

KLM File P-3099

October 27, 2020

City Clerk's Office
Vaughan City Hall
Main Floor, South Wing
2141 Major Mackenzie Drive
Vaughan, Ontario, L6A 1T1

COMMUNICATION – C37
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020

Attention: **City Clerk and Mayor & Members of Vaughan Council**

RE: Committee of the Whole (Public Hearing) – October 29, 2020
ITEM 1 – City-Wide Comprehensive Zoning By-law
Comments on the Third Draft Zoning By-law and First Draft Site-Specific Exceptions
Client: ZZEN Group of Companies Limited

Dear City Clerk, and Mayor & Members of Vaughan Council:

On behalf of our client, the ZZEN Group of Companies Limited ("ZZEN"), KLM Planning Partners Inc. ("KLM") is pleased to provide you with the following comments on the draft City-Wide Comprehensive Zoning By-law (Third Draft) and the draft Site-Specific Zoning Exceptions (First Draft) both released for public review and comment on September 24, 2020.

First Draft Zoning By-law (April 2019 – January 27 2020)

In August 2019, KLM was retained by ZZEN to undertake a detailed review of 39 buildings and/or sites containing a grouping of buildings owned by ZZEN in accordance with the City's First Draft By-law released in April 2019. On August 14, 2019, KLM wrote a letter to the City seeking additional time to review the First Draft By-law and mapping given the significant number of ZZEN sites that needed to be reviewed by KLM.

On January 17, 2020, KLM submitted an 11-page letter to Brandon Correia, Manager of Special Projects containing comments on the First Draft By-law including errors and omissions to both the text and mapping, and sought both clarification and consideration of alternative zoning options and standards for both the text and mapping.

KLM also identified several ZZEN properties that contained existing By-law 1-88 site-specific exceptions and as-of-right use permissions, and the need to acquire and review the draft site-specific exceptions for the new zoning by-law in order to verify the extent of the land use impact upon existing developed ZZEN

sites and those ZZEN sites not yet developed but having a planned intended use within the immediate future.

Second Draft Zoning By-law (January 28 2020 – September 23 2020)

On January 28, 2020, the City released the Second Draft Zoning By-law for public review and comment, however, the draft site-specific zoning exceptions were not included as part of this version of the new by-law. KLM proceeded to review the Second Draft By-law and submitted a 14-page letter to the City (ie. to Brandon Correia) on February 12, 2020, that contained 78 comments for the City to consider and address. Again, KLM reiterated the need for the City to release the draft site-specific exceptions related to the new zoning by-law in order to allow KLM to undertake a fulsome zoning review of the 39 ZZEN properties.

On February 14, 2020, ZZEN and KLM met with Brandon Correia to discuss the comments contained in KLM's January 17, 2020 letter and to discuss what was included in our February 12, 2020 letter. This meeting was both informative and constructive with City staff indicating that they and WSP ("consultant retained by the City") would consider the comments contained in both the January 17 and February 12 2020 letters submitted by KLM, and that there would be a Third Draft By-law and First Draft of the Site-Specific Exceptions to be released in Spring 2020.

Throughout the Covid-19 global pandemic this year, KLM inquired with Brandon Correia during the Spring and Summer months on the date that the Third Draft By-law and First Draft Site-Specific Exceptions would be released to the public for review and comment. Although we were first advised sometime in June and then August, the Third Draft By-law and First Draft Site-Specific Exceptions were not released until September 24, 2020. We appreciate that throughout this process, Brandon Correia has responded to our calls and emails and to our questions and requests for meetings, both promptly and informatively.

Third Draft Zoning By-law + First Draft Site-Specific Exceptions (both since September 24 2020)

Since the release of the Third Draft By-law on September 24, 2020, KLM has reviewed this 145-page document and the related mapping and can advise that many of the comments related to the general provisions of the by-law that were raised in our first two letters have been addressed in light of the feedback provided to the City and the dialogue that has transpired since KLM was retained by ZZEN last year.

a) Matters that Require Further Review and Consultation with City Staff

Given the Draft Site-Specific Exceptions were only released 4 weeks ago for the first time since the City initiated this City-wide zoning review, we require more time to thoroughly review each of the ZZEN properties, and we respectfully request that Vaughan Council direct City staff to not enact the draft new City-wide zoning by-law this year as identified at the recent Open House, and instead defer this action to sometime in early 2021 in order to allow ZZEN and KLM (as well as other landowners) to provide comprehensive feedback and an opportunity to meet and discuss the draft site-specific exceptions in greater detail.

