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October 28, 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
177-197 Woodbridge Avenue
Transition Concerns

We are the lawyers for 2735447 Ontario Inc. (the “**Company**”), the owner of the lands municipally known as 177, 185, and 197 Woodbridge Avenue in the City of Vaughan (the “**Site**”). The Company acquired the Site on January 16, 2020.

The Site is the subject of applications for an Official Plan Amendment, Zoning By-law Amendment, and Site Plan Approval (the “**Applications**”). As described below, the Applications were appealed to the former Ontario Municipal Board (the “**OMB**”, now the Local Planning Appeal Tribunal “**LPAT**”), and have been approved in principle (LPAT Case No. PL160284). The Company is continuing the approvals process and anticipates requesting the LPAT’s Final Order for the Applications in the short term.

We are writing following our earlier letter dated June 1, 2020, which provided comments on the second draft of the City of Vaughan’s new Comprehensive Zoning By-law (the “**New Vaughan ZBL**”). We have now reviewed the third draft of the New Vaughan ZBL.

Background – Settlement of Appeals at OMB/LPAT for 6-Storey Mixed Use Building

As outlined in our previous letter, the Site is the subject of applications for Official Plan and Zoning By-law Amendment which were submitted to the City of Vaughan in July 2015, and appealed to the OMB on the basis of a non-decision by the City.

In its Order issued May 24, 2017, on the basis of a settlement between the appellant and the City, the OMB approved in principle the rezoning for the Site. A form of Zoning By-law Amendment was entered into evidence as Exhibit 3 during the hearing. City Staff and the Company are currently working to finalize the details of the Site Plan application and the final

COMMUNICATION – C2
Council – November 17, 2020
Committee of the Whole (Public
Meeting)
Report No. 50, Item 1

form of the Zoning By-law Amendment (the “**Site-Specific ZBA**”), with a view to requesting the issuance of the LPAT’s Final Order in the near term.

The Site-Specific ZBA

The Site-Specific ZBA (which has been approved in principle) permits the development of the Site with a 6-storey (20-metre, excluding mechanical penthouse) mixed use building with a maximum floor space index of 3.0 times the area of the lot (the “**Proposed Development**”). The Site-Specific ZBA approved for the Site is supported by a corresponding Official Plan Amendment to the Woodbridge Centre Secondary Plan, also approved in principle by the OMB (Exhibit 2 in the hearing).

The Site-Specific ZBA is supported by an application for Site Plan Approval for the Proposed Development which has been underway concurrently, and it is anticipated that execution of the Site Plan Agreement between the Owner and the City will occur imminently.

The New Vaughan ZBL (3rd Draft)

We have reviewed the third draft of the New Vaughan ZBL released in September 2020. We note that this version has introduced transition provisions which apply to circumstances where *Planning Act* applications are underway and significantly advanced at the time of the passing of the New Vaughan ZBL, including instances where a Site Plan Approval application predates the New Vaughan ZBL, or where the LPAT has granted an approval in principle, but withheld its Final Order subject to conditions (Section 1.6.3 of the New Vaughan ZBL).

Notwithstanding the possibility that the Site and Applications may be protected by these new transition provisions, we note that a zone symbol of “WMS-H(4)-D(1.0)” is proposed to be applied to the Site. It continues to be our position that the permissions in the Site-Specific ZBA should be reflected in any new zoning to be applied to the Site. As drafted, the WMS-H(4)-D(1.0) zone provides for a number of standards with respect to height, density, yard sizes and setbacks, as well as other performance standards that are not consistent with the Proposed Development approved for the Site nor with the Site-Specific ZBA.

We also note the possibility that the LPAT may issue a Final Order on the site-specific Official Plan Amendment and Site-Specific ZBA before the City finally adopts the New Vaughan ZBL, in which case it would be inappropriate for the New Vaughan ZBL to impose zoning on the Site that is not reflective of these contemporary approvals.

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

A handwritten signature in black ink, appearing to be 'CT', written over the printed name of Christopher J. Tanzola.

Per: Christopher J. Tanzola
Partner