



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

October 28, 2020

**COMMUNICATION – C4
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
1150 Centre Street**

We are the lawyers for 1150 Centre Street GP Inc. (the “**Owner**”), the owner of the property located at 1150 Centre Street (the “**Property**”). The Owner acquired the Property on September 11, 2020.

We are writing to provide our 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 zoning of the Property in the New Vaughan ZBL does not appropriately recognize the Property’s redevelopment potential and should not proceed in isolation of an ongoing appeal in respect of the Property of the 2010 Vaughan Official Plan (“**VOP 2010**”) or a forthcoming site-specific development application which the Owner intends to submit in the coming weeks.

The Property

The Property is located at the northeast corner of Centre Street and Vaughan Boulevard, west of Bathurst Street. The property is currently vacant. Pursuant to a previous site-specific rezoning, the Property has permissions for a commercial plaza with retail and office/medical office uses in 3 buildings up to a maximum height of 3 storeys (15.5 metres).

The Property is located along a Regional Intensification Corridor and Regional Rapid Transit Corridor (i.e. Centre Street, west of Bathurst Street) that is recognized in the VOP 2010. The Property is designated “Mid-Rise Mixed Use” and “Low-Rise Mixed Use” by VOP 2010. The Property is also within an area that is subject to an Area Specific Plan under the VOP 2010, namely: the Centre Street Corridor.

The Centre Street Corridor policies are found in Section 12.9 of the VOP 2010, as adopted by the City of Vaughan and subsequently modified by the Region of York (and currently under appeal). Under these policies (not yet approved), the Property has three designations: “Mid-Rise Mixed Use B” (1.6 FSI); “Mid-Rise Mixed Use A” (2.8 FSI); and “Low-Rise Residential A” (0.75 FSI). Maximum heights range from 2 to 8 storeys.

The policies of the VOP 2010 with respect to the Centre Street Corridor are currently under appeal at the Local Planning Appeal Tribunal (Case No. PL111184). A hearing of the Centre Street Corridor policies, including a consideration of the land use, height, and density of development along this corridor, is scheduled for May 2021. The Owner recently assumed Appeal No. 105 in respect of the Centre Street Corridor policies (formerly, the appeal of TDC Medical Properties Inc.).

The current zoning of the Property under By-law 1-88 is “C1 Commercial Zone” subject to site-specific Exceptions 9(826) and 9(776). As noted above, Exception 9(826) provides for a variety of commercial uses, height, density, and performance standards to permit an office/commercial development in 3 buildings located on the Property in defined building envelopes. Exception 9(776) appears to apply site-specific exceptions to the “R3” residential zoning, which was the prior zoning of the Property.

VOP 2010 Appeal and Site-Specific Zoning

As noted, the Official Plan policies applicable to the Property are under appeal by the Owner and others, and are scheduled to be considered by the Local Planning Appeal Tribunal in mid-2021. The outcome of the appeal of these policies will determine, amongst other matters, the permitted heights and densities of uses along the Centre Street intensification and rapid transit corridor.

In addition, the Owner intends to submit site-specific development approval applications for the Property within the coming weeks, and is currently seeking to schedule a Pre-Application Consultation meeting with City Staff. Given the locational attributes of the Property and the Provincial, Regional, and local planning policies concerning development along mixed-use intensification corridors where significant public investment has been made in infrastructure and rapid transit, the development applications will be seeking permissions that are significantly in excess of what is currently permitted by the C1 zoning and the existing site-specific exceptions.

Proposed Zoning in Current Draft

The most recent draft of the New Vaughan ZBL proposes that the Property be zoned “GMU-518, 481”, which is a “General Mixed Use” zone with site-specific exceptions that generally replicate the permissions and restrictions under By-law 1-88. Notwithstanding that the VOP 2010 and the Centre Street Corridor policies would permit residential uses (if in effect), the proposed zoning does not permit residential uses. Similarly, the proposed height limit of 3 storeys or 15.5 metres, is less than would be permitted by the proposed designations under the Official Plan.

The New Vaughan ZBL also contains transitions provisions for certain *Planning Act* matters that are in process. These are found in Section 1.6 of the New Vaughan ZBL. However, these provisions do not account for ongoing appeals of the City's Official Plan which are still to be disposed of. No transition provision is provided to ensure that the zoning to be applied to the site through the New Vaughan ZBL process will conform with the outcome of the ongoing VOP 2010 appeals.

Similarly, in the event that a site-specific development approval application is made for the Property in the near term, the transition rules would not appear to apply to Official Plan Amendment/Zoning By-law Amendment applications, but rather only apply in the case of minor variance applications, Site Plan Approval applications, and certain applications for land division.

Concerns with the Current Draft

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

- The proposed "GMU-518, 481" zoning for the Property has not accounted for the ongoing appeals of VOP 2010, including the Owner's Appeal No. 105; nor would it even conform with the version of VOP 2010 adopted by the City and modified by the Region. A new Zoning By-law should not be adopted by the City that does not implement the City's Official Plan, and that does not take into account the outcome of pending appeals.
- Furthermore, the proposed "GMU-518, 481" zoning does not appropriately reflect the development potential for the Property, and as such it 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 an area where significant public investment has been made in infrastructure and public transit. It is not clear what the City's rationale is in passing a new Zoning By-law that simply replicates the existing zoning.
- 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 existing appeals that are in front of the LPAT, where matters germane to zoning, such as height, density, built form, and use permissions will be adjudicated. The New Vaughan ZBL ought also to recognize and provide appropriate transition for site-specific development applications (both those that have been made and those that will be made imminently), so that a site-specific determination of the appropriate zoning can be made. As currently drafted, the Owner will be required to appeal the New Vaughan ZBL to ensure that it does not prejudice its appeal of the VOP 2010/Centre Street Corridor policies and the consideration of its forthcoming development 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 or committees 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