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COMMUNICATION – C72

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 5803

Attn: City Clerk

**RE: City-Wide Comprehensive Zoning By-law Review
Committee of the Whole (Public Meeting)
7700 Bathurst Street, City of Vaughan**

Weston Consulting is the planning consulting firm for 1529749 Ontario Limited, the registered owner of the lands municipally known as 7700 Bathurst Street in the City of Vaughan (herein referred to as the “subject lands”). The purpose of this letter is to provide comments on the third draft of the City-wide Comprehensive Zoning By-law (the “CZBL”) on behalf of the land owner.

The subject lands are currently under review for an Official Plan Amendment application (OPA16.006) to Volume 1 of the City’s Official Plan and a Zoning By-law Amendment application (Z.20.019) to By-law 1-88 to facilitate the development of the western portion of the subject lands (known as ‘Phase 1 lands’) for the development of a mixed-use development with two (2) high-rise residential buildings (28 and 30 storeys in height) and a two-storey medical office building. Planning applications to facilitate the future development of the eastern portion of the subject lands and the remainder of the site will be submitted at the appropriate time in the planning process to coordinate with the completion of the Promenade Centre Secondary Plan.

The subject lands are currently zoned “C – Commercial” by in-force Vaughan Zoning By-law 1-88. Based on our review of the third draft of the CZBL, the subject lands are proposed to be zoned “GMU – General Mixed-Use Zone”, and subject to Exception 281. We recognize that the draft zoning regulations capture the existing site-specific conditions and permissions for the operation of the subject lands as a commercial site. The eastern portion of the lands will be maintained as a commercial operation that will operate within the existing and proposed zoning standards. As noted above, site-specific Official Plan Amendment and Zoning By-law Amendment applications are being processed for the Phase 1 lands and it is recognized that the proposed draft CZBL does not capture the high-rise mixed-use zoning currently being sought for the Phase 1 lands.

There is an active site-specific Official Plan Amendment appeal filed with the Local Planning Appeal Tribunal (“LPAT”), which is currently under review. Minute of Settlement between the land owner and the City of Vaughan have been drafted, and finalization of the appeal is required once

the details of the instruments have been completed. In addition, the subject lands were part of a city-wide appeal to Volume 1 of the Vaughan Official, wherein a Decision by the LPAT was made on April 28, 2020 to settle this appeal.

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 current active status of the Official Plan Amendment and Zoning By-law Amendment Applications (OP.16.006 & Z.20.019), as well as the active site-specific LPAT Appeal. With respect to the active above-noted planning applications, Section 1.6.3 states:

1.6.3.3 The requirements of this By-law do not apply to prevent the approval of any minor variance, site plan, plan of subdivision, consent application, part lot control exemption or plan of condominium application that has been filed on or before the effective date of this By-law, provided:

- a. The application is deemed complete in accordance with the City of Vaughan Official Plan, 2010; and,*
- b. The application was in compliance with Zoning By-law 1-88, as amended, and any finally approved minor variances including minor variances qualified by Section 1.6.3.1.*

With respect to the LPAT approval in principle and the active site-specific appeal, 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. A consent application to facilitate the development of the Phase 1 lands is anticipated to be submitted in the near future for review and consideration by the City.

We submit that the transition provisions under Section 1.6.3 of the draft CZBL be considered for all active and future planning applications and LPAT Decisions for the subject lands. We are supportive of these provisions and submit that under these provisions, there will be a process

where new site-specific Official Plan policies and Zoning By-law regulations can be implemented for the subject lands in accordance any future approval in principle by the LPAT and by Council. In summary, we support Provisions 1.6.3.3 and 1.6.3.4 contained in the third draft of the CZBL and recommend its inclusion in the final By-law. We also request that the provisions being sought for the Phase 1 lands and the requested zoning be considered for the subject lands for inclusion within the CZBL. 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 241 or Sabrina Sgotto at extension 243 should you have any questions regarding this submission.

Yours truly,

Weston Consulting

Per:



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