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COMMUNICATION – C32

ITEM 1

Committee of the Whole (Public Meeting)

October 29, 2020

Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

October 27, 2020

File 9220-1

Attn: City Clerk

**RE: City-Wide Comprehensive Zoning By-law Review
Committee of the Whole (Public Meeting)
99 Peelar Road, City of Vaughan**

Weston Consulting is the planning consultant for the Kiriakou Group, owners of the property located at 99 Peelar Road in the City of Vaughan (herein referred to as the 'subject property'). Weston has been engaged to provide assistance to the landowners during the City of Vaughan's Comprehensive Zoning By-Law Review process and participate in the process by way of this submission.

We have reviewed the proposed draft Zoning By-law for the City of Vaughan, which has been ongoing since March 2018 and provide the below comments as they relate to the proposed draft Zoning By-law.

Description of Subject Property

The subject property is located in the City of Vaughan, along Peelar Road, just east of Jane Street, abutting Highway 407 to the south. Currently on the site there is a banquet hall, Hazelton Manor Banquet & Conference Centre as well as at grade parking and a small vegetative buffer along the south property line adjacent to the Highway. The subject property has a total area of 14,230 square metres (1.4 hectares) and is located within the Vaughan Metropolitan Centre (VMC). The surrounding land uses are primarily commercial, with commercial and employment uses to the north and east of the property, and conservation lands to the west.

The subject property is situated near higher-order transit with the VMC Subway Station and Highway 407 Subway Station approximately 1km from the site. Jane Street is to the west, which is a Regional Rapid Transit Corridor, and Highway 407 to the south is a Regional Corridor.

Based on historical photography, the lands were originally developed sometime in the late 1960's and included a structure not dissimilar to the one that exists today with at grade parking by 1970. Since that time, the use of the lands has varied to including various commercial uses and has been expanded and rebuilt over the several years including a rebuild and expansion of the structure and expansion of the existing at-grade parking. However, even throughout the variations in development the location of the building has remained relatively unchanged, as has the use of the lands for various commercial uses. Given that the function and use of the site historically remained, it is our opinion that the use of the lands should be considered,

evaluated and maintained through the Zoning By-law review process to appropriately recognize the use of the lands.

Policy Context

The *Planning Act*, sets out the regulatory framework for land use planning matters in Ontario and provides the basis for the preparation and updating of Official Plans and Zoning By-laws. Section 26 of the *Planning Act* requires that a municipality update its Official Plan to conform, or not conflict with, provincial plans every 10 years. Following an update of the Official Plan, the *Planning Act* directs that all zoning by-laws that are in effect must be updated by the municipality no later than three years after a revision under Section 26(1) to the Official Plan comes into effect.

The City of Vaughan is currently in the process of updating its Official Plan, the Vaughan Metropolitan Center (VMC) Secondary Plan as well as its Zoning By-law, as part of the current Municipal Comprehensive Review (MCR). We recognize that the update to the Zoning by-law Amendment is provided to bring the By-law into conformity with the current Vaughan Official Plan (VOP) (2010), which was not previously completed due to substantive ongoing appeals on VOP 2010.

The City of Vaughan Official Plan identifies the lands as within the Natural Heritage System and designated as *Natural Areas*. This designation was approved as part of the VOP 2010 update and does not recognize the existing use of the lands, nor the built environment of the lands. Given that the subject property is development within existing uses, there are no existing natural heritage features on the subject property that warrant the existing land use designation within the Official Plan. Additionally, the VMC Secondary Plan also designates the subject property as *Major Open Space*. While this designation again does not recognize the existing use or context of the subject property, both of these planning documents are currently under review where consideration for redesignation of the lands can be made. It is noted that it is our intention to participate in the Official Plan Review and VMC Secondary Plan Review processes to restore permissions to the subject property.

Given the proximity to higher order transit, access to existing and planning infrastructure and services and the long-standing existing uses of the subject property, it is our opinion that the uses of the draft Zoning By-law are better suited to reflect the existing uses of the lands, rather than implement permissions which result in a legal non-conforming condition on the subject property.

Existing and Proposed Zoning

The existing City of Vaughan consolidated Zoning By-law 1-88 was passed by Vaughan City Council on September 19, 1988, and since then there have been several amendments. The current zoning by-law 1-88 zones the subject property as *C10 – Corporate District Zone*, which is a Commercial zone. The *C10* zone permits for a wide range of commercial uses.

Under the current draft documents, the proposed zoning for the subject property is anticipated to change to *OS – Open Space* and would permit limited uses such as park/conservation related uses. This would drastically affect the subject property's development potential and

result in a non-conforming use on lands which have legally operated commercial uses for over 50 years.

Natural Heritage Review

A portion of the property is within the Toronto and Region Conservation Authorities (TRCA) Regulated Area due to the presence of a valley system associated with the Humber River Watershed. The subject property is also within the Black Creek Renewal Study Area. The VMC Black Creek Renewal ESA was conducted to determine appropriate stormwater management measures need to improve stormwater runoff quantity and quality and to minimize erosion and flooding potential within the Black Creek watershed. This study looked at alternative solutions to better optimize the existing conditions related to flooding, erosion and water quality within the Black Creek watershed.

Under the preferred alignment route, the subject property is identified as outside the boundary of the potential alignment configurations for the Black Creek Renewal program. While under other scenarios, the subject property was required to facilitate various solutions, the preferred option is outside the boundaries of the subject property, barring no development limitations for the subject property. Given that the subject property is not required for infrastructural services, does not present any existing environmental constraints, and is an existing development parcel, it is our opinion that the draft zoning by-law should more appropriately reflect the existing uses of the lands, rather than a proposed open space designation.

Summary and Recommendations

- That the Draft Comprehensive Zoning By-law be revised to reflect the existing built form and use on the subject property and maintain a Commercial zoning category.
- Given its location within the Secondary Plan area, the subject property can and should accommodate a greater amount of height and density. It is also reflective of the subject property's proximity to higher-order transit that the subject property is appropriate for development.
- The subject property is located along the Regional Corridor in the York Region Official Plan and is approximately 400 metres from a Jane Street which is a Regional Rapid Transit Corridor. The subject property is also approximately 1km from VMC Subway and Highway 407 Subway Station. Areas within proximity to higher-order transit are to accommodate the most intensive and widest range of uses.
- The VMC Black Creek Renewal ESR was done to determine channel alignments and physical forms for the Black Creek Renewal between Highway 7 and Highway 407 in order to mitigate the current flooding and erosion problems in Black Creek. The subject property is outside the preferred alignment route that was outlined in the study and therefore is not required as open space or infrastructure development.
- TRCA identifies a small portion of the lands as within the Regulated Area. Given this identification, any modification or development of the lands would be subject to TRCA

review and approval, providing an opportunity for protection of any lands identified as within the Regulated Area.

- The proposed draft zoning by-law would result in a legal non-conforming condition, which is unfavorable to both the City and the landowner.

It is in our opinion that the subject property is better suited for development than open space/park uses proposed within the draft zoning by-law. The natural heritage significance of the subject property has been reviewed through Black Creek Renewal ESA and resulted in a preferred scenario that excluded the subject property from within the Black Creek Renewal area.

We trust that the above noted comments will be received for review and consideration in the Zoning By-law Review process. We respectfully reserve the right to provide additional comments through the review process. Should you have any questions, or require any additional information, please contact the undersigned at extension 243 or Andrea Patsalides at extension 297.

**Yours truly,
Weston Consulting**

Per:



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Associate

- c. Brandon Correia, Manager of Special Projects
Kiriakou Group