



Overland LLP
Christopher J. Tanzola
Tel: (416) 730-0337 x. 112
Direct: (416) 730-0645
Email: ctanzola@overlandllp.ca

October 28, 2020

**COMMUNICATION – C3
Council – November 17, 2020
Committee of the Whole (Public Meeting)
Report No. 50, Item 1**

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
7887 Weston Road**

We are the lawyers for Wedgewood Columbus Limited (the “**Owner**”), the owner of the property located at 7887 Weston Road (the “**Property**”).

We are writing to provide comments on behalf of the Owner regarding the third draft of the City of Vaughan Comprehensive Zoning By-law (the “**New Vaughan ZBL**”).

In particular, we are concerned that the proposed rezoning of the Property in the New Vaughan ZBL does not appropriately recognize the Property’s redevelopment potential and should not proceed in isolation of the development applications that have been submitted by the Owner and which are currently before the City for consideration.

The Property

The Property is located a block north of Highway 7, along the east side of Weston Road between Northview Boulevard and Chrislea Road. The Property has an area of approximately 1.6 hectares and is currently occupied by a single-storey commercial plaza with multiple tenancies and surface parking.

The Property is within the area identified for the Weston Road and Highway 7 Secondary Plan, where significant intensification and a mix of uses, including residential uses, are anticipated. The Property is designated “Mid-Rise Mixed Use” without a prescribed height or maximum density in the 2010 Vaughan Official Plan.

The current zoning of the Property under By-law 1-88 is “C7 Service Commercial Zone” subject to site-specific Exception 9(754B). The site-specific exception expands the range of commercial uses permitted under the basic C7 zoning.

Development Applications

Through *Planning Act* applications submitted to the City as detailed below, the Owner is proposing to redevelop the Property with four new mixed-use towers with heights ranging from 40 to 49 storeys containing a total of approximately 2,000 residential units (the “**Proposed Development**”).

On December 23, 2019, the Owner submitted applications for an Official Plan Amendment (City File No. OP.19.015) and a Zoning By-law Amendment (City File No. Z.19.039) in respect of the Proposed Development (the “**Applications**”). Although initially deemed incomplete by the City and made the subject of a motion by the Owner to the Local Planning Appeal Tribunal (LPAT Case No. MM200005), the Applications were subsequently determined to be complete on July 27, 2020 and the motion was withdrawn.

The Applications were the subject of a Planning Report that was taken to a Public Meeting on September 15, 2020.

The Applications call for the rezoning of the Property under By-law 1-88 to a site-specific “RA3 Apartment Residential Zone”, with exceptions that would specifically permit the proposed height and density of development, together with performance standards for the Property that reflect the Proposed Development.

Proposed Zoning in Current Draft

Notwithstanding the foregoing, the most recent draft of the New Vaughan ZBL proposes that the Property be zoned “GMU-461”, which is a “General Mixed Use” zone, with a site-specific exception that provides for an assortment of commercial uses, parking standards, and definitions. There is a cross-reference in Section 17.461.2.1 that appears to be in error (it refers to Section 17.745.1.1 and 17.745.1.2). Notwithstanding that the 2010 Vaughan Official Plan designates the Property for a mix of uses, no residential uses are permitted by this proposed zoning. The proposed height limit of 11 metres is less than would be permitted for mid-rise development in accordance with the Official Plan designation.

Apart from the proposing zoning and the site-specific exception, the New Vaughan ZBL also contains transition provisions that purport to apply to various *Planning Act* matters. These are found in Section 1.6 of the New Vaughan ZBL. In particular, Section 1.6.3 applies to certain *Planning Act* applications that are in progress at the time of the adoption of the New Vaughan ZBL. However, this section refers only to minor variance applications (Section 1.6.3.1), site plan approval applications (Section 1.6.3.2) and certain land division applications (1.6.3.3). No transition is provided for complete applications for Official Plan Amendments and Zoning By-law Amendments submitted prior to the passing of the New Vaughan ZBL.

Concerns with Current Draft

Based on the review above, we state the following concerns on behalf of the Owner:

- The proposed “GMU-461” zoning appears to contain a typographical error in certain cross-references.
- In any event, the proposed “GMU-461” zoning for the Property does not conform to the 2010 Vaughan Official Plan designation for the Property as “Mid-Rise Mixed Use”. A new Zoning By-law should not be adopted by the City that does not conform to the Official Plan.
- Furthermore, the proposed “GMU-461” zoning does not appropriately reflect the development potential for the Property, and as such is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan in terms of the appropriate location for growth and intensification in areas where significant transit and public infrastructure exist.
- If the City does not intend to reflect the true development potential of the Property through the current City-wide rezoning exercise, then transition provisions in the New Vaughan ZBL ought to recognize the Applications that have been submitted under the *Planning Act* and transition the Property out of the New Vaughan ZBL so that a site-specific determination of the appropriate zoning can be made. As currently drafted, the Owner (as well as all owners who are working through on-going development applications, but have not yet submitted site plan approval applications) will be required to appeal the New Vaughan ZBL to ensure that it does not prejudice the consideration of the Applications.

Request for Notice

Thank you for providing the opportunity to comment on the New Vaughan ZBL. Would you kindly ensure that we receive a copy of any notices for public meetings, revised drafts of the by-law, and any consideration or decisions made by City Council and committee of Council with respect to the New Vaughan ZBL.

Please provide notice to each of the following. Our contact information is shown above. Our email addresses are as follows:

- Christopher Tanzola (ctanzola@overlandllp.ca)
- Greg Smith (gsmith@overlandllp.ca)

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner