions applicable to below grade setbacks to all lot lines;

THE TRIBUNAL THEREFORE ORDERS that the September 26, 2017 Order is hereby amended to substitute the Corrected By-law attached as Schedule "A" to this Amending Order in place of the ZBA, and the Clerk of the City of Vaughan is authorized to make such revisions to the City's By-law numbering for record-keeping purposes as are necessary to give effect this correction.



REGISTRAR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE A

BY-LAW NUMBER - 2019

A By-law to amend City of Vaughan By-law 1-88 as amended by 013-2018.

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

NOW THEREFORE pursuant to the Orders of the Ontario Municipal Board/Local Planning Appeal Tribunal dated January 17, 2017, September 26, 2017, and _____, 2019 in Case No. PL131327, By-law 1-88 of the City of Vaughan is amended as follows:

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Deleting Schedule "E-1351" and substituting therefor the Schedule "E-1351" attached hereto as Schedule "1".
 - b) Deleting Subparagraph aii) in Exception Paragraph 9(1225).
 - c) Deleting all reference to the RA5 High Density Residential-Town Centre Zone and related standards and the lands zoned RA5 in the map in Schedule "A4" and replacing the map with Schedule "E-1351" attached hereto as Schedule "1".
2. Rezoning the lands shown as "Subject Lands" shown on Schedule "E-1573", attached hereto as Schedule "2" from RA5(H) High Density Residential-Town Centre Zone with the Holding Symbol "(H)" to RA5 High Density Residential-Town Centre Zone and RA5(H) High Density Residential-Town Centre Zone with the Holding Symbol "(H)" in the manner shown on said Schedule.
 - a) Adding the following Paragraph to Section 9.0 "EXCEPTIONS":

“(1443) Notwithstanding the provisions of:

 - A. The following provisions shall apply to all the lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1573". The Holding Symbol "(H)" shall remain on Parcel "B" until such time as the following:
 - i) access shall be provided along the east property line to the north/south public access easement (future road) to the satisfaction of the Development Engineering and Infrastructure Planning Department, as

shown as Future Road "2" on Schedule "E-1573", attached hereto as Schedule "2";

- ii) water and sewage servicing capacity is identified and allocated by Vaughan Council;
- iii) a Site Development Application is approved by Vaughan Council;
- iv) Lands zoned with the Holding Symbol "(H)" shall be used only for a use legally existing as of the date of the enactment of By-law _____ - 2019, or a Temporary Sales Office in accordance with Section 3.25 of By-law 1-88, or the production of field crops.

B. Notwithstanding the provisions of:

- a) Section 2.0 respecting the Definition of a Parking Space and Gross Floor Area (GFA) and Subsection 3.8 respecting Minimum Parking Requirements and Driveway Access;
- b) Subsection 3.13 and 5.1.1d) respecting Minimum Landscaped Area;
- c) Subsection 3.17 respecting Portions of Buildings Below Grade;
- d) Subsection 4.1.4 respecting Parking and Access Requirements;
- e) Subsection 4.14 respecting Uses Permitted and development standards in the RA5 High Density Residential-Town Centre Zone;

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-1573" attached hereto as Schedule "2":

- ai) The minimum length of an underground parking space on Parcel "A" shall be 5.7m;
- aii) The minimum required parking for Residential Apartment Dwelling unit within the RA5 High Density Residential-Town Centre Zone shall be 1.1 spaces/unit for residents, plus 0.1 spaces/unit for visitors, totaling 1.2 spaces/unit;
- bi) The minimum width of a landscape strip along a lot line abutting a street line in the RA5 High Density Residential-Town Centre Zone shall be as follows:

Parcel "A"

- 0.45 m (Future Road "1")
- 1.7 m (New Westminster Drive)

Parcel "B"

- 3.7 m (Future Road "1")

- ci) The minimum setback from the front lot line, the rear lot line, the interior side lot line, and the exterior lot line to the nearest part of a building below finished grade shall be 0 m;
- di) The minimum landscape strip width around the periphery of the surface parking area for Parcel "A" shall be 1.6 m;
- dii) Subsection 4.1.4 b) ii) shall not apply to Parcel "A";
- diii) Subsection 4.1.4 f) shall not apply to Parcels "A" and "B";
- ei) The following additional uses shall be permitted on Parcel "B" only:
 - Independent Living Facility;
 - Long Term Care Facility;
 - Supportive Living Facility;
- eii) The following zone standards shall apply to the Subject Lands, as shown on Schedule "E-1573" attached hereto as Schedule "2":

Parcel "A"

- Minimum Front Yard Setback (Future Road "1") - 0.45 m
- Minimum Exterior Side Yard Setback (New Westminster Drive) - 1.7 m
- Minimum Interior Side Yard Setback - 4.8 m
- Maximum Building Height - 22-storeys or 63 m, whichever is less
- Maximum Gross Floor Area - 39,185 m²
- Minimum Lot Area – 6,988 m² (no further amendment is required to this by-law should the minimum lot area be reduced due to conveyance of lands for a public right-of-way or other land dedication required by a public authority)
- Minimum Landscape Strip along the north property line - 1.6 m

- Maximum Combined Gross Floor Area of all retail/commercial uses – 30% of the ground floor area
- Maximum Gross Floor Area of each Retail/Commercial Unit – 250m²
- Maximum Ground Floor Area of a Residential Dwelling – 1,500m²

Parcel "B"

- Minimum Front Yard Setback (Future Road "1") - 3.7 m
- Minimum Front Yard Setback (Future Road "1") to a canopy - 1m
- Maximum Gross Floor Area - 11,890 m²
- Minimum Lot Area – 6,805 m² (no further amendment is required to this by-law should the minimum lot area be reduced due to conveyance of lands for a public right-of-way or other land dedication required by a public authority)
- Maximum Combined Gross Floor Area of all retail/commercial uses – 30% of the ground floor area
- Maximum Gross Floor Area of each Retail/Commercial Unit – 250m²
- Maximum Ground Floor Area of a Residential Dwelling – 1,500m²

f) Adding Schedule "E-1573" to Exception Paragraphs 9(1443) attached hereto as Schedule "2".

g) Deleting Key Map 2B and substituting therefor the Key Map 2B attached hereto as Schedule "3".

3. Schedules "1", "2" and "3" shall be and hereby form part of this By-law.

4. By-law 008-2017 was repealed on January 30, 2018.

5. By-law 013-2018 is hereby repealed. The previous by-law did not include provisions for portions of buildings below-grade along New Westminster Drive.

