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planning + urban design

**COMMUNICATION – C69
ITEM 1
Committee of the Whole (Public Meeting)
October 29, 2020**

Office of the City Clerk
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

October 28, 2020
File 6715

Attn: Todd Coles, City Clerk

**RE: City-Wide Comprehensive Zoning By-law Review
Committee of the Whole (Public Meeting)
7553 Islington Avenue and 150 Bruce Street
File No. OP.08.017 & Z.16.008**

Weston Consulting is the planning consultant for 7553 Islington Holding Inc., the registered owner of the lands at 7553 Islington Avenue and 150 Bruce Street in the City of Vaughan (herein referred to as the “subject lands”). We have reviewed the third draft of the City-wide Comprehensive Zoning By-Law (the “CZBL”) and are pleased to provide the enclosed comments on behalf of the landowner.

The subject lands are currently zoned “*A – Agricultural Zone*”, “*OS1 – Open Space Conservation Zone*”, and “*R1 9(643) Residential Zone*” under the in-force Zoning By-Law 1-88 (“ZBL1-88”) per Key Map 7A. Based on our review of the third draft of the CZBL, the subject lands are proposed to be zoned “*EP – Environmental Protection Zone*” per Schedule A - Map 26.

We firmly disagree with the proposed zoning designation for the subject lands under the CZBL. We contend that the proposed “*EP – Environmental Protection Zone*” infers that the necessary environmental studies have been completed to determine that the lands or on-site features are environmentally sensitive and would be significantly impacted by a development, or are hazardous to human life. Our outline of the project’s background below will demonstrate that the potential environmental impacts, sensitivity, or hazards of the site and proposed development are currently under technical discussion with the City and the Toronto and Region Conservation Authority (“TRCA”), and will be the focus of an upcoming Local Planning Appeal Tribunal (LPAT) hearing.

History of Planning Applications and Appeals

The site is currently the subject of Official Plan Amendment (“OPA”) and Zoning By-Law Amendment (“ZBA”) applications OP.08.017 and Z.16.008. The OPA was submitted in 2008 to the City to amend OPA 240 (Woodbridge Community Plan) to redesignate the subject lands, which would facilitate the development of two 22-storey residential buildings connected by a 5-storey podium.

Since then, a ZBA application was submitted in 2016 alongside a resubmission of the OPA to seek relief from ZBL 1-88, amend OPA 240 and the 2010 Official Plan and permit an updated version of the proposed development. In June 2019, and as a result of significant technical discussions with the City of Vaughan and Toronto and Region Conservation Authority (TRCA) regarding the potential environmental impacts and hazards from the lands plus on-site features, Weston Consulting submitted a revised OPA and ZBLA application package. The resubmission included a number of supporting studies, which concluded that the OPA and ZBA applications could be supported on the basis that the proposed development would have no significant environmental impacts on the surrounding lands or on-site features, and that there would be no hazards to human life resulting from the proposed development. Despite this, we are still engaged in technical discussions with the City and TRCA regarding the potential environmental impacts and hazards. Although a conclusion to these discussions has yet to be agreed upon, we remain confident that the analyses support the proposed development.

The above noted applications are presently before the LPAT, formerly the Ontario Municipal Board (OMB) (PL170151 and PL170152). A hearing date has been set for July 2021 and will focus upon the noted issues.

Transition Provisions

We are aware that the third draft of the CZBL contains transition provisions in Section 1.6.3 for in-process planning applications that would be applicable to the subject lands given the active status of the noted LPAT cases, the hearing date scheduled, and the proposed ZBA to the in-force ZBL 1-88 that is a focal point of the cases. With respect to the active LPAT cases, Provision 1.6.3.4 of the draft CZBL states that:

1.6.3.4 The requirements of this By-law do not apply to a lot where the Ontario Municipal Board or Local Planning Appeal Tribunal has, on or after January 1, 2015 and on or before the passing of this By-law, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, a provisional consent, or a conditional or final Site Plan Approval, but has decided that the final Order shall come into force or be issued at a future fixed date or upon the performance of the terms imposed by the Ontario Municipal Board or Local Planning Appeal Tribunal, as the case may be, and a building permit has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title, as the case may be.

We understand that, in accordance with Provision 1.6.4.2 of the draft CZBL, the transition provisions in Section 1.6 of the CZBL, including Provision 1.6.3.4, will be repealed five years from the effective date of the By-law without further amendment to the By-law.

We submit that as the LPAT cases were initiated after January 1, 2015, will have decision notices issued after this date, and centre upon a proposed ZBA to ZBL 1-88, the subject lands

fall under transition provision 1.6.3.4 of the draft CZBL. We are supportive of this provision and submit that under this provision, there will be a process in which the new site-specific zoning can be implemented for the subject lands in accordance with a potential approval by the LPAT through a consolidation of the CZBL once the final form of the site-specific zoning by-law is approved.

Conclusion

We have outlined our position with regards to the “*EP – Environmental Protection Zone*” and justified our disagreement with the proposed designation. The proposed zoning designation infers that the necessary environmental studies have been completed to determine that the lands or on-site features are environmentally sensitive and would be significantly impacted by a development, or are hazardous to human life. While these studies have been completed in support of the proposed development, the results of these studies are under detailed discussion with the City and TRCA. Given the status of the planning applications and the lack of a conclusion to these technical discussions/issues, we disagree that the subject lands be zoned for environmental protection under the CZBL. Instead, we request that the lands retain their current zoning designations under ZBL1-88 (“*A – Agricultural Zone*”, “*OS1 – Open Space Conservation Zone*”, and “*R1 9(643) Residential Zone*”), or are rezoned for future development.

We reserve the right to provide further comments as part of the ongoing City-wide Comprehensive Zoning By-law Review process as it relates to this matter, and request that this correspondence be added to the public record for the Statutory Public Meeting received on October 29, 2020.

We intend to continue to monitor the City-wide Comprehensive Zoning By-law Review process on behalf of our client on an ongoing basis. We request to be notified of any future reports and/or meetings regarding the CZBL and request to be notified of any decisions regarding this matter.

Thank you for the opportunity to provide these comments. Please contact the undersigned at extension 320 or Steven Pham at extension 312 should you have any questions regarding this submission.

Yours truly,

Weston Consulting

Per:



Tara Connor, MCIP, RPP
Senior Planner

- c. Raymond Nicolini, 7553 Islington Holding Inc.
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