In our review of the ZZEN sites to date, we have noticed the following that require further dialogue and review by the City:

- some site-specific exceptions contained in By-law 1-88 have not all been transferred in their entirety to the new site-specific exceptions, and there are some omissions that should be incorporated into the new exceptions;
- some new exceptions apply to multiple sites (not always owned by ZZEN) containing several exceptions that are not always linked to a corresponding Exception Schedule, which makes it difficult to identify which site the specific exception text refers to;
- some exceptions include references to By-law 1-88 zone categories (EM3 Retail Warehouse and C7 Service Commercial) and uses that no longer exist in the new by-law but are referred to in the new exception, however, these former uses are not specifically listed or defined in the new exception to indicate what uses would exactly be permitted on the site, and consequently ZZEN could lose some uses that are currently permitted;
- some exceptions are worded or structured in such a manner that could be interpreted in more than one way;
- one site has a new Holding “H” symbol affixed to the property when no such provision exists today in By-law 1-88, and the new site-specific exception does not identify the conditions required for the removal of the “H” provision;
- some exceptions refer to a “C” Zone where no such zone exists in the Third Draft By-law on lands currently identified as OS1 Open Space Conservation Zone in By-law 1-88;
- some exceptions include old Exception Schedules that have since been amended by other site-specific by-laws in By-law 1-88 and need to be updated;
- some ZZEN sites that have a C7 Service Commercial zoning on their property in By-law 1-88 (with the intention to build service commercial uses in the immediate future) are now zoned EM1 Prestige Employment whereas other landowners that are currently zoned C7 have been assigned an SC Service Commercial zone category on their lands in the new by-law; the ZZEN sites zoned C7 in By-law 1-88 should be zoned SC in the new Zoning By-law rather than EM1 to continue to allow service commercial uses;
- some ZZEN sites that have an EM3 Retail Warehouse zoning on their property in By-law 1-88 (with the intention to build Retail Warehouse uses in the immediate future) are now zoned EM1 and may not be permitted to build this use, whereas another ZZEN site that includes a Retail Warehouse use as a site-specific exception will be maintained as an exception in the new by-law although not defined; sites that currently permit a Retail Warehouse use as-of-right but not as a site-specific exception should be allowed to be included as an exception in the new by-law; and,
- the northwest quadrant of Highway’s 7 and 27 include many buildings under C7 and EM1 zone categories and under various site-specific exceptions in By-law 1-88, that are now under EM1 and EMU (Employment Mixed Use) zone categories under various exceptions that have omitted many existing uses and will cause viable and important establishments such as but not limited to the Universal Event Space (banquet hall) and Fionn MacCool’s restaurant to become legal non-conforming; the new by-law should look at the existing uses operating on this larger property and

include them within a single zone category and site-specific exception to avoid causing several uses from becoming legal non-conforming.

In addition, KLM participated in the on-line Comprehensive Zoning By-law Open House that was held on October 14, 2020, and posed several comments and questions to City staff and WSP, some of which City staff or WSP indicated that further consideration would be required.

Request to Vaughan Council to Defer Passing the New Zoning By-law Until Sometime in Early 2021 to Allow Further Consultation with City Staff on the First Draft Site-Specific Exceptions and Third Draft By-law

KLM will be completing its review of the Draft Site-Specific Exceptions on the various ZZEN properties and will be submitting detailed comments to Brandon Correia, Vaughan Manager of Special Projects, over the next few weeks.

We look forward to continuing our dialogue with Brandon Correia and arranging a virtual meeting(s) with him to discuss the concerns of our client in an effort to avoid any appeals to the Local Planning Appeals Tribunal (LPAT). Our client would rather take additional time to work out any differences, clarify and correct omissions and errors, and seek consensus on achieving a new City-wide zoning by-law and site-specific exceptions that will work for both parties with the overall aim of avoiding a costly and lengthy LPAT Hearing.

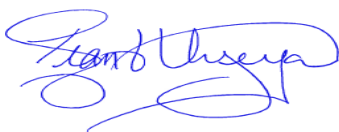
We believe that by deferring the enactment of this new City-wide by-law into 2021 will allow sufficient time for ZZEN and KLM to meet and continue our dialogue with the City to address our issues, and that this represents good planning. Each draft of the new zoning by-law has improved as a result of landowner input and dialogue, and each draft has benefitted from the length of time in between drafts to make each document better. Ensuring that sufficient time is provided for the City staff and landowners to thoroughly discuss improvements to the First Draft Site-Specific Exceptions and to not hastily pass the new by-law before the end of this year will lead to a zoning document that will benefit our client and their tenants for years to come and to avoid costly and time-consuming appeals.

If you have any questions, please feel free to contact me to discuss further. I will also be speaking on Deputation at the Public Hearing.

Please also send me a copy of the Vaughan Council decision pertaining to this Item, and any notices for any upcoming meetings.

Respectfully submitted,

KLM PLANNING PARTNERS INC.



**Grant Uyeyama, BAA, MCIP, RPP
Principal Planner**

Attachment: Map of ZZEN Properties

Copy to: Joseph Sgro, ZZEN Group of Companies Limited
Sam Speranza, ZZEN Group of Companies Limited
Mark Yarranton, President, KLM Planning Partners Inc.
Brandon Correia, Vaughan Manager of Special Projects