SUMMARY TO BY-LAW - 2019

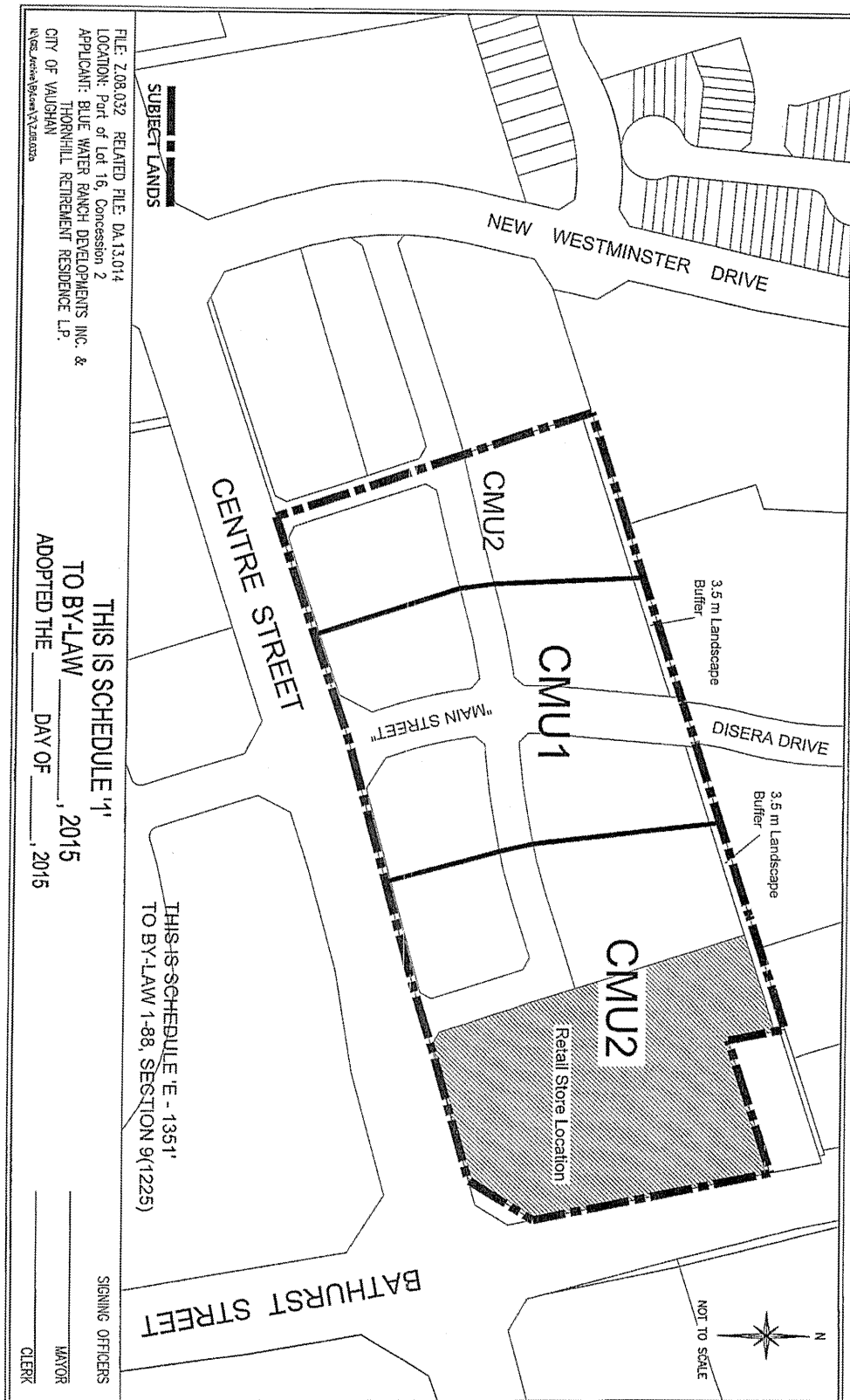
NOTE: This summary does not form part of By-law ____-2019

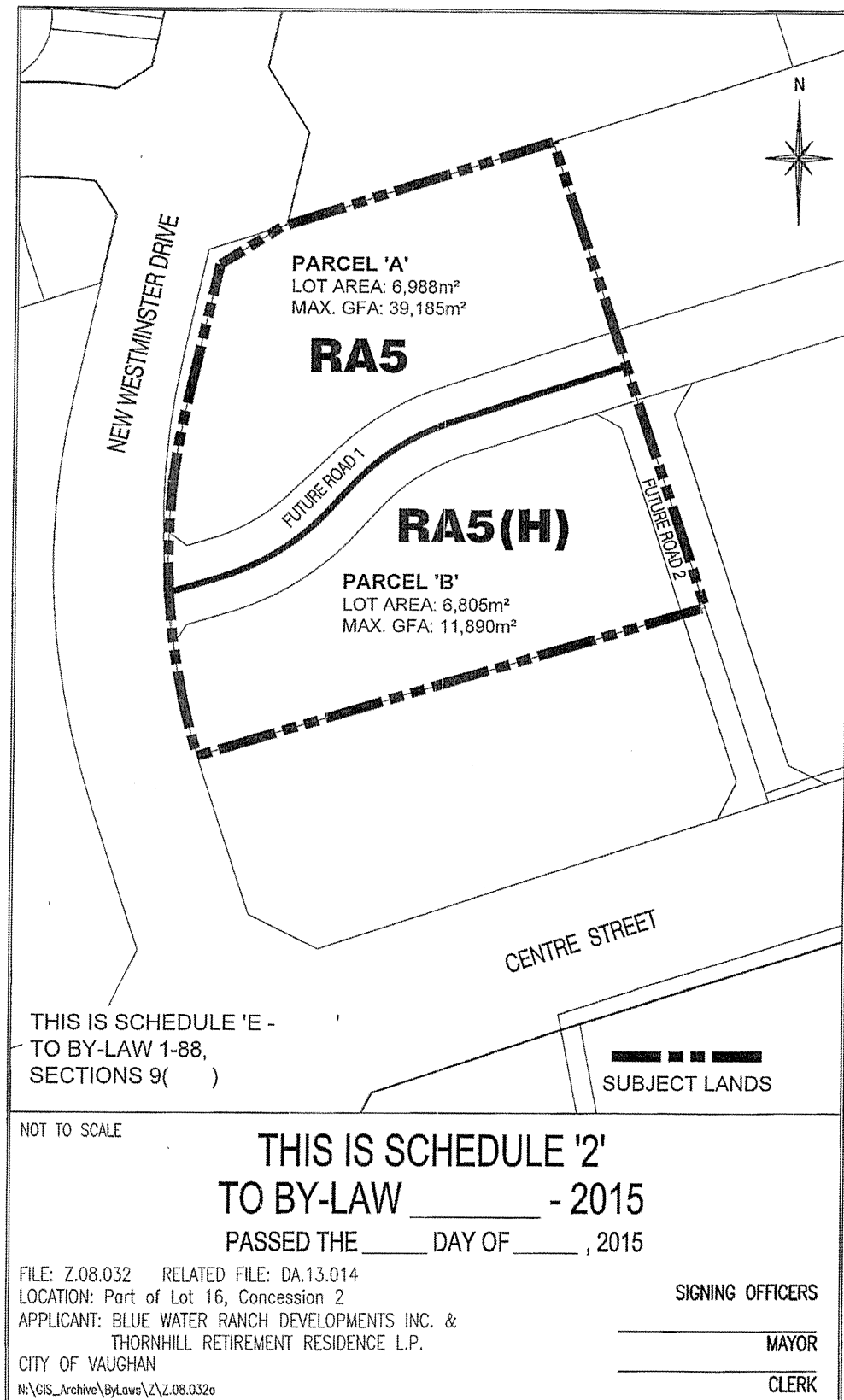
The lands subject to this By-law are located on the east side of New Westminster Drive, north of Centre Street, being Part of Lot 6, Concession 2, City of Vaughan.

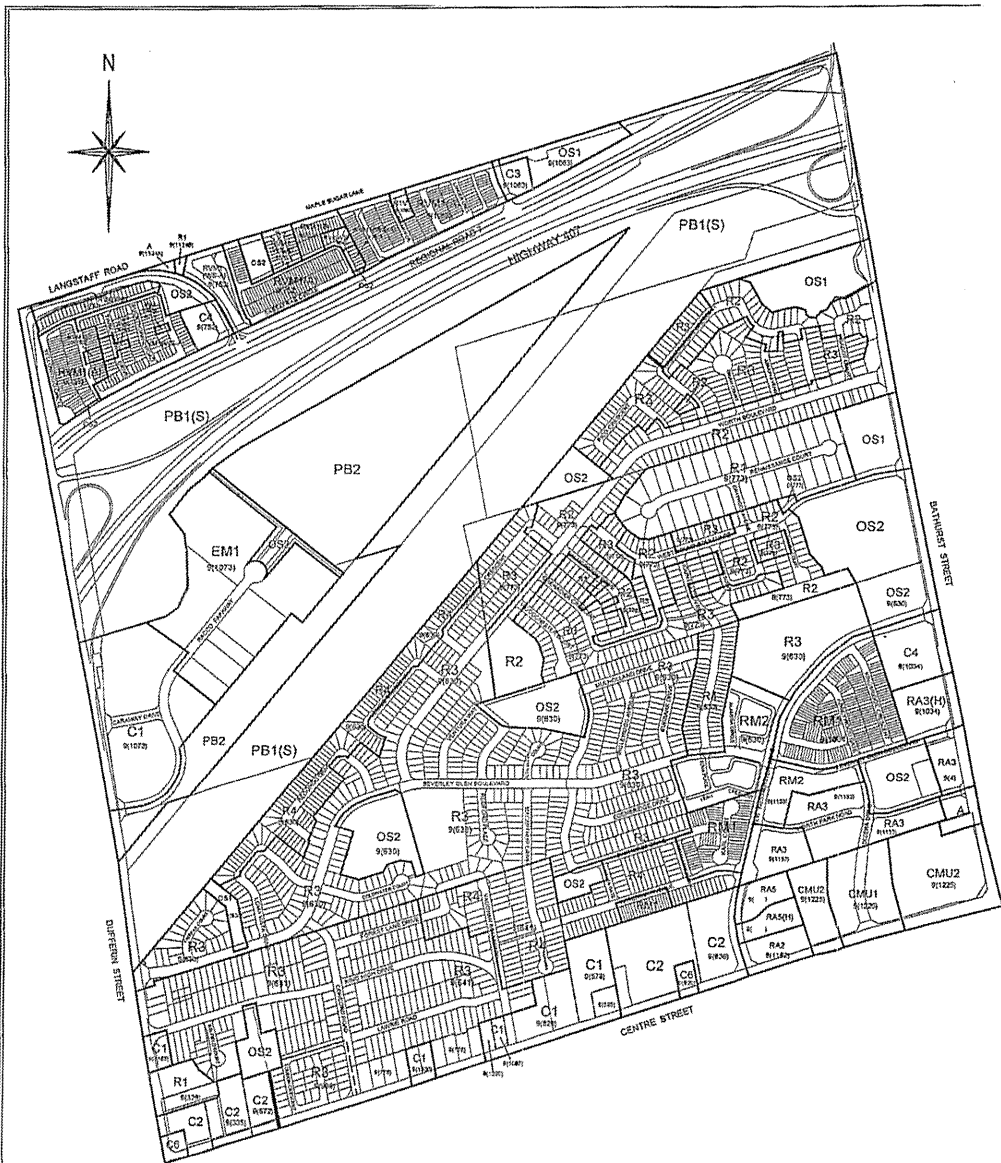
The purpose of this by-law is to rezone Parcel "A" from RA5(H) High Density Residential Town Centre Zone with the Holding Symbol "(H)" to RA5 High Density Residential Town Centre Zone thereby removing the Holding Symbol "(H)" and permitting the site-specific zoning exceptions, to facilitate the development of 19 and 22-storey apartment buildings having a total maximum GFA of 39,185 m².

The by-law will also maintain the Holding Symbol "(H)" on Parcel "B" to facilitate the development of a 6-storey apartment building with a GFA of 11,890 m², which includes permission for a senior retirement residence. The Holding Symbol "(H)" on Parcel "B" will be maintained until such time as following:

- i) Access shall be provided along the east property line to the north/south public access easement (future road) to the satisfaction of the Development Engineering and Infrastructure Planning Department, as shown as Future Road "2" on Schedule "E-Schedule "2";
- ii) water and sewage servicing capacity is identified and allocated; and,
- iii) a Site Development application is approved by Vaughan Council.







KEY MAP 2B
BY-LAW No. 1-88

NOT TO SCALE

THIS IS SCHEDULE '3'
TO BY-LAW _____ - 2015
PASSED THE _____ DAY OF _____, 2015

FILE: Z.08.032 RELATED FILE: DA.13.014

LOCATION: Part of Lot 16, Concession 2

APPLICANT: BLUE WATER RANCH DEVELOPMENTS INC. &
THORNHILL RETIREMENT RESIDENCE L.P.

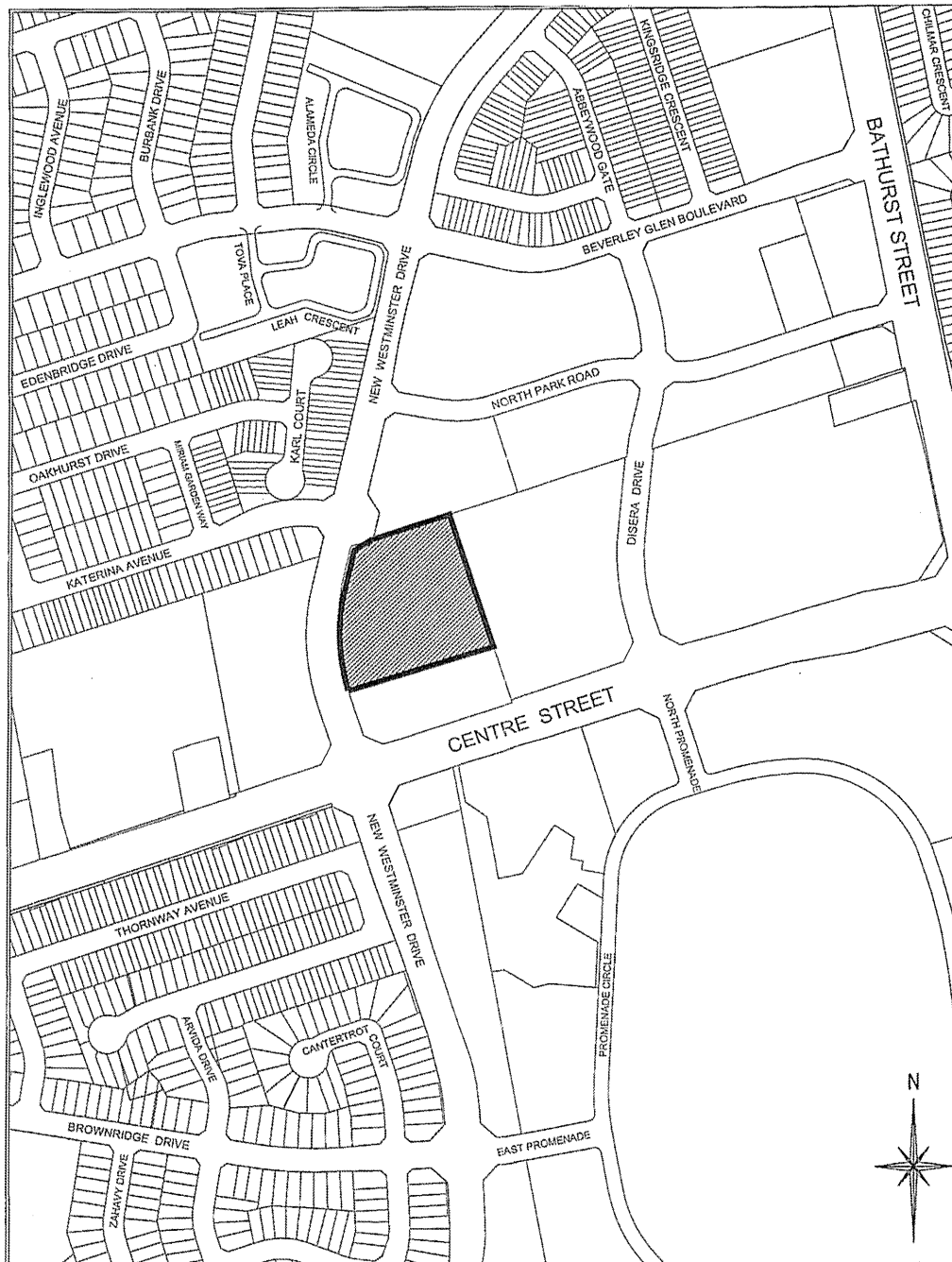
CITY OF VAUGHAN

N:\GIS_Archive\ByLaws\Z\Z.08.032a

SIGNING OFFICERS

MAYOR

CLERK



NOT TO SCALE

LOCATION MAP TO BY-LAW _____ - 2015

FILE: Z.08.032 RELATED FILE: DA.13.014
 LOCATION: Part of Lot 16, Concession 2
 APPLICANT: BLUE WATER RANCH DEVELOPMENTS INC. &
 THORNHILL RETIREMENT RESIDENCE L.P.
 CITY OF VAUGHAN

N:\GIS_Archive\ByLaws\Z\Z.08.032a

